

Rural Municipality

of

Rosser

CentrePort

Zoning By-law 10-14

RURAL MUNICIPALITY OF ROSSER

By-law No. 10-14

BEING a By-law to regulate the use and development of the land within the Rural Municipality of Rosser CentrePort Area

WHEREAS Section 68 of *The Planning Act*, S.M. 2005, c.30 – Cap. P80 provides as follows:

“Unless the municipality is part of a planning district that has adopted a district-wide zoning by-law under section 69, a municipal council must adopt a zoning by-law that is generally consistent with the development plan by-law and any secondary plan by-law in effect in the municipality.”

AND WHEREAS the Rural Municipality of Rosser is a member of the South Interlake Planning District;

AND WHEREAS South Interlake Planning District Board adopted a Development Plan By-law No. 3-10 on July 26th, 2011;

AND WHEREAS South Interlake Planning District requested an amendment to the Development Plan By-law No. 3-10 under Section 58 of *The Planning Act*, S.M. 2005 c 30 – Cap. P80:

“58(1) A board or council may apply to the minister to make a minor amendment to the development plan by-law, or amend the by-law to correct an error or omission, without complying with section 57. The application must include a copy of the proposed amendment.

58(2) The minister may give the board or council written authorization to amend the development plan by-law without giving public notice, holding a hearing or submitting the amendment to the minister for approval, subject to any conditions set out in the authorization, if the minister is satisfied that

(a) the proposed amendment is a minor one that does not change the intent of the Development plan; or

(b) the proposed amendment is required to correct an error or omission.”;

AND WHEREAS the Minister of Local Government authorized under clause 58(2) (b) of *The Planning Act*, a minor amendment to South Interlake Planning District Development Plan By-law No. 3/10 providing the following:

“CentrePort: Until such time as a planning and development framework for CentrePort Canada has been established, the policies and guidelines set out in Provincial Planning Regulation Man. Reg. 81/2011 apply to any proposed development on the CentrePort lands. In order to be approved, a proposed development must be consistent with the

vision of CentrePort as a transportation, trade, manufacturing, distribution, warehousing and logistics centre.”

NOW THEREFORE the Council of The Rural Municipality of Rosser in open council assembled enacts as follows:

1. That the Zoning document, attached hereto and forming part of this By-law, is hereby adopted.
2. That the Zoning By-law shall take force and effect on the date of third reading of this By-law.
3. That upon final passing of this By-law the Rural Municipality of Rosser Zoning By-law No. 4-85 is repealed for the Rosser CentrePort Phase 1 Stage 1A Area.

DONE AND PASSED as a by-law of The Rural Municipality of Rosser at 0 077E PR 221, Rosser in the Province of Manitoba this 8th day of September, A.D. 2015.

Reeve
Frances Smee

Chief Administrative Officer
Beverley Wells

Read a first time this 24th day of June, A.D. 2014.
Read a second time this 21st day of April, A.D. 2015.
Read a third time this 8th day of September, A.D. 2015.

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Part I – ADMINISTRATION

1. Title

This Zoning By-law (By-law) will be known as the “Rural Municipality of Rosser CentrePort Area Zoning By-law.”

2. Area

This By-law shall apply to the CentrePort properties as identified upon Maps 2 in Appendix A to this By-law.

3. Intent and Purpose

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

- (1) Implement the objectives and policies of any Development Plan that may be in effect for the CentrePort area within the Rural Municipality (RM) of Rosser;
- (2) Define the powers and duties of the *Board*, *Council* and the *Designated Officer*; and
- (3) Regulate the following:
 - a) All buildings and structures erected hereafter;
 - b) All uses or changes in use of all buildings, structures and land established hereafter;
 - c) All structural alterations or relocations of *Existing* buildings and structures occurring hereafter;
 - d) All enlargements or additions to *Existing* buildings, structures and uses; and
 - e) The change of use of land, buildings or structures.

4. Responsible Authority

The Authority responsible for enactment of this By-law shall be the *Council* of the Rural Municipality of Rosser (*Municipality*), in accordance with *The Planning Act* (the *Act*), and as limited by the Winnipeg International Airport Zoning Regulation SOR/81-708 and applicable federal acts and regulations.

