



# Zoning By-law No. 21-8724



**THE CITY OF PORTAGE LA PRAIRIE**  
**BY-LAW NO. 21-8724**

**BEING A BY- LAW to regulate the *use and development* of land within the CITY 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 City 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 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 CITY OF PORTAGE LA PRAIRIE, in a meeting duly assembled repeals Zoning By-law 10-8492 and amendments and enacts the CITY OF PORTAGE LA PRAIRIE ZONING BY-LAW NO. 21-8724.**

**DONE AND PASSED in *Council* duly assembled this 13<sup>th</sup> day of December, 2021.**

The City of Portage la Prairie

(signed by Irvine Ferris)  
Mayor

(signed by Diane Van Aert)  
Manager of Administration

**Read a first time this 12th day of October, 2021.**

**Read a second time this 13th day of December, 2021.**

**Read a third time and passed this 13th day of December, 2021.**

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# PART 1

## PURPOSE & INTENT

### 1.1 THE BY-LAW

- (1) This By-law shall be known and may be cited as "City 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 Portage la Prairie.
- (3) This By-law shall apply to all of the corporate limits of the City of Portage la Prairie.

### 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 defined herein are written in italics and shall be given the defined meaning, as per Section 1.13.
- (2) Words, phrases and terms not defined in 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 Metric measurements. A Metric/Imperial conversion table is provided below.

| CONVERSION TABLE        |                      |
|-------------------------|----------------------|
| METRIC TO IMPERIAL      | IMPERIAL TO METRIC   |
| 1 M = 3.281 FEET        | 1 FOOT = 0.3048 M    |
| 1 KM = 0.6214 MILES     | 1MILE = 1.6093 KM    |
| 1 SQ M = 10.764 SQ FEET | 1 ACRE = 4046.9 SQ M |
| 1 Ha = 2.4711 ACRES     | 1 ACRE = 0.40468 Ha  |

## 1.10 ZONING DISTRICTS

This By-law contains a total of fifteen (15) Zoning Districts:

### Residential Zones

There are seven Residential Zones which provide for varying densities of *single family* and *multiple-family land uses*, as well as *mobile homes*. The residential zones in this By-law include:

- “RR” Rural Residential Zone
- “R1” Residential Single-Family Zone
- “R1-60” Residential Single-Family Zone
- “R2” Residential Two-Family Zone
- “R3” Residential Multiple-Family Zone
- “RLL” Residential Large Lot
- “RMH” Residential Mobile Home Zone



### **Commercial Zones**

There are four Commercial Zones which provide for a variety of commercial land *uses* to serve neighbourhood, local and regional needs. The Commercial Zones in this By-law include:

- “C1” Neighbourhood Commercial Zone**
- “C2” Central Commercial Zone**
- “C3” Avenue Commercial Zone**
- “C4” Regional Commercial Zone**

### **Industrial Zones**

There are two Industrial zones which provide for low impact industrial *uses* compatible with non-industrial land *uses* and heavy industrial *uses* that require separation from incompatible land *uses*. The Industrial zones in this By-law include:

- “M1” Light Industrial Zone**
- “M2” Heavy Industrial Zone**

### **Open Space Zones**

There are two Open Space Zones which provide opportunities for public oriented land *uses* and the staged *development* of rural to urban *uses*. The Open Space zones in this By-law include:

- “OR” Open Space/Recreational Zone**
- “AL” Limited Agriculture Zone**

## **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 metric.
- (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

- (1) Boundaries indicated are approximate following:
  - a) the centre lines of railways or railway or *public utility* rights-of-way;
  - b) the centre lines of *streets*, highways or *lanes*;
  - c) lot or ownership lines;
  - d) municipal limits;
  - e) the shorelines or centre-lines or creeks shall be constructed as following those lines or limits.
- (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* or *lane* or railway or *public utility* right-of-way shown on the Zoning Map is lawfully closed, the land formerly comprising the feature shall be included within the Zone of the land which surrounds it. If the said feature included a Zone boundary on its centre line, then the new zone boundary shall be the former centre line except in the case where a landowner acquires the entire closed feature adjacent to other property where the designation that applied to the other property shall apply to all that portion of the acquired feature.



## 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 *accessory off-street* parking facilities as are permitted to locate elsewhere than on the same *site* with the *principal building, structure or use*, as per section 3.7.

**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, apiculture, floriculture, horticulture 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 aquacultural 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, *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 large parcel sizes. 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 *use* for the landing or take-off of aircraft and any appurtenant 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, hangars, 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 include 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 (excluding *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, KENNEL**: Any establishment in which more than three (3) animals are boarded, bred, trained, or cared for, in return for remuneration, or are kept for the purpose of sale. A *animal 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 a *kennel*.

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

**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 OR CELLAR:** A portion of a *building* between a floor and ceiling, that is located partly underground but with more than half (1/2) of the floor to ceiling height thereof above the average *grade* of the adjoining ground.

**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 relating 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 *dwellings* for travel, recreational and vacation *uses*.

**CARPORT:** An attached *building* open on 2 sides for the shelter of privately owned automobiles, minimum size of 3.7m x 6m.

**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:** See *Basement*.

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

**CHEQUE-CASHING FACILITY:** (“payday loan” establishment) A commercial 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 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 CENTER:** Any tract of 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 part of a *building*, in which the *main 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



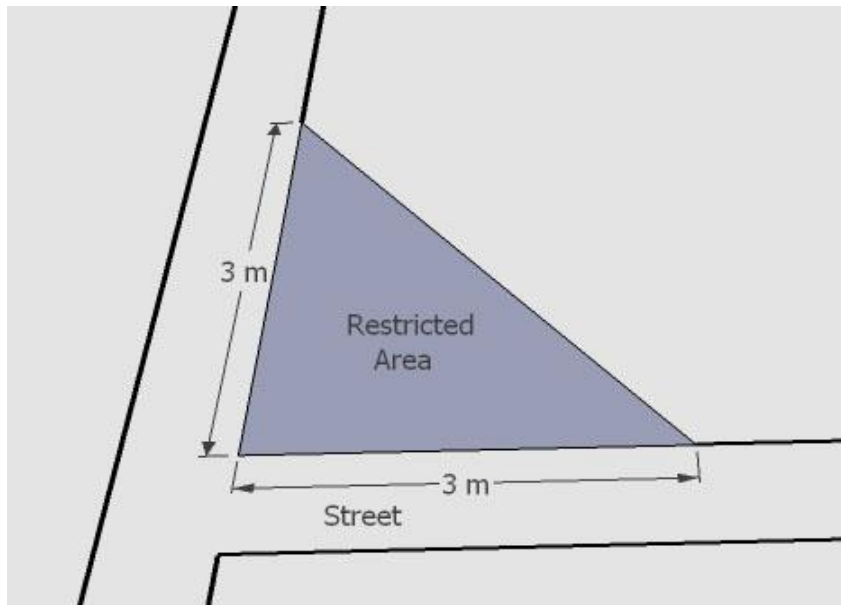
meals for participants may be included.



**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:** An area on a *corner site* formed by the intersecting *street* lines and a straight line joining points with said *street* lines 3m from the point of intersection of the *street* lines.



**COUNCIL:** The *Council* of the City 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 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.

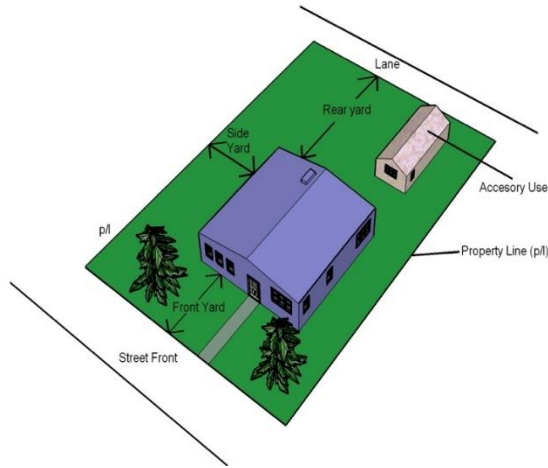
**DWELLING, MOBILE HOME:** A portable *dwelling unit* that is designed or used for residential occupancy by one (1) *family*, built upon or having a frame or chassis to which wheels may be attached for transportation purposes, whether or not such *structure* actually has at any time such wheels, or is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



**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: Yard Illustration

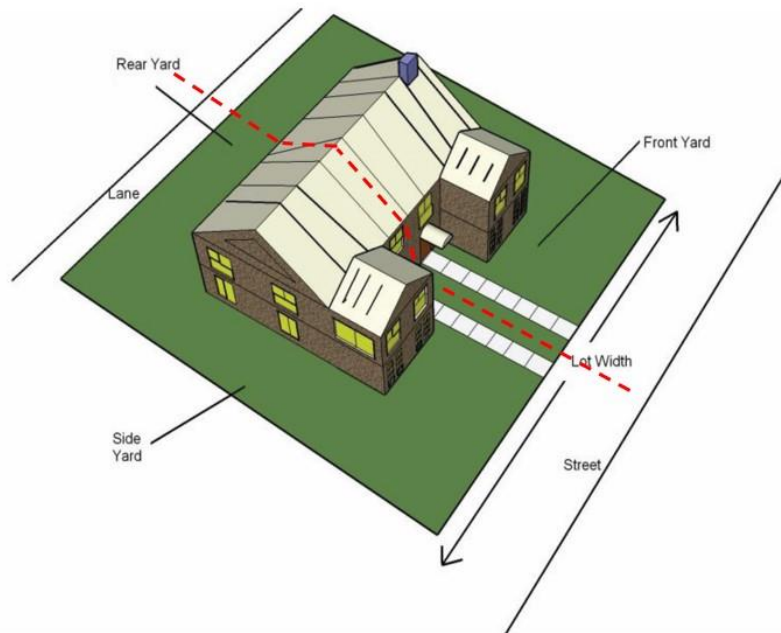






**DWELLING, TWO FAMILY:** A detached or semi-detached *building* containing two (2) *dwelling units*, arranged in a vertical (duplex) or horizontal manner (side-by-side/semi-detached). This use does not include a *secondary suite*.

Two Family Lot: Yard Illustration



**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).

**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 City 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*.

**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*.

**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 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.

**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*.



**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.

**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 suite, with or without cooking facilities, and may include as related *uses*, but are not limited to, *restaurants, drinking establishments conference centres* and meeting rooms.

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

**LARGE FORMAT COMMERCIAL:** A commercial use characterized generally by multiple retail uses which are concentrated and compatible with one another, the presence of one or more anchor type stores and may include an indoor pedestrian area and has a common off-street parking facilities.

**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 10.1 metres 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 OPERATION:** A permanent or semi-permanent facility or non-grazing area where *livestock* are kept or raised either indoors or outdoors, and includes all associated manure collection facilities, but does not include a *livestock auction mart*.

**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, and 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.

**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 (2) 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 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 (1) 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 (1) 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 (1) 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 (1) or more of the applicable *use requirements* of the zone 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. 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, 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 *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 *parcel of land*.

**PATIO:** A surfaced, open space of land, less than 205 millimetres 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 0.6m, located on a *single-family dwelling site* and 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, legal, real estate agents, financial services, insurance brokers and consultants. 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 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. Delis, caterers, bakeries and cafeterias are also included under this *use*.

**RETAIL SALES:** A *building* or part of a *building* used for 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*; or *building, landscape and garden supplies use*. This *use* also 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:** An *accessory dwelling unit* that is self-contained, subsidiary to, and located on the same *site* as a *single-family dwelling* that is *owner* occupied. A *secondary suite* contains a single housekeeping unit and has its own separate access, cooking, sleeping and sanitary facilities which are separate from and not shared with those of the *principal dwelling*. The types of *secondary suites* which shall be considered are the following:

- a) Attached suite, meaning a *dwelling unit* located in the same *building* as a *single-family dwelling*;
- b) Garage suite, meaning a detached *dwelling unit* located either above or attached to the side of a detached garage;

but does not include *two family dwellings*, *multiple family dwellings*, group homes or *mobile homes*.

**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.

**SHIPPING CONTAINER:** A pre-fabricated 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, SANDWICH BOARD:** A *sign* with two hinged boards designed and used especially for advertising.

**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.





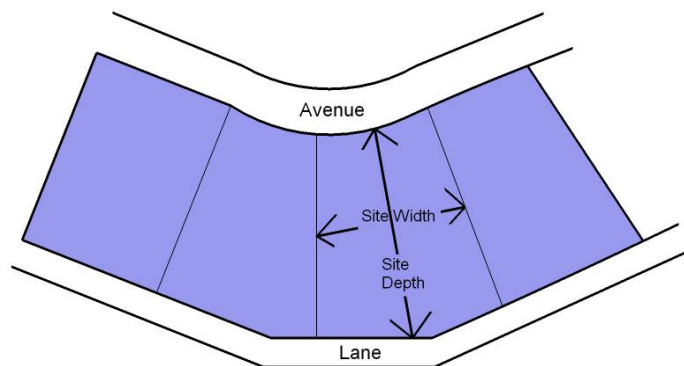
**SITE**: A *zoning site*, unless provided for elsewhere herein, that has frontage on a *street* and is of at least sufficient size to fulfill the minimum requirements for area, dimensions and *yards*.

**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**:

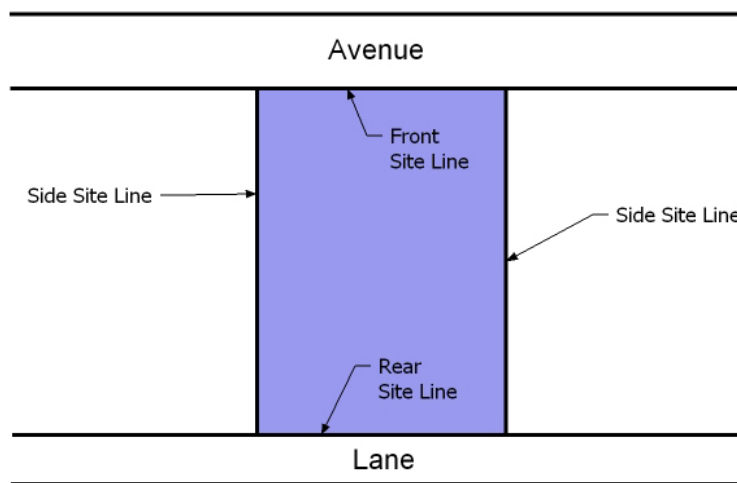
- a) **Site Depth**: The vertical distance between the centre points in the front and rear *site lines*.
- b) **Site Width**: The horizontal distance between the *side site lines*, measured at right angles to the *site depth* at a point halfway between the front and rear *site lines*, or 12.2 metres 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*.



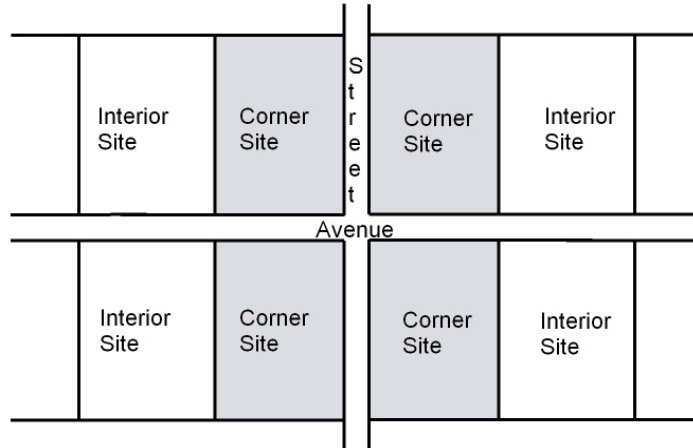
### **SITE REQUIREMENTS:**

- 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.

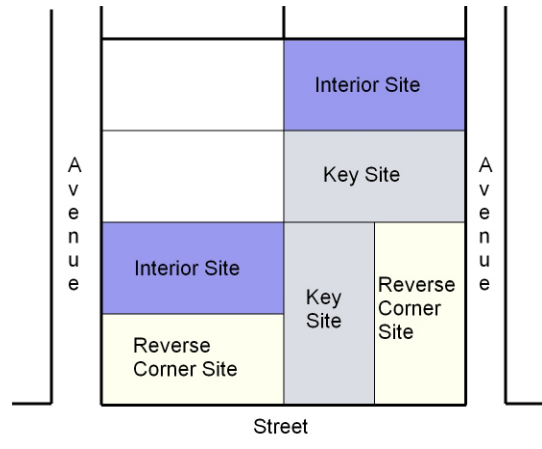


**SITE TYPES:**

- a) **Corner Site:** A *site* situated at the intersection of two (2) *streets*, the interior angle of such intersection not exceeding 135 degrees.