5. Responsibilities

- (1) *Council*
 - a) Subject to the provisions of the *Act*, the Rural Municipality of Rosser *Council* (*Council*) is responsible for:
 - b) The enactment of this By-law;
 - c) Administering and enforcing those provisions of the *Act*, where applicable; and
 - d) Considering the adoption of proposed amendments or the repeal of this By-law.
- (2) *Planning District Board*

Subject to the provisions of the *Act*, the South Interlake *Planning District Board* (*Board*) is responsible for:

 - a) the adoption, administration and enforcement of an applicable development plan;
 - b) the administration and enforcement of:
 - (i) this By-law;
 - (ii) any applicable secondary plan by-law in force in the *Planning District*,

- (iii) the building by-laws of the *Municipality*, and
 - (iv) the by-laws of the *Municipality* dealing with minimum standards of maintenance and occupancy of buildings.
- (3) *Designated Officer*
 Subject to the provisions of the *Act*, the *Designated Officer* is responsible for:
 - a) Issuing *Development Permits* where *Development* of land, buildings or structures conforms to an adopted Development Plan and this By-law and amendments thereto;
 - b) Deferring approval of an application for a *Development Permit*:
 - (i) As provided for in the *Act*;
 - (ii) Which may result in a violation of this By-law or any by-law of the *Municipality*; or
 - (iii) To any person who has failed to pay any fees due and owing to the *Municipality* under this By-law.
 - c) Entering land or a building to conduct inspection to determine if a person is complying with any of the following:
 - (i) A by-law adopted under the *Act* that the *Planning District* or *Municipality* is authorized to enforce; and
 - (ii) The terms or conditions of a permit, approval or order made or issued under the *Act*,
 - d) Taking any action authorized under the *Act* or a by-law to enforce or remedy a contravention to the aforementioned; and
 - e) Issuing zoning memoranda or such other documents necessary for the administration and enforcement of this By-law.
- (4) *Planning Advisory Committee*
 Planning Advisory Committees may be established in accordance with the *Act*.
- (5) *Owner*
 - a) Neither the granting of a *Development Permit* nor the approval of plans and specifications nor the inspections made by the *Designated Officer* shall in any way relieve the *Owner* of the responsibility of complying with this By-law and any applicable federal and provincial regulations.
 - b) Every *Owner* shall permit the *Designated 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 said *Designated Officer* in the discharge of his or her duties under this By-law.
 - c) Every *Owner* shall be responsible for ensuring tenant occupancy is in compliance with this By-law.

6. Amendment

- (1) An amendment to this By-law may be initiated by the *Board* or *Council*, or by the *Owner* of the affected property, or a person authorized in writing by the *Owner*, through an application and payment of fees to the *Planning District*, in accordance with the *Act*.
- (2) An application for an amendment to this By-law may be refused, if in the opinion of *Council*:
 - a) It is without merit;
 - b) The proposed amendment is not generally consistent with the development

- plan; or
- c) It is the same or substantially similar to an earlier application that was refused within one year before the day when the new application is made.

7. Development Agreements

As a condition of making an amendment to this By-law or approving a subdivision of land, the *Board* or *Council* shall require the *Owner* of the affected property to enter into a development agreement with the *Municipality* in respect of the affected property and any contiguous land owned or leased by the *Owner* in accordance with the *Act*.

8. Development Permits

(1) Compliance

No *Development Permit* shall be issued, except for buildings, structures and uses that are in compliance with this By-law or as provided for by variance order in accordance with the *Act*.

(2) Permit Required

An approved *Development Permit* is required for the following:

- a) Erection or *Construction* or placement of any building or structure;
- b) Addition, extension, structural alteration or conversion of any building or structure;
- c) Relocation or removal or demolition of any building or structure;
- d) Use of vacant land, buildings or structures; or
- e) Change of use of land, buildings or structures.

(3) Permit Not Required

An approved *Development Permit* shall not be required for the following:

- a) General landscaping such as planting of trees, shrubs, flowers and other vegetation;
- b) Municipal operations for the maintenance or improvement of public works, including the inspection, repair or renewal thereof;
- c) Municipal operations for the purpose of inspecting, repairing or renewing any main, pipe, cable, power links, poles or other conduit;
- d) Municipal operations for the maintenance or repair of any building or structure; and
- e) Signs as listed below:
 - Awnings with signage incorporated into the design;
 - Construction signs less than 25 feet² (2.3 m²), when placed on *Construction* sites for less than 2 month intervals;
 - *Direction Signs* less than 5 feet² (0.5 m²), including signs to identify rest rooms, parking entrances or exits or the like;
 - Flags or emblems of a civic, educational, political or religious organization;
 - Historical plaques or markers authorized by *Council*;
 - Signs posted by public authorities in the performance of public duties;
 - "No Trespassing" signs less than 12 feet² (1.1 m²);
 - Real estate signs less than 50 feet² (4.7 m²); and
 - Temporary signs authorized by *Council* for less than 2 month intervals.

(4) Permit Application

Applications for a *Development Permit* shall include:

- a) A current certificate of title (dated within 30 days), and pertinent caveats on title;
- b) A plan, drawn at a scale acceptable to the *Designated Officer*, showing:
 - Shape and dimensions of the site to be built upon;
 - *Frontage* and access onto a developed *Public Road*;
 - Location and dimensions of *Existing* and proposed buildings and structures;
 - Location and dimensions of *Parking* and *Loading Spaces*, entrances and exits, exterior light standards, fences and free-standing signs;
 - Identification of tenant units, if applicable; and
 - Statement of proposed use(s) of buildings and structures.
- c) Detailed written description of proposed use to ensure compliance with this By-law.
- d) Comment and approval from NAV Canada, Winnipeg Airports Authority and Transport Canada where applicable. See General Provisions – Winnipeg James Armstrong Richardson International Airport.
- e) Proof of sustainable development measures totaling a minimum of 5 points, in accordance with Table 3 – Sustainable Development Standards; and
- f) Other information deemed necessary by the *Designated Officer* including, but not limited to:
 - A Building Location Certificate prepared by a Manitoba Land Surveyor; and
 - A Drainage Plan prepared by a qualified professional engineer.
- g) Applications for a *Billboard* to be erected in view of a highway or within 328 feet (100 m) of an intersection, rail crossing or pedestrian crossing shall include an analysis by a transportation engineer to demonstrate that the *Billboard* will not negatively impact the safe operation of the intersection, rail crossing or pedestrian crossing.

(5) Permit Applications in Proximity to *Airport*

Permit applications affecting lands in proximity to the *Airport* shall be circulated to NAV Canada, Transport Canada and the Winnipeg Airports Authority for review and comment prior to issuance. See Part 3 – General Provisions (3.18).

(6) Permit Issued Prior to Adoption of this By-law

- a) *Development Permits* or other permits issued prior to the effective date of this By-law shall be considered valid for the purpose of this By-law, subject to compliance with all conditions under which the permit was issued.
- b) Any building or structure or portion thereof that is not completed or in full operation prior to the effective date of this By-law, and which is not a permitted use under this By-law, may be completed and operated for the use for which it was designed, if it comes into full operation within 1 year of date of adoption, and shall be subject to the provisions for non-conforming uses in this By-law and the *Act*.

PART I - ADMINISTRATION

(7) Other Permits and Licenses

It is the applicant/*Owner's* responsibility to obtain all necessary permits, licenses and approvals relating to the building and site from the proper authorities, including but not limited to: electrical, plumbing, occupancy, sewer and water, lot grade, signage, blasting, and any other approvals, licences and permits, as may be required to comply with applicable municipal, provincial and federal regulations.

(8) Work Other than Approved in a *Development Permit*

No person shall use, occupy, erect, locate, reconstruct or structurally alter any land, building or structure contrary to any *Development Permit* or the material furnished in support of the application for a *Development Permit*, unless said work is fully reviewed and authorized in writing by the *Designated Officer*.

9. Enforcement and Violations

(1) The enforcement of this By-law shall be in accordance with the *Act* and the *Municipality* Enforcement By-law.

(2) Previous violations

An *Existing* building, structure or use which was illegal under the provisions of any planning scheme or zoning by-law in force on the effective date of this By-law and amendments thereto shall not become or be made legal solely by reason of the adoption of this By-law; and to the extent that, and in any manner that, said illegal building, structure or use is in conflict with the requirements of this By-law, said building, structure or use remains illegal hereunder, unless otherwise provided for herein.