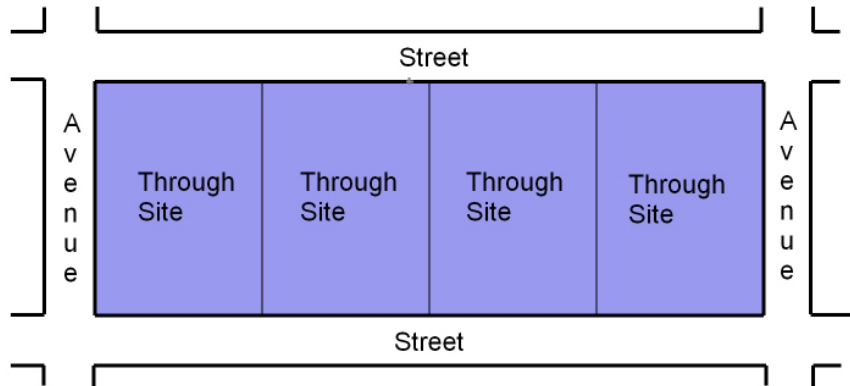


- b) **Key Site:** The first *site* to the rear of a *reverse corner site*.
- c) **Reverse Corner Site:** *corner site* where its rear property line abuts the *side site line* of an adjoining property.





- 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. 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-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 1.8 metres.

**STOREY, FIRST:** The storey with its floor closest to grade and having its ceiling more than 1.8 metres above grade.



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

**STREET:** Any public roadway where the right-of-way is over 10.1 metres.  
(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 *site* 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*.

**WHOLESALE:** 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 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.

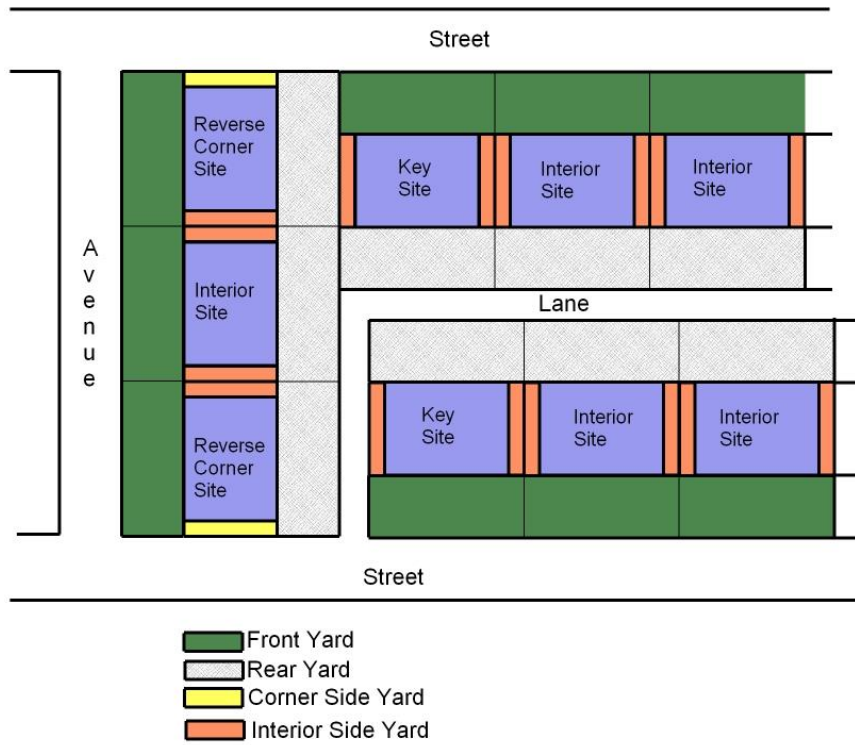
**YARD, REQUIRED:** An open area, on the same *site* as a *building* or *structure*, which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein. A *required yard* extends along a *site* line to a depth or width (measured from the *site* line) specified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





# PART 2

## ADMINISTRATION & ENFORCEMENT

### 2.1 ADMINISTRATION

In the administration of this By-law, the *Council* 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; and
  - 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 2.4 (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 *erect*, locate, relocate, *repair*, use or occupy any land, *building* or *structure* contrary to any *development permit* or the material furnished in support of the application.
- (2) An application for a *development permit* is required for the following:
  - a) The *erection*, construction, placement, relocation or demolition of any *building*, *structure* or *mobile home*, 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 *use* or change of *use* of any premises, *buildings* or *structures*;
  - d) The construction of *accessory* detached *buildings* and *structures* greater than 10 square metres in *floor area*;
  - e) The construction of exterior decks; and
  - f) The installation of specialized machinery and equipment, such as air handling systems, *small wind energy generating systems*, *solar collectors*.
- (3) The issuance of a *development permit* in respect of a *building* or *structure* does not relieve the *owner* of the obligation to obtain a *building* permit or other permit where they are required under the Building By-law, 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) An application for a *development permit* is not required for the following:
  - a) The maintenance and restoration of *building* components, including repainting and similar operations;
  - b) *Incidental alterations* of *buildings* and *structures*;
  - c) The construction of sidewalks, exterior steps and *patios*;
  - d) The installation of fences, walls, or similar means of enclosure less than 1m in height in *front yards* and less than 2m in height in *rear yards* (other than on corner *sites* – see section 3.25);
  - e) *Identification signs* and *temporary signs* such as posters, legal notices and real estate or construction *signs*, as per section 8.15; and
  - f) The construction of *accessory* detached *buildings* and *structures* less than or equal to 10 square metres in *floor area*.



- (5) Although a *development permit* shall not be required for those items specified in subsection 2.5(4) this does not relieve the *owner* of the responsibility of ensuring that such items are installed in accordance with the provisions of this By-law and any other By-law of the Municipality.
- (6) In addition to the requirements of any By-law of the City of Portage la Prairie or any other provincial regulations, all applications for *development permits* shall:
- a) Be made in writing by the *owner* or *owners* of the *site* in question, or by an authorized representative;
  - b) Be accompanied by a plan drawn to scale, showing the actual dimensions and shape of the *site* to be built upon; the exact size and location on the *site* of *buildings* already existing, if any, and the location and dimensions of the proposed *building, enlargement* or *structural alteration*; and
  - c) Include such other information, as may be required by the *development officer*, including existing or proposed *building* or *structural alterations*; existing or proposed *use* of the *building* and land; the number of *dwelling units* the *building* is designed to accommodate; conditions existing on the *site*; current copies of relevant titles, easements, and caveats; a surveyor's certificate prepared by a Manitoba Land Surveyor and such other matters as may be necessary to determine conformance with and provide for the enforcement of this By-law.

## 2.6 AMENDMENTS

Subject to the procedure required under *The Act*, an amendment may be initiated by a resolution of intention by the *Council*, or by application of one or more *owners* of the property or their agents within *the area* proposed to be changed. An application to amend this By-law and all required information and fees shall be made to the Portage la Prairie Planning District.

## 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 City 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 in 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 *Development Officer*.

## 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 *Development Officer*.



## 2.10 PERMITTED AND EXISTING USES

### (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 fifty percent (50%) of its replacement value above the foundation (see 2.11(4)); 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 conform to this By-law may be made to a non-conforming building or structure, pursuant to The Act.*

**(4) Repair or Building**

*Pursuant to The Act, where a building or structure is damaged or destroyed more than fifty percent (50%) 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 INTENT OF STANDARDS

In addition to all building standards and regulations set out in Parts 4 through 8, the following Standards set forth in this Part shall also apply.

The following standards apply to *developments* in all zones. The intent of the general *development standards* is to apply the planning principles outlined in the Portage la Prairie *Development Plan* to:

- (1) Improve the aesthetic appearance of the public realm through *building* and *site* design;
- (2) Integrate *uses* in a manner that increases connectivity for cyclists, pedestrians and management of vehicle traffic; and
- (3) Ensure the design of *multi-family*, commercial, industrial and institutional *uses* protect and enhance the image and land values of neighbouring residential properties.

## 3.2 SETBACK STANDARDS FOR INFILL

*Development* of infill properties will respect and reinforce the general physical patterns and character of established neighbourhoods with respect to:

- (1) patterns of *street*, blocks and *lanes*, parks and public *building sites*;
- (2) general size and configuration of lots;
- (3) heights, massing, scale and type of *dwelling unit* compatible with that permitted by the Zoning By-law or nearby residential properties;
- (4) prevailing *building* types;
- (5) *setback* of *buildings* from the *street* or *streets*, *side* and *rear yard setbacks*;
- (6) continuation of special landscape or built form features that contribute to the unique character of a neighbourhood; and
- (7) conservation of heritage *buildings*, *structures* or landscapes.

In cases where infill opportunity exists on properties which vary from local patterns in terms of lot size, configuration and/or orientation in established neighbourhoods, the following shall be in effect:





- (8) *building* heights, massing and scale must be appropriate for the *site* and be generally compatible with those *uses* permitted by the zoning applied to adjacent residential and nearby properties;
- (9) will front onto existing or newly created public *streets*; and
- (10) will locate and screen service areas and garbage storage to minimize the impact on existing and new *streets* and residences.

### 3.3 STANDARDS FOR EDGES OF ZONES ABUTTING OTHER USE ZONES

When an industrial *use* abuts a residential *use*, or when a parking or loading area *accessory* to a commercial or other non-residential *use* is within 6.1 metres of an abutting residential *use*; or when a commercial *use* is adjacent to a lot in a residential zone, or a lot in residential *use*, whether or not an existing *lane* or drainage way exists, a buffer is required that conforms to the following specifications:

- (1) A wall, berm, fence or dense vegetative screen with a minimum height of 2 metres, at the time of installation or planting, and must be maintained at all times.
- (2) If the *side site line* on the *street* side of a *reverse corner site* of a *site* as mentioned above shall have the *required side yard* increased to 7.6 metres.

### 3.4 REGULATIONS FOR THE DEVELOPMENT OF NEW SUBDIVISIONS

In order that the public benefit of growth is diffuse, new subdivisions are required to provide a certain level of amenity as provided for in *The Act*. These may include the dedication of lands for:

- (1) Open space
- (2) Parks
- (3) Community Infrastructure

A subdivision shall not be approved unless *Council* has by resolution given its recommendation with or without conditions. A developer may also have to enter into an agreement with the municipality that adheres to the following demands:

- (4) Standards of workmanship for utilities
- (5) Dedication of land
- (6) Phasing of *development*
- (7) Financial Commitments to the public



- (8) The posting of bonds to guarantee project completion
- (9) Restrictions on the number of trees which can be removed in a subdivision *site*.

New *development* will also require concept plans and may demonstrate the following:

- (10) General design layout that may allow all new buildings to be positioned for maximum solar heat gain and protect residents' long-term access to solar energy.
- (11) Efficient provision of infrastructure
- (12) Compatibility with other *building* uses
- (13) Compatibility with transportation
- (14) Landscaping design features for *open space*, pedestrian and vehicle access.

### **3.5 ENVIRONMENTAL CONSIDERATIONS OF NEW DEVELOPMENT**

Ensuring changes to the built environment will be environmentally friendly, as based on the following planning principles:

- (1) Protecting and improving the health of the natural ecosystem;
- (2) Supporting bio-diversity;
- (3) Supporting the use of *renewable energy*;
- (4) Reducing consumption of natural resources;
- (5) Preserving and enhancing the urban forest;
- (6) Reducing the risks to life, health, safety, property and ecosystem health, that are associated with flooding, unstable slopes, erosion and contaminated lands; and
- (7) Reducing the adverse effects of storm water and snow melt, based on a hierarchy of wet weather flow practices, starting with at-source, then conveyance and finally, end-of-pipe solutions.

New *development* may be subject, where feasible, to include on-*site* facilities to manage storm water, rain and snow fall.



### 3.6 ACCESSIBILITY STANDARDS FOR ADAPTABLE HOUSING

Enhanced Adaptable Housing Design Guidelines provide a higher standard of adaptability and accessibility in residential *buildings*. Adaptable Housing considerations are modest improvements to accessibility and adaptability in residential *buildings* that make it easier for people to "remain in place" as they age, and experience illness or injury. Newly-constructed residential *buildings* are encouraged to include Basic Adaptable Housing standards. The *use* of these guidelines is voluntary and is intended to assist the objectives of universal physical access to public *buildings* stated in the *Development Plan*.

#### 3.6.1 Voluntary Guidelines for Ground-Oriented Housing

##### Dwelling access

- a) at least one no-step entrance with overhang.

##### Circulation

- a) hallways have minimum width 1.1 metres.
- b) no steps between, or within, rooms.
- c) turning radius of 1.7 metres in at least one bedroom and kitchen.

### 3.7 ACCESSORY PARKING REGULATIONS

#### 3.7.1 General Parking Requirements

The following regulations apply to the provision of parking in all zones:

- (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) When the computation of the number of accessory off-street parking spaces required by the PART results in a requirement of a fractional parking space, any fraction less than one-half of a parking space may be disregarded, whereas a fraction of one-half or more of a parking space shall be counted as one parking space.
- (3) Required *accessory off-street parking spaces* shall be located on the same *site* as the *use* being 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 91.5 metres in distance, measured along the shortest available pedestrian route with public access.



- (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) *Off-street parking spaces* may be open to the sky or enclosed within a *structure*.
- (6) The surface of the *accessory off-street parking, loading areas, spaces* and the access *driveways* thereto, with the exception of R1 and R2 RESIDENTIAL ZONES, shall be surfaced with asphalt or concrete and designed in such a manner that there will be no free flow of water onto either adjacent properties or public sidewalks.
- (7) Gravel parking surfaces, due to difficulties with drainage, will only be considered as a *conditional use* in INDUSTRIAL ZONES.

### 3.7.2 Additional “C4” Regional Commercial Zone Parking Requirements

Notwithstanding any other requirements in this By-law, “C4” REGIONAL COMMERCIAL ZONE *uses* shall be subject to the following minimum *off-street* parking and loading requirements:

- (1) As an exception to 3.7.1 (1) above, required *off-street* parking for the “C4” Zone shall be provided at a ratio of not less than four (4) *parking spaces* for each 92.9 square metres of Gross Leasable Area of all buildings located within the *site*. The foregoing parking requirement shall be calculated without regard to the multiple uses that may be contained in the Regional Commercial Zone.
- (2) All *off-street parking spaces* required by this Section shall be located within the Regional Commercial Zone, except that *parking spaces* may be located outside of the Development Area on another non-residentially zoned lot provided:
  - a) such other lot is located within 91.4 metres of the Development Area on which the use for which such spaces are required is located; and
  - b) such lot is in common ownership with, or subject to a long-term lease or easement for the benefit of, all or a portion of the Development Area.



### 3.7.3 Accessory Parking Layout

The layout and design of *accessory off-street* parking areas shall be as follows:

- (1) The minimum dimensions for *off-street accessory* parking areas shall be in accordance with section 3.8 "Parking Area Dimensions";
- (2) The depth of each *parking space*, as specified in section 3.8, shall be exclusive of access *driveways*, aisles, ramps and columns, and *floor area* dedicated to office or work areas;
- (3) Where access to a *parking space* is directly from a *lane*, the width of the *lane* adjacent to said *parking space* may be computed as part of the aisle width required for said *parking space*;
- (4) Each *parking space* shall have a vertical clearance of at least 2.3 metres from floor or *grade*;
- (5) The angle of parking shall be measured between the centre-line of the *parking space* and the centre line of the aisle;
- (6) The *off-street* parking area shall be provided with an access drive with a minimum width of 6.1 metres and a maximum width of 10.7 metres in all areas except R1 and R2 where it shall be a minimum of 3.5m and a maximum of 6m to a *street* or *lane* with only one (1) access allowed in an 'R1' zone;
- (7) Except as provided for in paragraph (3) of this subsection, an aisle or *driveway* shall not mean a *street* or *lane*;
- (8) Lighting used to illuminate an *accessory off-street* parking area shall be arranged so that it does not illuminate directly onto the adjoining *sites*, *streets* or *lanes*;
- (9) An *accessory open off-street* parking area for *multiple family dwellings* shall be provided with guard rails, or wheel stops, or walls, or ornamental fences or hedges, as approved by the *Development Officer* to prevent a vehicle from encroaching onto public or private property;
- (10) A solid wall, fence or hedge, at least 1 meter, but not greater than 2 metres in height, shall be located along the boundary of the *accessory open off-street* parking area where it is adjacent to an "R1" or "R2" zone boundary in order to screen off the view of said parking. The design and location shall be approved by the *Development Officer*. The wall or fence may be opaque or perforated provided that not more than 50% of the face is open; and



- (11) Guard rails, wheel stops, masonry walls or ornamental fences shall be maintained in good condition at all times and shall have no *signs* attached thereto other than those which are permitted.

**3.7.4 “C2” Central Commercial Zone – Reduced Parking Requirements**

As an exception to 3.7.1(1) and the parking requirements specified in Use Table 5.2, no minimum off-*street* parking requirements apply to commercial *uses* within the “C2” Central Commercial Zone. Buildings with a mix of commercial and residential, hotels and motels and personal care home *uses* are required to meet the parking requirement for *multi-family dwellings*.

**3.8 PARKING AREA DIMENSIONS: MINIMUM REQUIREMENTS**

| Angle of Parking | Width of Stall | Width of Aisle | Depth Perpendicular to Aisle |
|------------------|----------------|----------------|------------------------------|
| (degrees)        | (metres)       | (metres)       | (metres)                     |
| 30               | 2.75           | 3.8            | 4.6                          |
| 45               | 2.75           | 3.8            | 5.5                          |
| 60               | 2.75           | 6.0            | 6.0                          |
| 90               | 2.75           | 6.0            | 6.1                          |

**3.9 STACKING SPACE REQUIREMENTS**

For vehicular-oriented uses that require queuing space for vehicles, such as *Drive-through establishments, car washes, fuel sales and vehicle repair and service uses*, the following *stacking space* requirements apply as follows:

- (1) **Use providing drive-up service window:** a minimum of four (4) in-bound *stacking spaces* shall be provided for vehicles approaching the drive-up service window. One (1) out-bound *stacking space* shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle.
- (2) **Use providing drive-through vehicle services:** a minimum of one (1) space per bay, plus two (2) *stacking spaces*, measured from the entrance.
- (3) All *stacking spaces* shall be a minimum of five (5) meters long and three (3) meters wide. *Stacking spaces* shall provide sufficient space for turning and manoeuvring.





- (4) All *stacking spaces* shall be located so as not to block or interfere with the smooth flow of traffic to and from required *off-street parking spaces* or the driving aisles providing access to those spaces, or any adjacent *street* or *lane* through an approved access point.

### 3.10 LOADING REQUIREMENTS

- (1) For all permitted or *conditional uses*, *accessory off-street loading spaces* shall be provided as follows:
- a) No *off-street loading space* is required for *buildings* having gross *floor area* of less than 464.5 square metres;
  - b) Commercial, *warehouse*, manufacturing and industrial *uses* which are larger than 464.5 square metres shall provide one (1) space for each 1,858.1 square metres of gross *floor area* or part thereof;
  - c) Institutional and public *uses* including *hospitals*, assembly halls, clubs, *public utilities*, *schools* and office *buildings* which are larger than 464.5 square metres shall provide one (1) space for each 2,787.1 square metres of gross *floor area* or part thereof.
- (2) Each *off-street loading space* shall be a minimum of 37.2 square metres in area and shall be not less than 3.7 metres in width nor have less than 3.7 metres overhead clearance. In no case shall the length of the *loading space* be such that a vehicle in the process of loading or unloading shall project into any *street*, *lane* or public thoroughfare.
- (3) Each *off-street loading space* shall have access to a public *street* or *lane*.
- (4) *Off-street parking spaces* shall not be deemed as *off-street loading spaces*.

### 3.11 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.

### 3.12 PUBLIC MONUMENTS

Nothing in this By-law is so interpreted as to interfere with the maintenance or *erection* of monuments, statuary, and similar *structures*.



### 3.13 PUBLIC UTILITIES AND SERVICE

Nothing in the By-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any *public utility*, as defined by this By-law, or public service such as police and fire protection, provided that the requirements of such *public utility* or public service is of a standard compatible with the adjacent area as determined by the *Development Officer*, and that any *building* or *structure erected* in any zone complies with the *yard* and area requirements applicable to the zone.

### 3.14 BUILDING GRADE AND SITE DRAINAGE

Shall be in accordance with the City of Portage la Prairie By-laws.

### 3.15 STREET, LANE AND ROAD FRONTAGE

Where *Council* deems fit, it may permit a *use* of land and *buildings* to be constructed upon *sites* having frontage on a private *lane* or road provided that said *lane* or road intersects with a *street*.

### 3.16 FUTURE ROAD DEEMED EXISTING

No *building* or *structure* shall be *erected* upon any land designated for a future road allowance. Any *development* adjacent to said future road allowance shall comply with the requirements of the By-law as if the said future road allowance was already in existence.

### 3.17 MUNICIPAL SERVICE CONNECTION

- (1) All *principal buildings* and detached *secondary suites* constructed on a *site* serviced by sewer, water or hydro distribution, shall be connected to such services.
- (2) *Uses* that require private waste disposal systems must meet the minimum *site area* as determined by the applicable provincial authority.
- (3) In cases where sewer, water or hydro distribution is introduced into an area where unserved development already exists, such development is required to connect to these distribution systems within time frames established by *Council*.





- (4) Industries with distinct requirements for water supply and wastewater disposal, such as large volumes of water or unique waste characteristics, shall submit a conceptual servicing plan and servicing report to identify any impacts to municipal services and the type and cost of any necessary improvements (such as specialized pre-treatments). In some cases, such industries may be permitted to develop *onsite* water supply and wastewater disposal systems, subject to any provincial oversight and to the City Council's approval.

### 3.18 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.

### 3.19 AREA AND YARD REQUIREMENTS

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*.



### 3.20 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*.

### 3.21 FLOOD RISK AREAS AND HAZARD LANDS

- (1) *Development* of lands within Flood Risk Areas, as defined in the *Development Plan* shall be subject to the approval of the *Council*, with or without conditions, and referred to the applicable provincial authority for review (as per *Development Plan Policy 5.3*).
- (2) Any *building, structure* or *use* including those:
  - a) Designed for human habitation;
  - b) Associated with high flood damage potential;
  - c) Not connected with permitted *open space uses*;
  - d) Consistent with *open space uses* but that may materially affect flood stages; or
  - e) Used for storage of hazardous materials which are buoyant, flammable, explosive, or may be injurious to human, animal or plant life shall not be permitted by *Council* to locate within a Flood Risk Area if its location there has the potential to create a hazardous condition or could endanger life and/or property.
- (3) No *development* shall be permitted within a horizontal distance of 30.5 metres of the ordinary high-water mark of a waterway.
- (4) The minimum *setback* requirement from waterways for activities which may have the effect of polluting the waters shall be determined by *Council*, upon recommendation from the applicable provincial authority, and will reflect the most up to date requirements from any of these sources.
- (5) An applicant shall, upon the request of *Council*, submit evidence prepared by a licensed professional engineer of the Province of Manitoba to support the application for *development*. Such evidence may include bank stability, design of flood prevention works and evaluation of effects on flood stages and velocities.
- (6) *Incidental alterations, enlargements, extensions* to existing *structures* and *uses* may be permitted in compliance with this section.



### 3.22 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.

### 3.23 ACCESSORY USES, BUILDINGS AND STRUCTURES

- (1) Any *use* or *building* which is permitted or may be approved by virtue of this By-law includes any *building*, *structure* or *use accessory* thereto subject to the fulfillment of all requirements contained herein.
- (2) *Accessory buildings*, except as otherwise regulated in this By-law, shall be subject to the following regulations:
  - a) Where the *accessory building* is attached to a *principal building*, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the *principal building*;
  - b) In no instance shall an *accessory building* be located within a dedicated easement right-of-way.
  - c) No *accessory building* or *structure* shall be *erected* prior to *erection* of the *principal building*, except where it is necessary for the storage of the tools and materials for *use* during construction of the *principal building* or where the principle use of the land requires no *principal* buildings.



### 3.24 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.

### 3.25 CORNER RESTRICTED AREA

Notwithstanding anything elsewhere contained in this PART, on *corner sites* in all Districts, within the *restricted area* (as defined in Part 1) no fence, wall, *structure*, hedge, shrubs or other horticultural landscape features which would create a fence effect shall be greater than 0.7 m above the adjacent road surface.

### 3.26 LIVESTOCK OPERATING POLICIES

*Livestock* and/or *livestock operations* shall not be permitted within the City of Portage la Prairie limits.



### 3.27 SPECIAL DEVELOPMENT RESTRICTIONS

- (1) No *dwelling* or *mobile home* or other habitable *building* shall be constructed or located within 457.2 meters 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 805 meters 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 30 meters 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 30 meters 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, 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 152 meters shall be provided between the *building* location and any active mining area.

### 3.28 PROJECTIONS INTO REQUIRED YARDS

- (1) 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:
  - a) trees, shrubs and gardens;
  - b) fences, walls and retaining walls;
  - c) flagpoles, *signs* and lighting fixtures;
  - d) sidewalks, *driveways* and parking and *loading spaces*;
  - e) *outside storage* (where permitted);



- f) open, unenclosed and uncovered porches, decks with railings higher than .2m above *grade*, terraces, balconies, fire escapes and stairways;
  - g) architectural features including chimneys, bay windows, alcoves, canopies, awnings, eaves and gutters may project into a *required yard*;
  - h) decks without continuous railings may project into a *side yard* up to the *site line* provided they are not higher than .2 m above *grade*.
- (2) For residential zones, items (a) and (b) shall not create a wall-like effect higher than 1 meter in the *front yard* or 2 meters in any other *yard*.
- (3) For residential zones, items (f) to (h) may project into a *required side or rear yard* not more than 3.75m, provided a *required side yard* is not reduced to less than .9m
- (4) Where *outside storage* is permitted, it may not be located in any *front yard, corner side yard* or *yard* abutting a residential or Open Space/Recreation Zone. This restriction does not apply to the display of farm machinery, vehicles or to lawnmowers, snowmobiles and the like.

### 3.29 NUMBER OF PRINCIPAL DWELLINGS

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.



# PART 4

## RESIDENTIAL ZONES

### 4.1 TYPE AND INTENT OF RESIDENTIAL ZONES

The Residential Zones established in this By-law are intended to provide sufficient land for various types of residential *development* within the City of Portage la Prairie in keeping with the provisions of the *Development Plan*.

#### "RR" RURAL RESIDENTIAL ZONE

The "RR" Rural Residential Zone provides for the *development* of low density, *Single-Family dwellings* in a rural type setting on private services.

#### "R1" SINGLE-FAMILY DWELLING ZONE

The "R1" *Single-Family Dwelling* Zone provides for the *development* of serviced *Single-Family dwellings* on smaller lots.

#### "R1-60" SINGLE-FAMILY DWELLING ZONE

The "R1-60" *Single Family Dwelling* Zone provides for the *development* of serviced *Single-Family dwellings* on larger lots.

#### "R2" TWO-FAMILY DWELLING ZONE

The "R2" *Two-Family Dwelling* Zone provides for the *development* of low density *Two-Family dwellings*, either duplexes or side by side, semi-detached units, for which each semi-detached unit may have a separate Certificate of Title. *Single-Family dwellings* shall also be permitted.

#### "R3" MULTIPLE-FAMILY ZONE

The "R3" *Multiple-Family Dwelling* Zone provides for the *development* of medium density such as triplexes and four-plexes; and high density such as town or row type *dwellings*, and apartments. *Single-Family* and *Two-Family dwellings* may also be permitted in this zone.

#### "RLL" RESIDENTIAL LARGE LOT

The "RLL" Residential Large Lot *Dwelling* Zone provides for the development of serviced *Single-Family dwellings* in a *park* like setting on 10 acre lots.

#### "RMH" RESIDENTIAL MOBILE HOME ZONE

The "RMH" Residential *Mobile Home* Zone provides for the *development* of *mobile homes* in serviced residential *mobile home parks* and *mobile home subdivisions*, together with associated and compatible *uses*.





**Table 4.1 Residential Zone Site Requirements**

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

| <b>Table 4.1 Residential Zone Site Requirements</b> |   |              |           |           |          |            |          |                            |                      |                     |
|---|---|--------------|-----------|-----------|----------|------------|----------|----------------------------|----------------------|---------------------|
| Minimum Site Requirements                           |   |              |           |           |          |            |          |                            | Maximum Requirements |                     |
| Zones   | Permitted Conditional Uses                | Site (f)     |           | Yard      |          |            |          | Dwelling Unit Area (sq. m) | % Site Cover         | Building Height (m) |
|   |   | Area (sq. m) | Width (m) | Front (m) | Side (m) |            | Rear (m) |                            |                      |                     |
|   |   |              |           |           | Interior | Corner     |          |                            |                      |                     |
| RR(c)   | Accessory Building, Structure or Uses (e) |              |           | 15.2      | 1.5      | 3.0 (a)    | 1.5      |                            | 14                   | 6.1                 |
|   | Dwelling Single Family                    | 8,093.7      | 30.5      | 15.2      | 3.0(b)   | 7.5        | 7.5      | 74                         | 40                   | 9.1                 |
|   | Other Uses                                |              | 30.5      | 15.2      | 3.0      | 7.5        | 7.5      |                            | 4.0                  | 9.1                 |
| R1  | Accessory Building, Structure or Uses (e) |              |           | 7.5       | 1.5      | 3.0 (a)    | .6       |                            | 14                   | 4.6                 |
|   | Dwelling Single Family                    | 464.5        | 15.2 (f)  | 7.5       | 1.5 (b)  | 3.0 (a)(b) | 7.5      | 74                         | 40                   | 9.1                 |
|   | Other Uses                                | 930          | 30.5      | 7.5       | 3.0      | 3.6        | 7.5      |                            | 40                   | 9.1                 |
| R1-60   | Accessory Building, Structure or Uses (e) |              |           | 7.5       | 1.5      | 3.0 (a)    | .6       |                            | 14                   | 4.6                 |
|   | Dwelling Single Family                    | 557.4        | 18.3      | 7.5       | 1.5 (b)  | 3.0 (a)(b) | 7.5      | 93                         | 40                   | 9.1                 |
|   | Other Uses                                | 930          | 30.5      | 7.5       | 3.0      | 3.6        | 7.5      |                            | 40                   | 9.1                 |





**Table 4.1 Residential Zone Site Requirements**

| Minimum Site Requirements |  |              |           |           |          |            |                            |              | Maximum Requirements |          |
|---------------------------|--|--------------|-----------|-----------|----------|------------|----------------------------|--------------|----------------------|----------|
| Zones                     | Permitted Conditional Uses                                 | Site (f)     |           | Yard      |          |            | Dwelling Unit Area (sq. m) | % Site Cover | Building Height (m)  |          |
|                           |  | Area (sq. m) | Width (m) | Front (m) | Side (m) |            |                            |              |                      | Rear (m) |
|                           |  |              |           |           | Interior | Corner     |                            |              |                      |          |
| R2                        | Accessory Building Structure or Use (e)                    |              |           | 7.5       | 1.5      | 3.0 (a)(b) | .6                         |              | 14                   | 4.6      |
|                           | Dwelling Single Family                                     | 464.5        | 15.2 (f)  | 7.5       | 1.5 (b)  | 3.0 (a)(b) | 7.5                        | 74           | 40                   | 9.1      |
|                           | Dwelling Two- Family                                       | 557.4        | 18.3      | 7.5       | 1.5 (b)  | 3.0 (a)(b) | 7.5                        | 74           | 40                   | 9.1      |
|                           | Other Uses   | 930          | 30.5      | 7.5       | 3.0      | 3.6        | 7.5                        |              | 40                   | 9.1      |
| R3                        | Accessory Building, Structure or Use (e)                   |              |           | 9.1       | 1.5      | 3.0 (a)(b) | 0.6                        |              | 10                   | 4.6      |
|                           | Dwelling Multiple-Family (excluding three and four-plexes) | 929          | 30.5      | 6         | 4.6      | 4.6        | 7.5                        | 37.2         | 80                   | 42.6     |
|                           | Dwelling Multiple-Family (Three and four-plexes)           | 836.1        | 22.9      | 9.1       | 1.5      | 3.6        | 7.5                        | 74           | 50                   | 10.7     |
|                           | Dwelling Two Family  | 557.4        | 18.3      | 9.1       | 1.5 (b)  | 3.0 (a)(b) | 7.5                        | 74           | 40                   | 9.1      |
|                           | Dwelling Single Family                                     | 464.5        | 15.2 (f)  | 9.1       | 1.5 (b)  | 3.0 (a)(b) | 7.5                        | 74           | 40                   | 9.1      |
|                           | Other Uses   | 930          | 30.5      | 9.1       | 3.0      | 3.6        | 7.5                        |              | 40                   | 9.1      |