10. Non-Conforming Building, Structure and Use

(1) Regulated in accordance with the *Act*

A non-conforming use and a non-conforming building, structure, land or sign shall be regulated in accordance with the *Act*, unless otherwise provided for herein.

(2) Non-Conforming Building or Structure

- a) Structural alteration may be made to a non-conforming building or structure, provided said alteration conforms to the requirements of this By-law, or where such requirements may be varied by variance order in accordance with the *Act*.
- b) Notwithstanding (a) above, a variance order is not required where a non-conforming use, building or structure or sign is being altered so as to decrease the degree of non-conformity.
- c) Where a non-conforming building or structure is damaged or destroyed; and *Council* determines that the cost of repairing or rebuilding the building is more than 50% of the cost of constructing an equivalent new building, the building must not be repaired or rebuilt, except in conformity with this By-law.

(3) Non-Conforming Parcel

If the size or dimensions of an *Existing Parcel of Land* do not conform to this By-law, the *Owner* of the land may:

- a) Use the land for any use permitted under the By-law; and
- b) If all other requirements of the By-law such as *Yards*, building *Height* and

floor area are met, construct or alter a building on the land.

- (4) Non-Conforming Sign
 - a) A change in the subject matter represented on a sign shall not be considered a change of use.
 - 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 an increase in the degree of non-conformity;
 - (ii) An increase in the sign surface area; or
 - (iii) An increase in the degree of illumination.

11. Variance

- (1) Variance

A person who believes that this By-law adversely affects his or her property rights may, through application and payment of fees to the *Planning District*, apply for an order varying specific provisions of this By-law insofar as they apply to the affected property.
- (2) Varied Prior to Adoption of this By-law

A building, structure or use established by a variance order prior to the effective date of this By-law shall be subject to the provisions of the variance order.
- (3) Minor Variance

The *Board* or *Council* may, by by-law in accordance with the *Act*, authorize the *Designated Officer* to make an order that varies:

 - a) Any *Height*, distance, area, size or intensity of use requirement in this By-law by no more than 10%; or
 - b) The number of *Parking Spaces* required by this By-law by no more than 10%.
 - c) The applicant may appeal the order of the *Designated Officer* in accordance with the *Act*.
- (4) Revoking of Variance

A variance order may be revoked if the applicant or the *Owner* of the affected property fails to comply with the variance order or any condition imposed in accordance with the *Act*.

PART II – INTERPRETATION AND DEFINITIONS

1. Rules of Construction

(1) Text

The following rules of *Construction* apply to the text of this By-law:

- a) Words, phrases and terms defined herein shall be shown in *Italics* and shall be given the defined meaning.
- b) Words, phrases and terms not defined herein but defined in the *Act* and the Building, Electrical or Plumbing By-laws of the *Municipality* shall be construed as defined in such *Act* and By-laws.
- c) Words, phrases and forms neither defined herein nor in the Building, Electrical or Plumbing By-laws of the *Municipality* shall be given their usual and customary meaning except where, in the opinion of *Council*, the context clearly indicates a different meaning.
- d) Where any requirement of this By-law results in a fraction of a unit, a fraction of five tenths (5/10) or more shall be considered a whole unit and a fraction of less than five tenths (5/10) shall be disregarded.
- e) The word “shall” is mandatory and not permissive; the word “may” is permissive and not mandatory.
- f) Words used in the singular include the plural and words used in the plural include the singular.
- g) Words used in the present tense include the future tense and words used in the future tense include the present tense.
- h) The phrase “used for” includes “arranged for,” “designed for,” “maintained for” or “occupied for.”
- i) The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- j) Unless the context clearly indicated the contrary, where a regulation involves 2 or more items, conditions, provisions or events connected by the conjunction “and,” “or” or “either-or”, the conjunction shall be interpreted as follows:
 - (i) “and” indicates that all the connected items, conditions, provisions or events shall apply in any combination.
 - (ii) “or” indicates that the connected items, conditions, provisions or events may apply singly or in combination.
 - (iii) “either-or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
 - (iv) The word “includes” shall not limit a term to the specified examples, but is intended to extend the meaning of all instances or circumstances of like, kind or character.

(2) Standards

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, unless specified otherwise.