**Table 4.1 Residential Zone Site Requirements**

| Minimum Site Requirements |  |              |           |           |          |         |          |                            | Maximum Requirements |                     |
|---------------------------|--|--------------|-----------|-----------|----------|---------|----------|----------------------------|----------------------|---------------------|
| Zones                     | Permitted Conditional Uses               | Site (f)     |           | Yard      |          |         |          | Dwelling Unit Area (sq. m) | % Site Cover         | Building Height (m) |
|                           |  | Area (sq. m) | Width (m) | Front (m) | Side (m) |         | Rear (m) |                            |                      |                     |
|                           |  |              |           |           | Interior | Corner  |          |                            |                      |                     |
| RLL                       | Accessory Building, Structure or Use (e) |              |           | 15.2      | 1.5      | 3.6     | 1.5      |                            | 5                    | 6.1                 |
|                           | Single Family Dwelling                   | 40,467       | 91        | 15.2      | 3.0 (b)  | 7.5     | 7.5      | 74                         | 5                    | 9.1                 |
|                           | Other Uses                               | 40,467       | 91        | 15.2      | 3.0      | 7.5     | 7.5      |                            | 5                    | 9.1                 |
| RMH                       | Accessory Building, Structure or Use     |              |           | 3.6       | 1.5      | 3.0 (a) | 3.0 (e)  |                            | 14                   | 5                   |
|                           | Mobile Home Subdivision                  | 634          | 19.8      | 3.6       | 1.5      | 3.0 (a) | 3.6      | 74                         | 40                   | 5                   |
|                           | Other Uses                               | 634          | 30.5      | 7.5       | 3.0      | 3.6     | 7.5      |                            |                      | 9.1                 |
|                           | Mobile Home Park & Accessory Uses        | See Part 8.5 |           |           |          |         |          |                            |                      |                     |



### Table 4.1 Notes

- a) In the case of a reversed *corner site*, the *side yard* on the *street* side of the reversed *corner site* shall be increased to a minimum of 3.6 metres.
- b) If there is no attached garage or *carport*, one *side yard* shall be 4.6 metres.
- c) In the "RR" Rural Residential Zone, the minimum *setback* from the Assiniboine River shall be 60.1 metres from the top of the existing bank in *the area* west of PR240, and 4.6 metres from the landward toe of the dyke in *the area* east of PR240. (A requirement of Natural Resources as of 1981).
- d) In the case of an outdoor pool or hot tub, a minimum of 1.5 metres must be provided from any side or *rear site line*.
- e) When detached *accessory buildings* are located a minimum of 1.8 metres from the *principal building* on the *site* the *side yard* may be reduced to .6 metres. The *side yard* on the *street* side of a corner site shall be 3.6 metres.
- f) In the case of a corner lot, the *site width* shall be 18.3 metres.

### Table 4.2 Residential Land Use Regulations and Parking

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



### Table 4.2 Residential Land Use Regulations and Parking

| LAND USE<br>Permitted = P<br>Conditional = C | ZONES                     |    |       |    |    |     |     | PARKING (a)   |
|--|---------------------------|----|-------|----|----|-----|-----|---|
|  | RR                        | R1 | R1-60 | R2 | R3 | RLL | RMH |   |
| Accessory Building, Structure or Use         | See Section 3.23 & PART 8 |    |       |    |    |     |     |   |
| Assisted Living                              |                           |    |       | C  | C  |     |     | One and a Half (1.5) per dwelling unit (10% of which are unassigned visitor parking spaces) |
| Bed and Breakfast (see 8.4)                  | C                         | C  | C     | C  |    | C   |     | One (1) space per unit  |
| Childcare, Centre (see 8.1)                  | C                         | C  | C     | C  | C  |     |     | One (1) per staff plus drop off and pick up area  |
| Community/Recreation Center                  | C                         | C  | C     | C  | C  | C   | C   | One (1) per 46.5 square metres of floor area  |
| Dwelling, Mobile Home (see 8.5)              |                           |    |       |    |    |     | P   | One (1) per dwelling unit   |
| Dwelling, Multi Family (see 8.6)             |                           |    |       | C  | P  |     |     | One and a Half (1.5) per dwelling unit (10% of which are unassigned visitor parking spaces) |
| Dwelling, Single Family                      | P                         | P  | P     | P  | C  | P   |     | One (1) per dwelling unit   |
| Dwelling, Two Family                         |                           |    |       | P  | C  |     |     | One (1) per dwelling unit   |
| Emergency Residential Shelter                |                           |    |       |    | C  |     |     | At the discretion of the Development Officer  |
| Funeral Chapel or Mortuary                   |                           |    |       |    | C  |     |     | One (1) per 46.5 square metres of floor area  |
| Gallery/Museum                               | C                         | C  | C     | C  | C  | C   | C   | One (1) per every 93.0 square metres of floor area but not less than Two (2)                |
| Government Services                          | C                         | C  | C     | C  | C  | C   | C   | One (1) per 23.2 square metres of floor area  |
| Group Residence                              |                           |    |       |    | P  |     |     | One (1) per resident  |
| Library                                      | C                         | C  | C     | C  | C  | C   | C   | One (1) per every 93.0 square metres of floor area but not less than Two (2)                |
| Neighbourhood Rehabilitation Home            |                           |    |       |    | C  |     |     | One (1) per resident  |
| Park/Playground                              | P                         | P  | P     | P  | P  |     |     |   |
| Place of Worship                             | C                         | C  | C     | C  | C  | C   |     | One (1) per Five (5) seats in the principal seating area but no less than Ten (10) spaces   |
| Protection and Emergency Services            | P                         | P  | P     | P  | P  | C   | P   | One (1) per every 93.0 square metres of floor area but not less than Two (2)                |
| Public Utility                               | C                         | C  | C     | C  | C  | C   | C   |   |
| Rooming House                                | C                         | C  | C     | C  | C  | C   |     | One (1) per space per dwelling unit   |
| School, Elementary or Junior High (see 8.9)  | C                         | C  | C     | C  | C  | C   |     | One (1) per classroom plus Ten (10) additional spaces                                       |
| School, Senior High (see 8.10)               | C                         | C  | C     | C  | C  | C   |     | Five (5) per classroom  |



**Table 4.2 Residential Land Use Regulations and Parking**

| LAND USE<br>Permitted = P<br>Conditional = C | ZONES |    |       |    |    |     |     | PARKING (a)                             |
|--|-------|----|-------|----|----|-----|-----|---|
|  | RR    | R1 | R1-60 | R2 | R3 | RLL | RMH |   |
| Secondary Suite<br>(see 8.7)                 | C     | C  | C     |    |    | C   |     | One (1) additional onsite parking stall |
| Sign<br>(see 8.15)                           |       |    |       |    |    |     |     |   |

**Table 4.2 Notes**

- a) Parking provisions must be in accordance with the standards and regulations discussed in PART 3.7 of this By-law.

# ***PART 5*** COMMERCIAL ZONES

## **5.1 TYPE AND INTENT OF COMMERCIAL ZONES**

This By-law contains four types of commercial zones designed to allow different intensities of commercial *development* in appropriate locations based on the intent of the zones as described below and in accordance with the Portage la Prairie Planning District *Development Plan*.

### **"C1" NEIGHBOURHOOD COMMERCIAL ZONE**

This zone provides locations, characteristically small in size, either within or abutting residential zones, for low intensity commercial, office, service and institutional establishments meant to service the needs of the immediate neighbourhood. *Development* in this zone will be of compatible scale and sensitive to existing development both on the arterial *street* it shares residential *uses* with and the surrounding residential neighbourhood. Encourage high density residential *uses*.

### **"C2" CENTRAL COMMERCIAL ZONE**

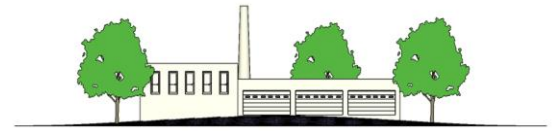
This zone provides for appropriate land in the central business area for a diversity of *uses* including retail, business, social, cultural, residential and institutional land *uses*.

### **"C3" AVENUE COMMERCIAL ZONE**

This zone provides locations for commercial *uses* that are dependent upon high traffic volumes and access to appropriate transportation thoroughfares and considers the impact of commercial *uses* under this zone on any adjoining residential *uses*. Within this zone, attention is paid to ensuring adequate traffic management measures, adequate parking, and *site* landscaping considerations for aesthetic purposes so as to minimize impact on adjoining development, transportation systems and any adjoining residential *uses*.

### **"C4" REGIONAL COMMERCIAL ZONE**

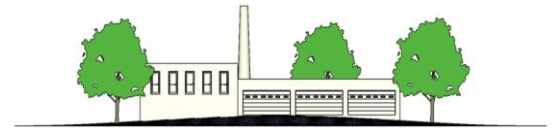
The purpose of this zone is to permit the expansion, renovation and redevelopment of the West Saskatchewan retail shopping center and the development of *large format commercial / retail* uses and complementary entertainment uses in a planned context. The Regional Commercial Zone is established as a special zone to develop a regional shopping experience different from, but complementary to, the City's downtown and Saskatchewan Avenue's commercial areas, subject to the specific regulations and requirements contained in this PART.



**Table 5.1 Commercial Zone Site Requirements**

(1) Sets forth the *bulk* requirements for *uses* in the Commercial Zones.

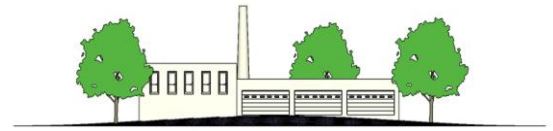
| <b>Table 5.1 Commercial Zone Site Requirements</b> |   |              |           |           |          |        |          |                            |                      |   |
|--|---|--------------|-----------|-----------|----------|--------|----------|----------------------------|----------------------|---|
| Minimum Site Requirements                          |   |              |           |           |          |        |          |                            | Maximum Requirements |   |
| Zones  | Permitted Conditional Uses                                      | Site         |           | Yard      |          |        |          | Dwelling Unit Area (sq. m) | % Site Cover         | Building Height (m)                       |
|  |   | Area (sq. m) | Width (m) | Front (m) | Side (m) |        | Rear (m) |                            |                      |   |
|  |   |              |           |           | Interior | Corner |          |                            |                      |   |
| <b>C1 (b)(e)</b>                                   | Accessory Building, Structure or Use (a)                        |              |           | 0         | 0        | 0      | 1.5      |                            | 10                   | shall not exceed height of principle bldg |
|  | All Other C1 Uses   | 325          | 9.0       | 0         | 0 (c)    | 0 (d)  | 6.0      | 37.2                       | 80                   | 15.2                                      |
|  | Dwelling Multiple Family (R3) (excluding three and four-plexes) | 929          | 30.5      | 9.1       | 4.6      | 4.6    | 7.5      | 37.2                       | 80                   | 15.2                                      |
| <b>C2 (b)(e)</b>                                   | Accessory Building, Structure or Use                            |              |           | 7.5       | 1.5      | 4.6    | 1.5      |                            | 10                   | shall not exceed height of principle bldg |
|  | All Other C2 Uses   | 325          | 15.2      | 0         | 0 (c)    | 0 (d)  | 6.0      | 37.2                       | 80                   | 22  |
|  | Dwelling Multiple Family (R3) (excluding three and four-plexes) | 929          | 30.5      | 9.1       | 4.6      | 4.6    | 7.5      | 37.2                       | 80                   | 22  |



**Table 5.1 Commercial Zone Site Requirements**

| Minimum Site Requirements |   |              |           |           |          |         |                            | Maximum Requirements |   |          |
|---------------------------|---|--------------|-----------|-----------|----------|---------|----------------------------|----------------------|---|----------|
| Zones                     | Permitted Conditional Uses                                      | Site         |           | Yard      |          |         | Dwelling Unit Area (sq. m) | % Site Cover         | Building Height (m)                           |          |
|                           |   | Area (sq. m) | Width (m) | Front (m) | Side (m) |         |                            |                      |   | Rear (m) |
|                           |   |              |           |           | Interior | Corner  |                            |                      |   |          |
| <b>C3 (b)(e)</b>          | Accessory Building, Structure or Use                            |              |           | 9.1       | 4.6      | 9.1     | 7.5                        | 10                   | shall not exceed height of principle bldg.    |          |
|                           | All Other C3 Uses   | 460          | 15.2      | 6.0       | 1.5      | 3.0 (d) | 7.5                        | 50                   | 15.2  |          |
|                           | Dwelling Multiple Family (R3) (excluding three and four-plexes) | 929          | 30.5      | 9.1       | 4.6      | 4.6     | 7.5                        | 37.2                 | 80  | 22       |
| <b>C4 (b) (e) (f)</b>     | Accessory Building, Structure or Use                            |              |           | 9.1       | 4.6      | 9.1     | 7.5                        | 10                   | shall not exceed the height of principle bldg |          |
|                           | All Other C4 Uses   | 1396         | 45.8      | 0         | 0        | 0       | 0                          | 45                   | 24.4  |          |
|                           | Large-Format Commercial   | 8390         | 91.6      | 0         | 0        | 0       | 0                          | 45                   | 24.4  |          |





### Table 5.1 Commercial Zones Performance Standards

The following Performance Standards form part of Table 5.1 Commercial Zone *Site Requirements*:

- a) Detached *accessory buildings* shall be located a minimum of 3.0 metres from the *principal building* on the *site*.
- b) *Service station* fuel pumps shall be located a minimum of 4.6 metres from any *site* line.
- c) When abutting an "R" Zone, the interior *side yard* shall be 1.5 metres.
- d) The *side yard* on the *street* side of a reversed *corner site* abutting an "R" zone shall be 4.6 metres.
- e) See Section 3.3 when adjacent to residential zones.
- f) The minimum *yard* requirement for *uses* within in the same C4 zone is 0 meters. For *uses* abutting a residential zone boundary or a road allowance, the minimum *yard* requirements are 4.6 meters. For *uses* abutting other zones, a minimum 3 meter *yard* is required.

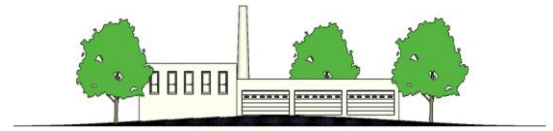
### Table 5.2 Commercial Zone Land Use Regulations and Parking

- (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 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.