(3) Conflict with Other Requirements

When provisions of any By-law of the *Municipality* or any other federal or provincial requirements or any development agreement impose overlapping regulations or requirements over the use of the land or buildings or *Bulk Requirements* or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest standard shall govern.

2. Map Interpretation

The location and boundaries of the zones listed herein are shown upon Zoning Maps attached hereto, marked as Appendix “A” to this By-law. All notations, references and other information shown therein, together with any amendments to boundaries in the case of a *Road* or *Public Utility* right-of-way closing, shall be as much a part of this By-law as if the matters and information set forth by the said Zoning Maps were fully described herein.

(1) Plan References

All plan references on the Zoning Maps pertain to registered plans filed in the Winnipeg Land Titles Office.

(2) Abbreviations:

- a) “Blk.” means *Block*;
- b) “Gov’t Rd. All’ce” means Government Road Allowance;
- c) “Pcl.” means Parcel;
- d) “Pt.” means Part;
- e) “Rge.” means Range;
- f) “R.M. of Rosser” means the Rural *Municipality* of Rosser;
- g) “Sec.” means Section;
- h) “Twp.” means Township;
- i) “E.P.M.” or “E” means East of the Principal Meridian;
- j) “W.P.M.” or “W” means West of the Principal Meridian;
- k) “P.R. means Provincial Road; and
- l) “P.T.H.” means Provincial Trunk Highway.

(3) Zone Boundaries

In the interpretation of the boundaries of the zones as shown on the Zoning Maps, the following rules shall apply:

- a) Heavy broken lines represent zone boundaries. Where a zone boundary is broken in the name of a street, it shall be construed that the boundary continues through the name of the street.
- b) Boundaries shown as following the centreline of streets, highways or lanes shall be construed as following such centre lines.
- c) Boundaries shown as following *Lot*, site or property holding lines on a registered plan shall be construed as following such *Lot*, site and property holding lines.
- d) Boundaries shown as following the *Municipality*’s limits shall be construed as following the *Municipality*’s limits.
- e) Boundaries shown as following the centrelines of railway lines or railway rights-of-way or *Public Utility* lines or rights-of-way shall be construed to be midway between the main tracks or the centre of the right-of-way, as the case

may be.

- f) Boundaries shown as following the centrelines of streams or rivers shall be construed as following the centrelines of such streams or rivers.
- g) Boundaries shown as following the shoreline of bodies of water shall be construed as following the ordinary high water mark of such bodies.

(4) Zoning of Closed Streets, Roads and Lanes

A road allowance shown on a Zoning Map that is lawfully closed, shall be included within the zone of the adjoining land. Where the road allowance served as a boundary between 2 or more different zones, the new zone boundary shall be the former centre line of the closed feature.

3. Definitions

- (1) *Abut* means to share a common *Lot* line.
- (2) *Accessory* means aiding or contributing in a secondary way to a principal use to carry out its function.
 - a) *Accessory Building* is a building that houses an *Accessory Use*;
 - b) *Accessory Structure* is a structure that is not a land use, but is accessory to a principal use; and
 - c) *Accessory Use* is a land use that is accessory to a principal use.
- (3) *Accommodations* means facilities used for temporary lodging and ancillary activities.
- (4) *Act* means *The Planning Act*, being Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto, and includes the regulations made under this Act.
- (5) *Active Transportation* (AT) means human-powered transportation such as walking and cycling.
- (6) *Active Transportation Corridor* (ATC) means a *Public Road* right-of-way that includes *Active Transportation* infrastructure.
- (7) *Active Transportation Infrastructure* means those elements that support active transportation, such as improved sidewalks, dedicated bike lanes, pedestrian-bicycle signals and safer crossing points, bike racks, and greenways for walking and cycling.
- (8) *Aggregate Extraction Operation* means a site including *Accessory Buildings* and structures used for the removal, refinement or processing of sand, gravel, stone or other aggregate resources, and may include borrow pits, gravel pits and stone quarries, but does not include an *Asphalt Plant* or a *Concrete Plant*.