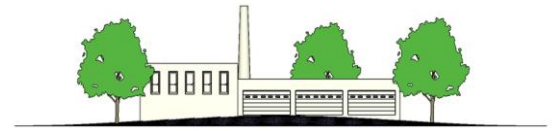
**Table 5.2 Commercial Zone Land Use Regulations and Parking**

| LAND USE<br>Permitted = P<br>Conditional = C                | ZONES |       |      |    | PARKING (a)   |
|---|-------|-------|------|----|---|
|   | C1    | C2(e) | C3   | C4 |   |
| Accessory Building, Structure and Use (See 3.23 and Part 8) | C     | C     | P    | C  |   |
| Amusement Enterprise, Indoor                                | C     | C     | C    | C  | One (1) per 93 square metres of floor area  |
| Amusement Enterprise, Outdoor                               |       |       |      | C  | At the discretion of the Development Officer  |
| Animal Day Care   | C     | C     | C    | C  | One (1) per 93.0 square metres of floor area  |
| Animal Grooming   | C     | P     | P    | P  | One (1) per 93.0 square metres of floor area  |
| Animal Hospital or Veterinary Clinic                        | C     | C     | P    | C  | One (1) per 93.0 square metres of floor area  |
| Assisted Living   |       |       | C    |    | One and a Half (1.5) per dwelling unit (10% of which are unassigned visitor parking spaces) |
| Auction Room  |       |       | C    | C  | One (1) per 46.5 square metres of floor area  |
| Brewery, Distillery or Winery                               |       | C     | C    | C  | One (1) per 46.5 square metres of floor area  |
| Building, Landscape or Garden Supplies                      |       |       | C    | C  | One (1) per 46.5 square metres of floor area  |
| Bus Depot   |       | C     | P    | P  | One (1) per 46.5 square metres of floor area  |
| Car Wash  | C     | C     | P    | P  | Two (2) spaces, plus requirements of section 3.9  |
| Cheque-Cashing Facility                                     |       | C     | C    |    | One (1) per 46.5 square metres of floor area  |
| Childcare, Centre (see 8.1)                                 | C     | C     | C    | P  | One (1) per staff plus drop off and pick up area  |
| Club, Private (not licensed)                                | C     | P     | P    | P  | One (1) per 46.5 square metres of floor area  |
| College or University                                       |       | C     | C    |    | One (1) for every Four (4) employees and One (1) for every Four (4) students                |
| Commercial School   | C     | C     | C    |    | One (1) per classroom but not less than Ten (10)  |
| Community/Recreation Center                                 | C     | C     | P    | P  | One (1) per 46.5 square metres of floor area  |
| Conference Centre   |       |       | P    | P  | One (1) per 23.2 square metres of floor area  |
| Contractors' Establishment                                  | C(c)  |       | C(c) |    | One (1) per 93.0 square metres of floor area  |
| Drinking Establishment                                      | C     | P     | P    | P  | One (1) per 23.2 square metres of floor area  |



**Table 5.2 Commercial Zone Land Use Regulations and Parking**

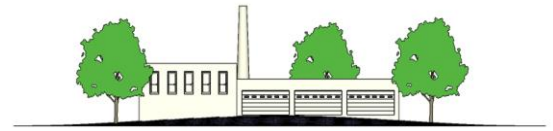
| LAND USE<br>Permitted = P<br>Conditional = C | ZONES |       |      |    | PARKING (a)  |
|--|-------|-------|------|----|--|
|  | C1    | C2(e) | C3   | C4 |  |
| Drive-Through Establishment (see 8.11)       | C     | P     | P    | P  | See section 3.9  |
| Dwelling, Multi Family (see 8.6)             | C (b) | C(b)  | C    |    | One and a Half (1.5) per dwelling unit (10% of which are unassigned visitor parking spaces)      |
| Dwelling Unit                                | P(b)  | P(b)  | C(b) |    | One (1) per space per dwelling unit  |
| Emergency Residential Shelter                |       | C     |      |    | At the discretion of the Development Officer   |
| Entertainment Facility                       |       | C     | P    | P  | One (1) per 46.5 square metres of floor area   |
| Farmers Market                               | C     | C     |      |    |  |
| Fleet Services                               | C     | P     | P    | P  | One (1) per 93.0 square metres not less than Two (2)   |
| Fuel Sales                                   | C     | C     | P    | P  | One (1) per every 278.7 square metres of floor area but not less than Two (2)                    |
| Funeral Chapel or Mortuary                   | C     | C     | P    | P  | One (1) per 46.5 square metres of floor area   |
| Gallery/Museum                               | C     | C     | P    | P  | One (1) per every 93.0 square metres of floor area but not less than Two (2)                     |
| Government Services                          | P     | P     | P    | P  | One (1) per 23.2 square metres of floor area   |
| Health Institute/Hospital                    | C     | C     | P    | P  | .75 parking spaces per bed   |
| Heavy Equipment Sales, Service and Rental    |       |       | P    | P  | One (1) per every 93.0 square metres of floor area. At the discretion of the Development Officer |
| Hotel or Motel                               | P     | P     | P    | P  | One (1) per unit   |
| Large Format Commercial                      |       | C     | P    | P  | One (1) per 46.5 square metres of floor area   |
| Library                                      |       | P     | P    | P  | One (1) per every 93.0 square metres of floor area but not less than Two (2)                     |
| Park/Playground                              | C     | C     | C    | C  |  |
| Parking, Structure                           | C     | P     | P    | P  |  |
| Parking, Surface Lot                         | C     | P     | P    | P  |  |
| Pawnshop                                     |       | C     | C    |    | One (1) per 46.5 square metres of floor area   |
| Personal Care Home                           | C     | P     | P    | P  | .75 parking space per bed  |
| Personal Services                            | P     | P     | P    | P  | One (1) per 46.5 square metres of floor area   |
| Place of Worship                             | P     | C     | P    | P  | One (1) per Five (5) seats in the principal seating area but no less than Ten (10) spaces        |



| Table 5.2 Commercial Zone Land Use Regulations and Parking |       |       |    |    |  |
|--|-------|-------|----|----|--|
| LAND USE<br>Permitted = P<br>Conditional = C               | ZONES |       |    |    | PARKING (a)  |
|  | C1    | C2(e) | C3 | C4 |  |
| Plaza / Square   | P     | P     | P  | P  |  |
| Postal/Carrier Depot                                       |       | C     | P  | P  | One (1) per 93.0 square metres of floor area but not less than Two (2)                                       |
| Professional Services                                      | P     | P     | P  | P  | One (1) per 46.5 square metres of floor area   |
| Protection and Emergency Services                          | P     | P     | P  | P  | One (1) per every 93.0 square metres of floor area but not less than Two (2)                                 |
| Radio / TV / Motion Picture Studio                         | C     | C     | P  | P  | One (1) per 46.5 square metres of floor area   |
| Recycling Collection Area                                  | P     | P     | P  | P  |  |
| Restaurant   | C     | P     | P  | P  | One (1) space for every Four (4) seats or One (1) per 23.2 square metres of floor area, whichever is greater |
| Retail Sales   | P(d)  | P     | P  | P  | One (1) per 46.5 square metres of floor area   |
| Sexually Oriented Business                                 |       | C     | C  | C  | One (1) per 46.5 square metres of floor area   |
| Shipping Container (see 8.12)                              |       | C     | C  |    |  |
| Sign (see 8.15)  |       |       |    |    |  |
| Vehicle Repair and Service                                 | C     | C     | P  | P  | One (1) per 46.5 square metres of floor area   |
| Vehicle Sales and Rental                                   | C     | P     | P  | P  | One (1) per every 93.0 square metres of floor area but not less than Two (2)                                 |
| Warehouse  |       |       | P  |    | One (1) per 46.5 square metres of floor area   |

**Table 5.2 Notes**

- a) Parking provisions must be in accordance with the standards and regulations discussed in PART 3.7 of this By-law.
- b) Must be located above first floor and be a minimum of 37.2 square metres in *floor area*.
- c) Compounds shall be completely enclosed by a 2.0 m in height solid screened fence with no material projecting above the fence. (see 5.3.3.(3))
- d) *Retail Sales* of liquor, beer, wine or cannabis products is a *conditional use* in the C1 zone.
- e) See 3.7.4



## 5.2 COMMERCIAL ZONE REGULATIONS

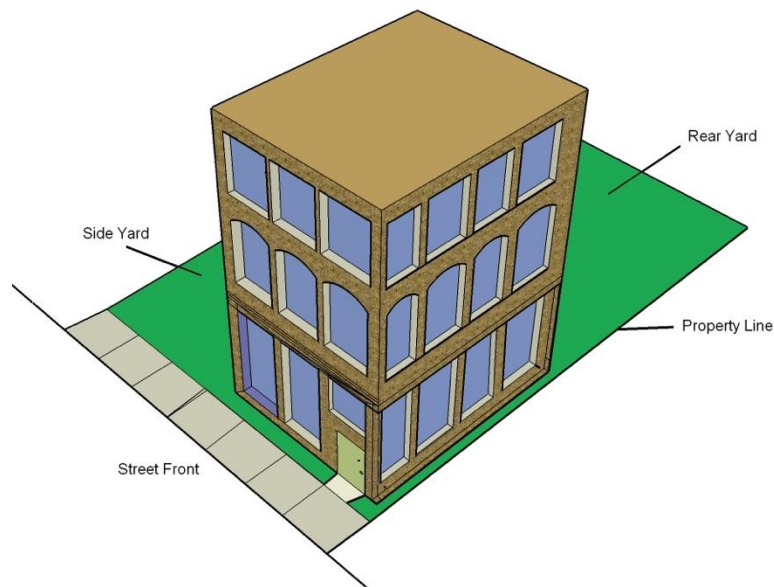
### 5.2.1 Multiple Buildings and Uses

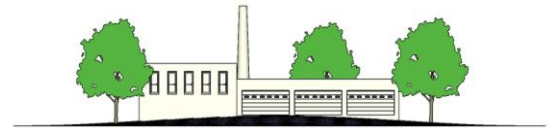
- a) More than one (1) *principal building* may be located on one (1) parcel provided that the *yard* requirements for each *building* are fulfilled without overlap with other *yards*.
- b) A multiple-unit *building* shall be considered one (1) *building* for the purposes of establishing *yard* requirements.
- c) A *Planned Unit Development* as approved by *Council* need not fulfill subsection 5.2.1 above.

### 5.2.2 Multi-Building Developments

Commercial or *institutional developments* containing more than one *principal building* on a single *parcel of land* must provide an unobstructed pathway or walkway between all *principal buildings* for persons with disabilities. The width of such a walkway or pathway will be no less than 0.9 metres.

Commercial  
Site layout:  
Yard illustration





## 5.3 COMMERCIAL ZONE DESIGN STANDARDS

### 5.3.1 Consistency of Design

*Buildings* in which the bulk of the gross *floor area* is dedicated to a commercial or *institutional use* must abide by the following standards:

- a) All sides of a *building* that are open to a public view of a public *street* (not including a back *lane*) must incorporate a similar level of architectural interest.
- b) A minimum of 10% of the *building* façade must be comprised of transparent materials i.e., glass windows and doors.

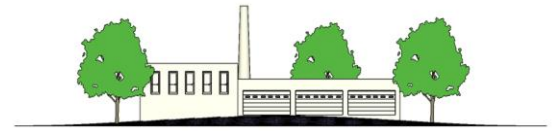
### 5.3.2 Bicycle Access

Each commercial or institutional establishment whose *floor area* exceeds 6,968 square metres must comply with the following standards:

- a) Bicycle routes may be provided between public cycle *lanes* and *onsite* parking areas. *Sites* should be designed so as to respect the intersection of different forms of transportation by avoiding or mitigating interaction between bicyclists/ motorists and bicyclists/ pedestrians.
- b) Bicycle parking racks are encouraged to be installed.

### 5.3.3 Landscaping

- (1) The garbage collection area of any commercial *use* shall be located at the rear of the *building* and will be visually screened from the back *lane* or any other thoroughfare.
- (2) When a commercial *use* is developed adjacent to a lot in a residential zone, or a lot in residential *use*, whether or not an existing *lane* or drainage way exists, a wall, berm, fence or dense vegetative screen with a minimum height of 2 metres at the time of installation or planting, and must be maintained at all times.
- (3) Barbed wire fencing may be permitted at the top of storage compound fences in the "C" Commercial Zones at the discretion of the *Development Officer*. No electric fence shall be allowed.

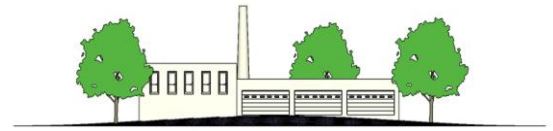


## 5.4 REGIONAL COMMERCIAL ZONE STANDARDS

In addition to the other requirements of this By-law, *large-format commercial* uses located in the Regional Commercial Zone will be carried out so as to provide for and maintain:

- (1) Protection of neighbouring properties against harmful effects of *uses* on the *development site*;
- (2) Convenient and safe access for fire-fighting and emergency rescue vehicles within the *development site* and in relation to adjacent *streets*;
- (3) Convenience and safety of vehicular and pedestrian movement within the *development site* and in relation to adjacent *streets*, properties or improvements;
- (4) Satisfactory methods of storm water management;
- (5) Satisfactory methods for storage, handling and disposal of sewage, refuse and other wastes resulting from the normal operations of the establishments on the *development site*;
- (6) Convenience and safety of off-*street* loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishments on the *development site*;
- (7) Adequate off-*street* parking and traffic mitigation measures that will enhance the efficiency of the transportation system;
- (8) Balanced and appealing relationship to the natural physical features of the land and to existing *buildings* in the vicinity of the *development site*;
- (9) Attractive and functional design with due regard to the existing conditions of the *development site* and the *use* thereof for large format independent commercial *uses* and related shopping center *uses*, in order to promote the interests of the community.
- (10) Service station fuel pumps shall be located a minimum of 4.6 metres from any *site line*.





#### 5.4.1 Site Plan Design Guidelines

Owing to their physical characteristic and the nature of their operations, a shopping center and *large format commercial uses* may affect neighbouring properties and adjacent sidewalks and *streets*. It is in the interest of the community to promote functional and aesthetic design, construction and maintenance of a *large format commercial use* or shopping center and to minimize any harmful affects on surrounding areas.

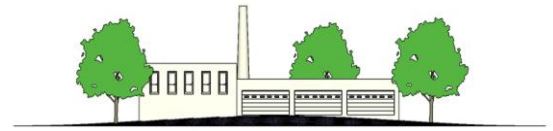
##### **Purpose:**

The provisions of this section are designed to assure that all *development* activities associated with a *large format commercial use* or shopping center will be carried out in furtherance of the purposes articulated in Section 5.4 above, taking into account the existing condition of the *development* area, the large-scale character of *developments*, the customary *site* layout of *large format commercial* and shopping center *uses* (hereinafter referred to as the "Design Constraints").

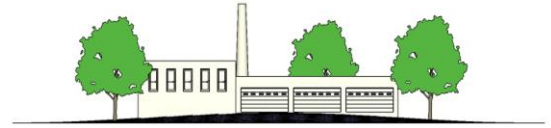
#### 5.4.2 Large Format Commercial Site Development Standards

- a) A reasonable effort shall be made to improve, conserve and protect natural features that are of some lasting benefit to the *site*, its environs and the community at large.
- b) Slopes which exceed ten percent (10%) shall be protected by appropriate measures against erosion, run-off, and unstable soil, trees and rocks. Measures shall be taken to stabilize the land surface from unnecessary disruption. Such stabilization measures shall be the responsibility of the property *owner*.
- c) The placement of *buildings, structures, fences, lighting and fixtures* on each *site* shall not interfere with traffic circulation, safety, appropriate *use* and enjoyment of adjacent properties.
- d) At any *driveway*, a visibility triangle shall be provided in which nothing shall be *erected, placed, planted or allowed to grow* so as to materially impede vision from within motor vehicles between a height of 0.9 metre and 2.4 metres above the average centerline *grades* of the intersecting *street* and *driveway*, said triangle being bounded by the intersection of the *street* line and the edges of a *driveway* and a line joining points along said lines 6.1 metres distant from their projected intersection.
- e) Adequate illumination shall be provided to parking lots and other areas for vehicular and pedestrian circulation. All illumination shall be directed and/or shielded so as not to interfere with traffic beyond the perimeter of the *site*.
- f) Exterior landscaping of a *large format commercial use* shall be subject to review in connection with the *Site Plan Review* process described herein.





- g)** A minimum of 10% landscaped *open space* is required.
- h)** All utility service transmission systems, including but not limited to water, sewer, natural gas, electrical and telephone lines, shall, whenever practicable, be placed underground. Electric, telephone, cable TV, and other such utilities shall be underground, except for transformers, electric switching boxes or similar equipment and gas metres, which may be above ground.
- i)** All surface water run-off from *structures* and impervious surfaces shall be managed *on-site*; but in no case shall surface water drainage be across sidewalks or public or private ways.
- j)** It is preferred that drainage systems be designed to minimize the discharge of pollutants by maximizing appropriately designed vegetated drainage channels and sedimentation basins that allow for adequate settling of suspended solids and maximum infiltration (with due regard to the Design Constraints). Dry wells, leaching pits and other similar drainage *structures* may be suggested by the City Director of Operations where other methods are not practicable. Subject to ambient surcharge conditions, it is preferred roof run-off be recharged to the ground via a system of dry wells and/or infiltration systems. It is preferred that non-toxic roof materials be used to minimize the leaching of toxic materials to the groundwater. It is preferred that all such drainage *structures* shall be preceded by oil, grease and sediment traps to facilitate removal of contaminants.
- k)** Drainage calculations shall be for the design storm as specified by the City Director of Operations.
- l)** The materials submitted shall include provision for an appropriate maintenance program for such drainage *structures* to be implemented and maintained by the proponent. The materials submitted shall show adequate measures to mitigate pollution of surface or groundwater to minimize erosion and sedimentation.
- m)** Drainage shall be designed to the specification of the City Director of Operations providing for staged release into the regional drainage system and ensuring neighbouring properties will not be adversely affected.
- n)** The materials submitted shall describe estimated average daily and peak hour vehicle trips to be generated by the *site* and traffic flow showing adequate access to and from the *site* and adequate circulation within the *site*. Reasonable efforts shall be made to provide vehicular and pedestrian connections within the development area to adjoining properties devoted to retail *use*.



# PART 6 INDUSTRIAL ZONES

## 6.1 TYPE AND INTENT OF INDUSTRIAL ZONES

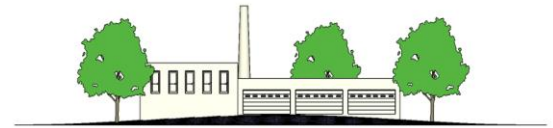
This By-law contains two types of industrial zones designed to allow appropriate locations for different types of industrial *uses* based on criteria defined below.

### **"M1" Light Industrial Zone**

This zone provides land for the *development of warehouse* and other low impact industrial *uses* that are deemed compatible with other nearby residential or commercial *uses*. Industrial *uses* are permitted which carry on their operations in such a manner that no nuisance factor is created or emitted. Contained or screened *outside storage* may be permitted.

### **"M2" Heavy Industrial Zone**

The intent of this zone is to provide land for the careful siting of a wide range of industrial *uses*, where certain obnoxious elements must be accepted as characteristic of their *use*. Where possible, such *uses* will be located as far as possible from residential and other zones to minimize detrimental effects of the industry on other land *uses*.



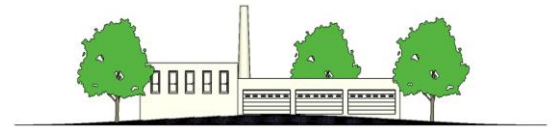
**Table 6.1 Industrial Zone Site Requirements**

(1) Sets forth the *bulk* requirements for *uses* in the Industrial Zones.

| Table 6.1 Industrial Zone Site Requirements |  |              |           |           |          |         |          |                      |                     |
|---|--|--------------|-----------|-----------|----------|---------|----------|----------------------|---------------------|
| Minimum Site Requirements                   |  |              |           |           |          |         |          | Maximum Requirements |                     |
| Zones                                       | Permitted Conditional Uses               | Site         |           | Yard      |          |         |          | Site Coverage        | Building Height (m) |
|   |  | Area (sq. m) | Width (m) | Front (m) | Side (m) |         | Rear (m) |                      |                     |
|   |  |              |           |           | Interior | Corner  |          |                      |                     |
| M1 (b)                                      | Accessory Building, Structure or Use (a) |              |           | 22.9      | 4.6      | 7.6     | 4.6      |                      | 9.1                 |
|   | M1 Uses                                  | 464.5        | 15.2      | 15.2      | 4.6      | 7.6 (c) | 4.6 (c)  | 60%                  | 15.2                |
| M2 (b)                                      | Accessory Building, Structure or Use (a) |              |           | 22.9      | 4.6      | 7.6     | 4.6      |                      | 9.1                 |
|   | M2 Uses                                  | 929          | 30.5      | 15.2      | 4.6      | 7.6 (c) | 4.6 (c)  | 60%                  | 30.5                |

**Table 6.1 Notes**

- a) Detached *accessory buildings* shall be located a minimum of 3.0 metres from the *principal building* on the *site*.
- b) Service station fuel pumps shall be located a minimum of 4.6 metres from any *site* line.
- c) See Section 3.3 when adjacent to residential zones.



**Table 6.2 Land Use Regulations and Parking**

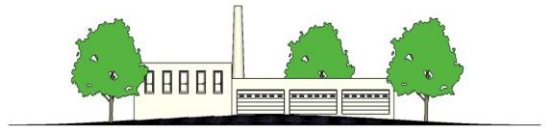
(1) Table 6.2 lists all *uses* that are:

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

All listed *uses* are subject to the provisions contained herein.

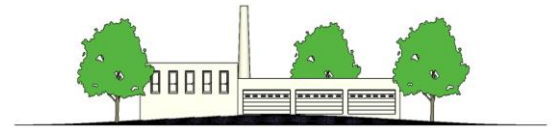
(2) Table 6.2 provides parking requirements for all Permitted and *Conditional Uses* in Industrial Zones. If the parking reference space is left blank for a *use*, it can be assumed that no parking requirements are needed.

| <b>Table 6.2 Industrial Land Use Regulations and Parking</b> |                     |    |  |
|--|---------------------|----|--|
| <b>LAND USE</b><br>Permitted = P<br>Conditional = C          | <b>ZONES</b>        |    | <b>PARKING (a)</b>   |
|  | M1                  | M2 |  |
| Accessory Building, Structure or Use                         | See 3.23 and Part 8 |    |  |
| Agriculture, Indoor (b)                                      | C                   | C  | At the discretion of the Development Officer   |
| Agricultural Industries                                      | C                   | P  | One (1) per every 93.0 square metres of floor area, at the discretion of the Development Officer |
| Agricultural Processing (b)                                  | C                   | P  | At the discretion of the Development Officer   |
| Amusement Enterprise, Indoor                                 | C                   |    | One (1) per 93.0 square metres of floor area   |
| Amusement Enterprise, Outdoor                                | P                   |    | At the discretion of the Development Officer   |
| Animal Day Care  | C                   | P  | One (1) per 93.0 square metres of floor area   |
| Animal Hospital or Veterinary Clinic                         | C                   | P  | One (1) per 93.0 square metres of floor area   |
| Animal Kennel  | C                   | P  | At the discretion of the Development Officer   |
| Animal Shelter   | C                   | P  | One (1) per 46.5 square metres of floor area   |
| Auction Room   | C                   | P  | One (1) per 46.5 square metres of floor area   |
| Auction Yard   | C                   | P  | One (1) per every 278.7 square metres of floor area but not less than Two (2)                    |
| Brewery, Distillery or Winery                                | C                   | C  | One (1) per 46.5 square metres of floor area   |
| Building, Landscape or Garden Supplies                       | P                   | P  | One (1) per 46.5 square metres of floor area   |
| Bulk Storage   | C                   | C  |  |
| Bus Depot  | P                   | C  | One (1) per 46.5 square metres of floor area   |
| Car Wash   | P                   | P  | Two (2) spaces, plus requirements of section 3.9   |
| College or University  | P                   | P  | One (1) per every Four (4) employees and One (1) for every Four (4) students                     |
| Contractor's Establishment                                   | P                   | C  | One (1) per every 93.0 square metres of floor area   |



**Table 6.2 Industrial Land Use Regulations and Parking**

| LAND USE<br>Permitted = P<br>Conditional = C | ZONES |    | PARKING (a)   |
|--|-------|----|---|
|  | M1    | M2 |   |
| Crematorium                                  | P     | P  | One (1) per every 37.2 square metres of floor area, at the discretion of the Development Officer            |
| Drive-Through Establishment (see 8.11)       | P     |    | See section 3.9   |
| Fleet Services                               | P     | P  | One (1) per 93.0 square metres not less than Two (2)  |
| Freight or Truck Yard                        | C     | P  | One (1) per every 93.0 square metres, at the discretion of the Development Officer                          |
| Fuel Sales                                   | P     | P  | One (1) per every 278.7 square metres of floor area but not less than Two (2)                               |
| Government Services                          | P     | P  | One (1) per 23.2 square metres of floor area  |
| Heavy Equipment Sales, Service and Rental    | P     | P  | One (1) per every 93.0 square metres of floor area, at the discretion of the Development Officer            |
| Hotel or Motel                               | C     |    | One (1) per unit  |
| Landscape/Garden Contractor or Production    | P     | P  | One (1) per every 93.0 square metres of floor area, at the discretion of the Development Officer            |
| Manufacturing, Heavy                         | C     | P  | One (1) every 93.0 square metres of floor area, at the discretion of the Development Officer                |
| Manufacturing, Light                         | P     | P  | One (1) every 93.0 square metres of floor area, at the discretion of the Development Officer                |
| Mini-Storage/Self-Storage                    | P     | C  | One (1) every 93.0 square metres of floor area  |
| Park / Playground                            | P     | P  |   |
| Parking, Structure                           | P     | P  |   |
| Parking, Surface Lot                         | P     | P  |   |
| Personal Services                            | P     | C  | One (1) every 46.5 square metres floor area   |
| Professional Services                        | P     | C  | One (1) every 46.5 square metres floor area   |
| Protection and Emergency Services            | P     | P  | One (1) every 93.0 square metres of floor area but not less than Two (2)                                    |
| Public Utility                               | P     | P  |   |
| Radio / TV / Motion Picture Studio           | P     | P  | One (1) per every 46.5 square meter of floor area   |
| Railway Yard                                 | P     | P  | At the discretion of the Development Officer  |
| Recycling Collection Depot                   | C     | P  | One (1) per 46.5 square metres of floor area  |
| Research Institution                         | P     | P  | One (1) per every 93.0 square metres of floor area, at the discretion of the Development Officer            |
| Restaurant                                   | C     | C  | One (1) space for every Four (4) seats or One (1) per 23.2 square metres of floor area whichever is greater |
| Shipping Container (see 8.12)                | C     | C  |   |



| <b>Table 6.2 Industrial Land Use Regulations and Parking</b> |              |    |  |
|--|--------------|----|--|
| <b>LAND USE</b><br>Permitted = P<br>Conditional = C          | <b>ZONES</b> |    | <b>PARKING (a)</b>   |
|  | M1           | M2 |  |
| Sign<br>(see 8.15)   |              |    |  |
| Towing and Storage Facility                                  | P            | P  | One (1) per 46.5 square metres of floor area                                 |
| Vehicle Repair and Service                                   | P            | P  | One (1) per 46.5 square metres of floor area                                 |
| Vehicle Sales and Rental                                     | P            | P  | One (1) per every 93.0 square metres of floor area but not less than Two (2) |
| Warehouse  | P            | P  | One (1) per every 46.5 square metres of floor area                           |
| Wholesaling  | P            | C  | One (1) per every 93.0 square metres of floor area                           |

**Table 6.2 Notes**

- (a) Parking provisions must be in accordance with the standards and regulations discussed in PART 3.7 of this By-law.
- (b) The cultivation and processing of cannabis products is a *conditional use*.

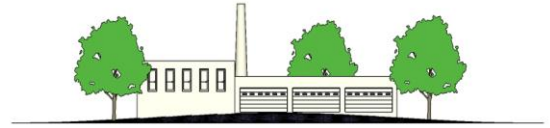
**Compliance of Uses**

The operation of all *uses* shall also comply with the environmental and public health standards of the Province of Manitoba. If the *Development Officer*, or otherwise designated employee, believes a proposed *use* may conflict with these standards, the application shall be referred to the appropriate department prior to the issuance of a *development permit*.

**6.2 INDUSTRIAL ZONE STANDARDS & REGULATIONS**

**6.2.1 Multiple Buildings and Uses**

- a) More than one (1) *principal building* may be located on one (1) parcel provided that the *yard* requirements for each *building* are fulfilled without overlap with other *yards*.
- b) A multiple-unit *building* shall be considered one (1) *building* for the purposes of establishing *yard* requirements.
- c) A *Planned Unit Development* as approved by *Council* need not fulfill subsection (a) and (b) above.



### 6.2.2 Landscaping Standards

- (1) The garbage collection area related to any industrial *use* shall be located at the rear of the *building* and will be visually screened from the back *lane* or any other thoroughfare.
- (2) Landscaping is required in the “M1” Light Industrial Zone, and a landscape plan must be submitted for consideration in any such *development* application.

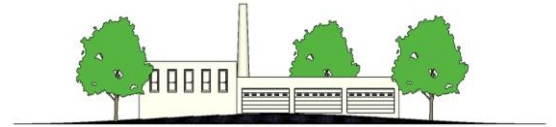
Landscaping refers to:

- a) *Street* frontages, except where there is access to *driveways*.
- b) *Rear* and *side yards* when an abutting *parcel of land* differs in *use* and/or intensity.
- c) Parking and loading areas
- d) *Building* perimeters

### 6.2.3 Outside Operations

When *outside storage* of goods and materials is required:

- a) The storage shall not project above the height of the fence; and
- b) In the M2 zone, the total area of outside operations is not to exceed 75% of the total *site area*;



# **PART 7** OPEN **SPACE/RECREATION & LIMITED AGRICULTURE ZONES**

## **7.1 TYPE AND INTENT OF OPEN SPACE/RECREATION AND LIMITED AGRICULTURE ZONES**

The following zones, defined below, provide space for recreational, *open space* and limited agriculture opportunities guided by the long term planning goals of Portage la Prairie.

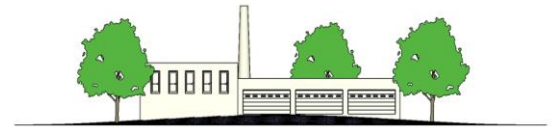
### **"OR" Open Space/Recreational Zone**

This zone is intended to provide for the development of educational, institutional, public recreational and public open space *uses*. *Uses* in this zone will contain active and passive recreation *uses* and will promote environmental stewardship and healthy ecosystem standards.

### **"AL" Limited Agriculture Zone**

This zone is intended to preserve open land anticipated to be required for future urban development. While the land is being held for development, only limited agriculture, natural or open space uses will be considered.





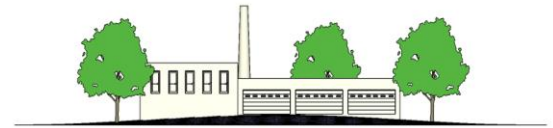
**Table 7.1 Open Space/Recreation and Limited Agriculture Zone Site Requirements**

- (1) Sets forth the *bulk* requirements for *uses* in the *Open Space/Recreation* and *Limited Agriculture* Zones.

| Table 7.1 Open Space/Recreation and Limited Agriculture Zone Site Requirements |  |              |           |           |          |        |          |                      |  |
|--|--|--------------|-----------|-----------|----------|--------|----------|----------------------|--|
| Minimum Site Requirements  |  |              |           |           |          |        |          | Maximum Requirements |  |
| Zones  | Permitted Conditional Uses               | Site         |           | Yard      |          |        |          | % Site Cover         | Building Height (m)                        |
|  |  | Area (sq. m) | Width (m) | Front (m) | Side (m) |        | Rear (m) |                      |  |
|  |  |              |           |           | Interior | Corner |          |                      |  |
| OR   | Accessory Building, Structure or Use (a) |              |           | 15.2      | 1.5      | 4.6    | 3.0      | 3.0                  | Not to exceed height of principle building |
|  | "OR" Uses                                | 1,858.1      | 30.5      | 9.1       | 4.6      | 4.6    | 6.1      |                      | 9.1  |
| AL   | Accessory Building, Structure or Use (a) |              |           | 22.9      | 7.6      | 7.6    | 3.0      | 3.0                  | Not to exceed height of principle building |
|  | "AL" Permitted Uses                      | 80,937.1     | 91.4      | 15.2      | 7.6      | 7.6    | 4.6      |                      | 13.7                                       |
|  | "AL" Conditional Uses                    | 10,117.1     | 45.7      | 10.7      | 4.6      | 4.6    | 4.6      |                      | 13.7                                       |

**Table 7.1 Notes**

- a) Detached *accessory buildings* shall be located a minimum of 3.0 metres from the *principal building* on the *site*.



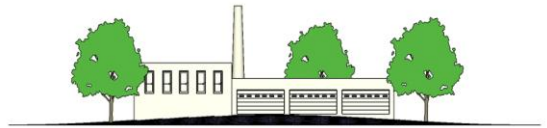
**Table 7.2 Open Space/Recreation and Limited Agriculture Land Use Regulations and Parking**

- (1) Table 7.2 lists all *uses* that are:
  - a) "P", Permitted; or
  - b) "C", Conditional in the *Open Space/Recreation* and Limited Agriculture Zones.

All listed *uses* are subject to the provisions contained herein.

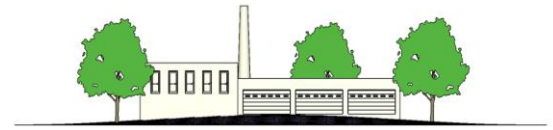
- (2) Table 7.2 provides parking requirements for all Permitted and *Conditional Uses* in *Open Space/Recreation* and Limited Agriculture Zones. If the parking reference space is left blank for a *use*, no parking requirements are needed.

| <b>Table 7.2 Open Space/Recreation and Limited Agriculture Land Use Regulations and Parking</b> |                     |      |  |
|---|---------------------|------|--|
| LAND USE<br>Permitted = P<br>Conditional = C  | ZONES               |      | PARKING (a)  |
|   | OR                  | AL   |  |
| Accessory Building, Structure or Use  | See 3.23 and Part 8 |      |  |
| Agriculture, General  |                     | P    | At the discretion of the Development Officer                                 |
| Agricultural Processing   |                     | C    | At the discretion of the Development Officer                                 |
| Agriculture, Specialized  | P                   | P    | At the discretion of the Development Officer                                 |
| Amusement Enterprise, Indoor  | P                   | C    | One (1) per 93.0 square metres of floor area                                 |
| Amusement Enterprise, Outdoor   | P                   | C    | At the discretion of the Development Officer                                 |
| Animal Hospital or Veterinary Clinic  | C                   | P    | One (1) per 93.0 square metre of floor area                                  |
| Animal, Kennel  | C                   | P    | At the discretion of the Development Officer                                 |
| Animal Shelter  | C                   | P    | At the discretion of the Development Officer                                 |
| Camping Grounds   | C                   | C    | At the discretion of the Development Officer                                 |
| Cemetery/Mausoleum  | P                   | C    | At the discretion of the Development Officer                                 |
| Community/Recreation Center   | C                   |      | One (1) per 46.5 square metres of floor area                                 |
| Conservation Area   | P                   | P    |  |
| Dwelling, Single Family (c)   |                     | C(c) | One (1) per dwelling unit  |
| Gallery/Museum  | P                   |      | One (1) per every 93.0 square metres of floor area but not less than Two (2) |
| Golf Course   | P                   | C    | At the discretion of the Development Officer                                 |



**Table 7.2 Open Space/Recreation and Limited Agriculture Land Use Regulations and Parking**

| LAND USE<br>Permitted = P<br>Conditional = C | ZONES |      | PARKING (a)  |
|--|-------|------|--|
|  | OR    | AL   |  |
| Government Services                          | P     | C    | One (1) per 23.2 square metres of floor area   |
| Health Institute/Hospital                    | C     |      | .75 parking spaces per bed   |
| Hotel or Motel                               | C(e)  |      | One (1) per unit   |
| Jail or Detention Centre                     | C     |      | One (1) for every 46.5 square metres   |
| Landscape/Garden Contractor or Production    | P     | P    | One (1) per every 93.0 square metres of floor area, at the discretion of the Development Officer                   |
| Library                                      | P     |      | One (1) per every 93.0 square metres of floor area but not less than Two (2)                                       |
| Park / Playground                            | P     | P    |  |
| Personal Care Home                           | C     |      | .75 parking spaces per bed   |
| Place of Worship                             | C     |      | One (1) per Five (5) seats in the principal seating area but no less than Ten (10) spaces                          |
| Protection and Emergency Services            | P     | C    | One (1) per every 93.0 square metres of floor area but not less than Two (2)                                       |
| Public Utility                               | P     | P    |  |
| Radio / TV / Motion Picture Studio           | C     | C(d) | One (1) for each 46.5 square metres of floor area  |
| Recycling Collection Area                    | C     | C    |  |
| Restaurant                                   | C(e)  |      | One (1) space for every Four (4) seats or One (1) per 23.2 square meters of gross floor area, whichever is greater |
| Retail Sales                                 | C(e)  |      | One (1) per 46.5 square meters of floor area   |
| School, Elementary or Junior High (see 8.9)  | P     | C(b) | One (1) per classroom plus Ten (10) additional spaces  |
| School, Senior High (see 8.10)               | P     | C(b) | Five (5) per classroom   |
| Sign (see 8.15)                              |       |      |  |



## Table 7.2 Notes

- a) Parking provisions must be in accordance with the standards and regulations discussed in PART 3.7 of this By-law.
- b) Shall be considered as a *conditional use* on land designated in the *Development Plan* as 'Urban Agriculture Area'.
- c) Shall only be allowed on an existing *parcel of land*.
- d) This use shall **not** be allowed on land designated in the *Development Plan* as "Agricultural Area".
- e) Shall be considered as a *conditional use* when demonstrated to complement and support an existing or planned recreation facility *use* on Island Park.

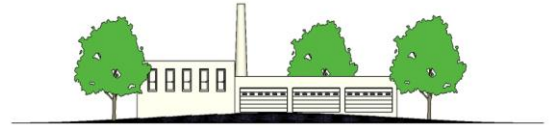
## 7.2 APPLICATION OF LIMITED AGRICULTURE

The primary intent of the Limited Agriculture zone is the preservation of areas of open land with limited development. In areas designated in the *Development Plan* as 'Urban Agriculture', the application of the Limited Agriculture zone will encourage the continued use of the land for limited agricultural and open space uses. In areas designated in the *Development Plan* as 'Urban Hold', the application of the Limited Agriculture zone will maintain large tracts of undeveloped land until they are ready to be rezoned for urban development.

## 7.3 LIMITED AGRICULTURE ZONE PRINCIPLES AND GUIDELINES

In areas designated in the *Development Plan* as 'Urban Hold', the following planning principles and development guidelines are designed to manage the conversion of Limited Agriculture lands for future urban development and discourage premature subdivision and development by:

- (1) providing for orderly transition of agricultural and *open space* lands to urban uses in areas planned for urban development;
- (2) deferring urban development until the City and other public service bodies can determine that adequate public facilities can be provided;
- (3) providing for the planned transition of agricultural and *open space* lands to urban uses and integration with the development and servicing of adjoining urban areas in a manner compatible with *Development Plan* Urban Policies; and
- (4) providing opportunities for periodic review to determine the timing of when Limited Agriculture lands should be re-zoned to another urban land *use* zone.



### 7.3.1 Urban Expansion Development Strategy

In areas designated in the *Development Plan* as 'Urban Hold', land zoned Limited Agriculture may only be considered for development following the submission of an Urban Expansion Development Strategy that identifies the land use components of future *development*. The Urban Expansion Development Strategy requires:

- a) Completion of a Development Agreement to include the efficient extension of transportation, water, waste-water, and land drainage services;
- b) Completion of subdivision process; and
- c) Approval of a map amendment to the City's Zoning By-law.



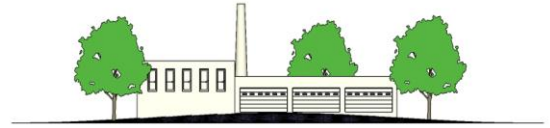
# PART 8 USE STANDARDS

Regardless of whether a use is allowed as a permitted or *conditional use*, or as an *accessory use*, and regardless of the zoning district in which the use is located, there may be additional standards that are applicable to the use, and the use must comply with such standards, except as authorized by this By-law or by a *Conditional Use* or *Variance Order*.

## 8.1 CHILDCARE, CENTRE

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

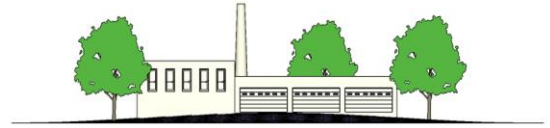
- (1) Each *childcare centre* must provide a drop-off/pick-up area to ensure the safety of persons and to ensure that vehicles dropping off or picking up do not interfere with smooth traffic flow on *adjacent public streets*.
- (2) All *childcare centres* must comply with provincial licensing.



## 8.2 CHILDCARE, HOME-BASED

In addition to the other requirements of this By-law, 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.

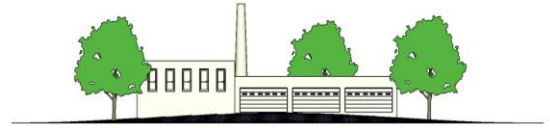


### 8.3 HOME OCCUPATION

In addition to the other requirements of this By-law, the following standards apply to *home occupations*, as defined in PART 1:

- (1) A *home occupation* may be carried on in a *dwelling unit* or *mobile home* (or its permitted *accessory building*).
- (2) The operators of the *home occupation* must be residents of the *dwelling unit* or *mobile home* (no employees are allowed);
- (3) A *home occupation* must be *accessory* to the use of the *dwelling unit* or *mobile home* and not exceed a maximum of 28 square metres;
- (4) There is no exterior storage of materials and no other exterior indication (other than permitted *signs*) of the *home occupation*, or *variation* of the residential character of the *principal* or *accessory* building except as provided for herein;
- (5) It is not offensive or obnoxious or creates a nuisance and cause the emission of odour, dust, smoke, noise, gas fumes, cinders, vibrations, refuse matter or water carried waste at or beyond any *site line*;
- (6) It does not cause the generation of undue traffic and congestion in the neighbourhood;
- (7) No *retail sales use* shall be permitted as a *home occupation*, except sales of a finished article, as provided in 8.3 (8) below;
- (8) No manufacturing, assembly or *repair* process shall be carried on in connection with the *home occupation*, except for the fabrication of handmade articles of clothing, arts or crafts.

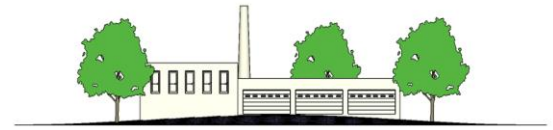




## 8.4 BED AND BREAKFAST

In addition to the other requirements of this By-law, the following *use* standards apply to all *bed and breakfast* establishments, as defined in PART 1:

- (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 unlit *business sign*, maximum 0.2 square meters is permitted. The words "*hotel*" and "*motel*" are not permitted.
- (4) The *Bed and Breakfast* facilities are for exclusive *use* of guests and residents.
- (5) A maximum of 20% of the *dwelling unit* shall be devoted to guest room accommodations, up to a maximum of 5 units.
- (6) Guest stays are limited to less than 7 days.
- (7) Meals shall be limited to occupants of the *dwelling* and resident guests, with no cooking allowed in guest rooms. Catering to social functions is not permitted.
- (8) Approved smoke alarms are required as per Manitoba Building Code.



## 8.5 MOBILE HOME AND MOBILE HOME PARK

### 8.5.1 Mobile Home

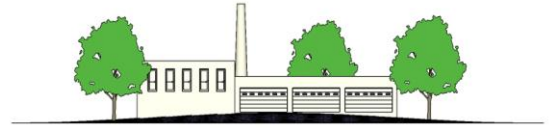
In addition to the other requirements of this By-law, the following standards apply to *mobile homes*, as defined in PART 1:

- (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) Not more than one (1) *mobile home* shall be permitted on one (1) registered space.
- (3) All *mobile home* units 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.
- (4) The maximum *site coverage* of each *mobile home* unit shall be 40%.
- (5) The minimum *dwelling unit floor area* of each *mobile home* unit shall be 74.3 square metres.
- (6) 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.
- (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.

### 8.5.2 Mobile Home Park

In addition to all standards applicable in the zone where the *use* is located, the following standards apply to *Mobile Home Parks*, as defined in PART 1:

- (1) *Mobile Home Parks* will require approval from City Council and are required to submit a plan drawn to scale and fully dimensioned, indicating:
  - a) landscaping, access, roads, *mobile home* spaces, buffers, storage compounds, refuse and garbage area, common recreational area, retention of surface run-off and parking; and
  - b) other information, as may be necessary to determine conformance with this By-law.
- (2) A *mobile home park* shall:
  - a) Contain a minimum area of 9,290 square metres and a minimum frontage of 67 metres.

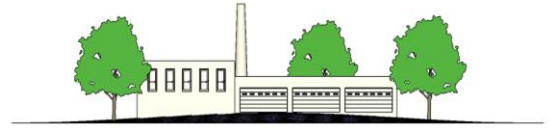


- b) Contain a minimum of ten (10) *mobile home* spaces.
- c) Have a maximum density of ten (10) *mobile home* spaces per acre.
- d) Provide one unassigned *parking space* for every 5 *mobile home* units.
- e) Contain a common recreational area of 55.7 square metres for each ten (10) *mobile home* spaces or fraction thereof (buffers cannot be considered as part of the recreational area).
- f) Have internal road right of ways a minimum of 12.2 metres in width and surfaced with concrete or asphalt to a minimum roadway width 7.6 metres.
- g) Maintain a landscaped buffer a minimum of 6.1 metres 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.

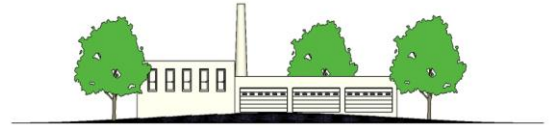
## 8.6 DWELLING, MULTIPLE FAMILY

In addition to the other requirements of this By-law, the following standards apply to *multi-family dwellings*, as defined in PART 1:

- (1) Where there are more than ten (10) *dwelling units* in a multi-family *dwelling*, a size of at least 10% of the lot area may be dedicated as open space.
- (2) Bicycle routes may be provided between public cycle *lanes* and on *site* parking areas. *Sites* should be designed so as to respect the intersection of different forms of transportation by avoiding or mitigating interaction between bicyclists/ motorists and bicyclists/ pedestrians. Bicycle parking racks may also be required.



- (3) Residential developments containing more than one *principal building* on a single *parcel of land* may provide an unobstructed pathway or walkway between all *principal buildings* for persons with disabilities. The width of such a walkway or pathway will be no less than 0.9 metres.
- (4) When the proposed development is located adjacent to a zone with a lower density residential *use*, the stepping down of *building* heights may be required in order to satisfy an appropriate transition in density.
- (5) A development application is required for a *multi-family dwelling* in the “R3” Zone. In addition to being in compliance with requirements (1) – (4) above, plans drawn to scale shall accompany the *development* application showing the following:
  - a) The exact shape and dimensions of the *zoning site* to be built upon, verified by an original surveyor's certificate, prepared by a Manitoba Land Surveyor, indicating the location of any existing *structures*, and where there is an existing *structure* on the adjoining *site*, the location of the nearest wall of said *structure*;
  - b) A *site plan* indicating the proposed *building* or *buildings* to be *erected* or *altered*;
  - c) The intended *use* of each *building* or part thereof, the number of *storeys* and gross *floor area*;
  - d) The location of entrance and loading points to existing and proposed *structures*;
  - e) The location of all curb cuts, *driveways*, parking areas, and loading areas, and the method of illumination;
  - f) The location and type of landscaping, walls, fences and screening;
  - g) Typical floor plans and elevations of proposed *buildings* and *structures*;
  - h) The number of *dwelling units* that a *building* is designed to accommodate;
  - i) The location of all outside facilities for waste disposal, and the location of fire hydrants;
  - j) All pedestrian walks and open areas for *use* by tenants or the public;
  - k) The location, size, height and orientation of all *signs* other than flat *signs* on *building* facades; and
  - l) The type of ground surfacing to be used at various locations.



## 8.7 SECONDARY SUITE

In addition to the other requirements of this By-law, the following use standards apply to *secondary suites*, as defined in PART 1:

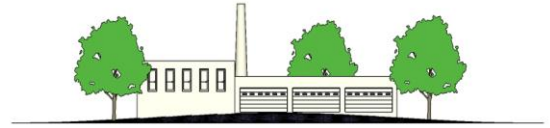
- (1) Shall comply with the Manitoba Building and Plumbing Codes.
- (2) Shall only be permitted on lots containing an *owner* occupied, *single-family dwelling* as the *principal use* and which have a minimum site area of 464.5 sqm.
- (3) Not more than one *secondary suite* shall be permitted per *site*.
- (4) Shall be no larger than 40% of the gross *floor area* of the *principle dwelling unit* or 75sqm (807 sq.ft.), whichever is less.
- (5) Shall have a *floor area* of no less than 37.5 sqm (403 sqft).
- (6) Shall contain its own access, kitchen, bathroom and a maximum of two (2) bedrooms.
- (7) In addition to required parking for the *principle use*, one (1) additional *parking space* dedicated for the *secondary suite* shall be provided.
- (8) Where an attached *secondary suite* has an exterior entrance that is separate from the *principle dwelling*, the entrance shall only be located on a side or rear wall of the *principle dwelling*. No separate, *street-facing* entrance is allowed, unless the existing *principle dwelling* contains an additional *street-facing* entrance prior to *secondary suite* creation.
- (9) A *secondary suite* above a detached garage is allowed only if the *secondary suite* has a separate entrance other than the vehicle entrance.
- (10) When a *secondary suite* is proposed to be located above a detached garage, the garage shall only be located equal to or greater than the minimum *front yard setback* for the zone it is in.
- (11) Where a *secondary suite* is proposed to be located above a detached garage, the minimum *rear yard* shall be 1.5m, *side yard* shall be 1.5m on an interior *yard* and 3.6m on a corner lot and 3m from the *principle dwelling*.
- (12) *Secondary suites* shall not be separated from the *principle dwelling* through a subdivision.



## 8.8 PRIVATE SWIMMING POOLS AND HOT TUBS

In addition to the other requirements of this By-law, the following 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 .6m:

- (1) Outdoor pools and hot tubs shall comply with *yard* requirements for *accessory buildings* and *uses* as set forth in the applicable *Bulk Table* for the zone which it is located. In no case shall an outdoor pool or hot tub be located closer than 1.5 metres 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 50 mm 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 1.8 metres and a maximum height of 2.4 metres, 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*;
- (3) Notwithstanding the provisions of the applicable *Bulk Table*, open decks and open stairways associated with outdoor pools or hot tubs may project into the required side or *rear yards* not more than 0.6 metres, providing the pool is at least 1.8 metres from the main building.
- (4) 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.
- (5) Hot tubs are exempt from subsection 8.11 (3) above as long as they comply with the Manitoba Building Code.



## 8.9 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 spaces* 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*.

## 8.10 SCHOOL, SENIOR HIGH

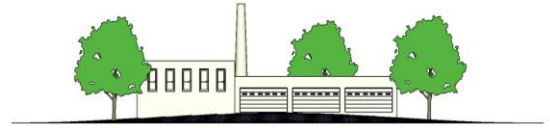
In addition to the other requirements of this By-law, each *senior high school* must provide enough *stacking space* for the *loading* and unloading of passengers to accommodate three (3) *school buses* and three (3) passenger vehicles. Such *stacking spaces* may be located within the required *front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

## 8.11 DRIVE-THROUGH ESTABLISHMENT

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 lane*.
- (2) No *drive-through use* may be located on a *lot or site adjacent to a lot* containing a residential use unless the *drive-through facility* is separated from the residential use by an intervening *building, public lane, or public street*.
- (3) No portion of a *drive-through use* may be located in a required *front yard*.
- (4) *Drive-through uses* shall comply with the *stacking space* requirements in Section 3.9:



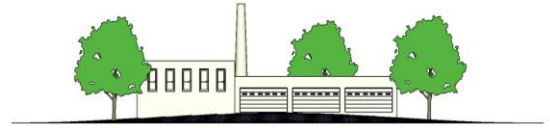


## 8.12 SHIPPING CONTAINER

In addition to the other requirements of this By-law the following standards apply to the storage or use of *shipping containers*, as defined in PART 1:

- (1) *Shipping containers* shall be prohibited in all districts except the C2, C3, M1 and M2 zones.
- (2) *Shipping containers* shall be properly anchored and maintained in good *repair*.
- (3) *Shipping containers* shall be appropriately screened from view from all Residential zones.
- (4) *Shipping containers* shall be located in the side or *rear yard* only. They shall not project beyond the *building* front line of the principle *building*.
- (5) *Shipping containers* shall be prohibited for *use* as human habitation.
- (6) *Shipping containers* 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 zone:
  - 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 extension of up to ten (10) days for large-scale projects.
  - c) A *shipping container* having a maximum, height of 3m and a maximum length of 6m shall be permitted.
- (8) When placed on a *site* pursuant to subsection 8.12 (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 1.2 metres of the interior edge of a sidewalk.
- (9) The maximum number of *shipping containers* may be four (4) per property.
- (10) *Shipping containers* shall not be stacked.
- (11) No *shipping containers* may exceed 3 metres in height, 2.5 metres in width and 15.25 metres in length.





## 8.13 PRIVATE COMMUNICATIONS FACILITIES

A *private communications facility* may be allowed as an *accessory use* in accordance with the minimum *yard* requirements for *accessory structures* in the zone in which it is to be located or *erected*, with the following exceptions:

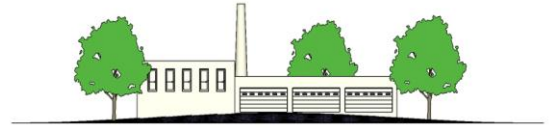
- (1) A private communications facility is not subject to the height requirements for *accessory structures*;
- (2) A private communications facility may be located in any rear or *side yard* in any zone. It may also be located in any *front yard* in the AL and RR zones;
- (3) A private communications facility shall be set back from all property lines of the *site* on which it is located a minimum distance equal to its total height, measured from *grade* to the uppermost point of its extension;
- (4) A private communications facility may be located on the roof of a building; however if it is located on the roof of a building in the AL or RR Zones, the weight (including all support apparatus) shall not exceed 35 kilograms.

## 8.14 RENEWABLE ENERGY GENERATING SYSTEMS

In addition to the other requirements of this By-law, *small wind energy generating systems* and *solar collectors* shall be allowed in all zones where *structures* of any sort are allowed, subject to certain-requirements as set forth below:

### **8.14.1 Small Wind Energy Generating Systems**

- (1) ***Wind Turbine Tower Height***: For free-standing 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 4.5 meters above the roof or top of the parapet, whichever is greater.



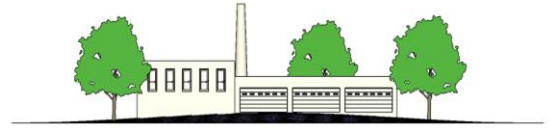
- (2) **Set-back:** For freestanding towers, the turbine base shall be no closer to the property line than one and a half times (1.5) the height of the *wind turbine* tower, and no part of the wind system *structure*, including guy wire anchors, may extend closer than three (3) m (10 ft) to the property boundaries of the installation *site*. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of 2 m (6 ft) 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 6 meters from the front building line, or in the case of *corner sites*, at least 4.5 meters 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 22 mph (10 m/s) 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 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 International Building Code:** 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 *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 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 consecutive months the *owner* shall be notified that they must, within six 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-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.

### **8.14.2 Solar Collectors**

- (1) A roof or wall-mounted solar collector (total square footage) shall not exceed that of the *principal structure*.
- (2) A solar collector mounted on a roof with a pitch of less than a 4:12, may project a maximum of 2.0 metres from the surface of the roof.
- (3) A solar collector mounted on a roof with a pitch of 4:12 or greater:
  - a) may project a maximum of 1.3 metres from the surface of the roof; and
  - b) must not extend beyond the outermost edge of the roof.
- (4) A solar collector that is mounted on a wall:
  - a) must be located a minimum of 2.4 metres above *grade*; and
  - b) may project a maximum of 0.6 metres from the surface of that wall.
- (5) 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.

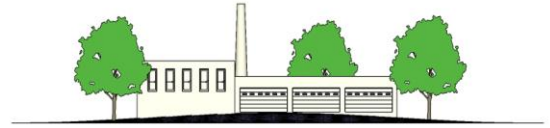


- (6) In the residential zones no *owner*, occupier or person in control of property shall allow vegetation or *structures* to be placed or planted so as to cast a shadow on a solar collector which is greater than the shadow cast by a hypothetical wall ten (10) feet high located along the boundary line of said property between the hours of 9:30 a.m. and 2:30 p.m. Central Standard Time on December 21<sup>st</sup> provided, however, 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.
- (7) As a means of evidencing existing conditions, the *owner* of a solar collector may file notarized photographs of the effected area with the *Development Officer* prior to installation of said collector.

## 8.15 SIGNS

### 8.15.1 General Signage Standards

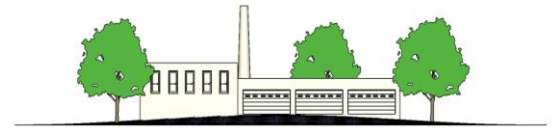
- (1) No *signs* or *sign structures* shall be *erected* at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic *sign*, signal or device, or any highway or *street* intersection or railroad *grade* crossing.
- (2) No rotating beam or beam shall be used in connection with any *sign* display; nor shall any flashing illumination resembling an emergency light be used for such purposes.
- (3) *Reader Board signs* and other *flashing signs* may be allowed as *Conditional Uses* in any Commercial, Industrial and Public, *Open Space* Zone. In any event, no *flashing sign* shall be permitted within 91.5 metres of any residential zone.
- (4) In areas adjacent to residential boundaries, *free-standing signs* shall not obstruct the light to or view from a window of a habitable room.
- (5) All *signs* which, in the opinion of *Development Officer*, may create an unsafe or dangerous condition for the passage of vehicles or pedestrians shall have a minimum vertical clearance of 2.4 metres above *grade*.



- (6) All *signs* and *sign structures* shall be kept in *repair* and in a 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 despite a formal issuance by the City of Portage la Prairie to do so, may be removed by the city at the *owner's* expense after a period of thirty (30) days.
- (7) No *sign* or portion thereof shall extend beyond the limits of the *site* on which it is located.
- (8) No *sign* shall be placed on, encroach or overhang any municipal road allowance except by the agreement with the City of Portage la Prairie.
- (9) 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 authority.
- (10) *Mobile signs* shall:
- a) not be permitted on public property unless otherwise approved by the City of Portage la Prairie or its agents.
  - b) not be located within 3.0 metres measured from the nearest part of any exit, entrance, *driveway* or corner of property *site* lines.
  - c) be a minimum distance of 6.0 metres *from any other mobile signs* at all times.
  - d) Require A *mobile sign* permit, issued by the Portage la Prairie Planning District, before placing of any *mobile sign*.
- (11) Sandwich Board *Signs* may be placed on City Sidewalks as follows:
- a) shall be permitted on sidewalks only, adjacent to the curb;
  - b) at an intersecting *street*, shall be located a minimum of five (5) metres from the intersection;
  - d) shall not be located in such a manner as to interfere with the movement of pedestrian traffic;
  - e) shall be weighted at the bottom to prevent the wind from blowing them over;
  - f) shall not be secured to parking meter posts or interfere with a motorist's access to the parking meter;
  - g) shall not interfere with the visibility of any traffic regulatory *sign*;
  - h) may be constructed of wood, metal or plastic;
  - i) shall be maintained to an acceptable standard at all times.

Any *non-conforming* sandwich board *signs* will be removed.





### 8.15.2 Exceptions

The following *signs* shall not be subject to the provisions of this By-law except as otherwise stated herein:

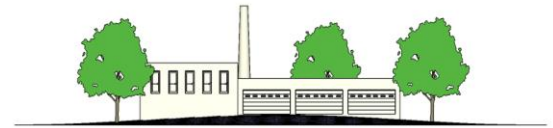
- (1) *Signs* of a duly constituted government department including traffic *signs* and control devices, parking area and directional *signs*, legal notices, danger and emergency *signs*, and;
- (2) Flags or emblems of a political, civic, educational or religious organization.
- (3) *Temporary signs* as may be authorized by *Council*.
- (4) "No Trespassing" or *identification signs* not exceeding 0.3 square metres.
- (5) Construction *signs* when placed on construction *sites* and not exceeding 2.3 square metres.
- (6) *Signs* required for direction and convenience of the public including *signs* which identify rest rooms or parking entrance or exit, not exceeding 0.5 square metres in area.
- (7) Real estate *signs* not exceeding 0.9 square metres which advertise the sale, rental or lease of a *building, structure, site*, or part thereof.
- (8) *Signs* required by law, governmental order or regulation.
- (9) Commemorative or memorial *signs* or tablets.
- (10) Community Group *Signs*, as allowed per City of Portage la Prairie Policy.

### 8.15.3 Signage Maximums




- (1) **Commercial and Industrial Zones:** A maximum of two (2) *signs* per business. Where the *development* is a multi-tenant building, one (1) additional *sign* is permitted for each business.
- (2) **Open Space/Recreation and Limited Agriculture Zones:** A maximum of two (2) *signs* per business or address.
- (3) **Residential Zones:** A maximum of one (1) *sign* per residential use, plus one (1) additional sign for a permitted *home occupation*. A maximum of (2) *signs* for permitted non-residential uses.

### 8.15.4 Signage Specifications

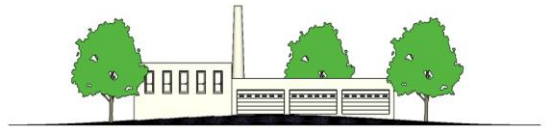
Signage shall be permitted as *accessory* to permitted and *conditional uses* in accordance with the specifications outline in Table 8-1:






**Table 8-1: Signage Specifications**

| SIGN TYPE   | SPECIFICATIONS  | ZONES PERMITTED                       |
|---|---|---------------------------------------|
|  <p><b>Facia/Wall (Small)</b></p>  | <p><u>Max. Surface Area:</u> 0.2 square meters</p> <p><u>Max. Height:</u> Height of wall mounted on</p>   | <p>All Zones</p>                      |
|  <p><b>Facia/Wall (Large)</b></p> | <p><u>Max. Surface Area:</u> 25% of building face, except in AL and OR zones the max. is 38 square meters.</p> <p><u>Max. Height:</u> Height of wall mounted on</p> | <p>OR, AL, M1, M2, C1, C2, C3, C4</p> |
|  <p><b>Bulletin Board</b></p>    | <p><u>Max. Surface Area:</u> 0.5 square meters</p> <p><u>Max. Depth:</u> 12 cm</p> <p><u>Min. Clearance:</u> 1.2 meters</p>   | <p>All Zones</p>                      |





| SIGN TYPE   | SPECIFICATIONS  | ZONES PERMITTED                           |
|---|---|---|
|  <p><b>Freestanding (small)</b></p>  | <p><u>Max. Surface Area:</u> 0.5 square meters per side</p> <p><u>Max. Height:</u> 2.4 meters above the ground</p>  | <p>R3, C1, C2, C3, C4, M1, M2, OR, AL</p> |
|  <p><b>Freestanding (large)</b></p> | <p><u>Max. Surface Area:</u> 23.22 square meters, except in the C4 zone, the max. is 30.0 square meters per side, exclusive of <i>structures</i> holding the <i>sign</i>.</p> <p><u>Max. Height:</u> 7.5 meters above the ground in C1-C3 zones; 13.7 meters in C4, M1 and M2 zones</p> <p><u>Min. Clearance:</u> 2.4 meters below <i>sign</i> face</p>                       | <p>M1, M2, C1, C2, C3, C4</p>             |
|  <p><b>Mobile</b></p>              | <p><u>Max. Quantity:</u> 1 per <i>site</i>, or a max. of 3 where there are 3 or more uses on the same <i>site</i>.</p> <p>Max. Surface Area: 3.0 square meters</p> <p>Not to exceed 90 consecutive days on the same <i>site</i>. No mobile <i>sign</i> shall be permitted thereafter until 30 consecutive days has expired.</p> <p>Conditions: See subsection 8.15.1 (10)</p> | <p>C1, C2, C3, C4, M1, M2, OR, AL</p>     |

**Table 8-1 Notes:**

- a) All *signs* shall be *setback* a minimum of 1.5 meters from property lines
- b) When located on corner *sites*, there may be one (1) *facia/wall* business *sign* per *street-facing* wall

***APPENDIX – ZONING MAPS***

This By-law contains seven Zoning Maps