PART II – INTERPRETATION AND DEFINITIONS

- (9) *Agricultural Activities* means the use of land for agricultural purposes such as cultivation and pasturage, and including related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, irrigating, harvesting and the storage and selling of crops, but does not include livestock.
- (10) *Airport* means the Winnipeg James Armstrong Richardson International Airport. In accordance with Winnipeg International Airport Zoning Regulations SOR/81-708:
- a) *Approach Surface* means an imaginary inclined plane that extends upward and outward from each end of a *Strip*.
 - b) *Outer Surface* means an imaginary surface located above and in the immediate vicinity of the *Airport*.
 - c) *Strip* means the rectangular portion of the landing area of the *Airport*, including the runway prepared for the take-off and landing of aircraft in a particular direction.
 - d) *Transitional Surface* means an imaginary inclined plane that extends upward and outward from the lateral limits of a *Strip* and its *Approach Surfaces*.
- (11) *Anhydrous Ammonia Facility* means the facility storing product with the chemical formula of NH_3 in either a liquid or gaseous state which is normally stored, transported or otherwise contained in a pressure vessel under pressure and used as a liquid fertilizer.
- (12) *Animal Processing* means the processing of meat products and by-products directly from live animals or offal from live animals, but does not include livestock operations or auction marts.
- (13) *Asphalt Batch Plant* means a temporary facility with equipment designed to heat, dry and mix aggregate with asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process.
- (14) *Benchmark* means a standard against which something can be measured or assessed.
- (15) *Billboard* – see *Sign*.
- (16) *Block* means all land fronting on 1 side of a street between the nearest streets, intersecting, meeting or crossing the aforesaid street.
- (17) *Block Face* means the aggregate of all *Building Facades* on 1 side of a *Block*.
- (18) *Block Scale* means the *Block* is the aggregate of private lots, civic districts, passages, alleys and rear lanes, circumscribed by thoroughfares; *Block Scale* buildings have a mass the width of the *Block* although they may be individual parcels with attached buildings.
- (19) *Board* means the *Board* of the South Interlake *Planning District*.

PART II – INTERPRETATION AND DEFINITIONS

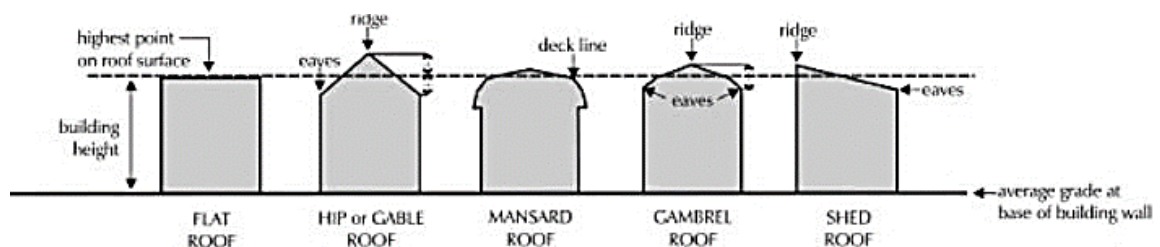
- (20) *Building Facade* means the exterior wall of a building exposed to public view, often distinguished from other faces by architectural details.
- (21) *Building Footprint* means the area on a *Zoning Site* used by the building structure, defined by the perimeter of the building plan. *Parking Lots* or *Parking Spaces*, *Landscaped Areas*, and other non-building facilities are not included in the *Building Footprint*.
- (22) *Building Frontage* - see *Frontage*.
- (23) *Building Permit* – see *Development Permit*.
- (24) *Building Setback* means a minimum distance required to be maintained between 2 buildings or between a building or structure and property lines.
- (25) *Bulk Requirements* mean the following:
The size (including *Height* of a building and floor area) of buildings or structures;
a) size of the *Zoning Site* (including area, width and depth) upon which a building is located;
b) The location of buildings in relation to *Site Lines* or to other buildings; and
c) All open areas relating to buildings or structures and their relationships thereto.
- (26) *Canadian Ambient Quality Standards* means the health-based air quality objectives for pollutant concentrations of fine particulate matter and ground level ozone in outdoor air, established under the Air Quality Management System, Environment Canada and Health Canada, which lower the short-term limits and introduce new limits for long-term exposure for fine particulate matter.
- (27) *Civic Uses* means not-for-profit organizations dedicated to arts, culture, education, recreation, government and transit.
- (28) *Common Entry* means an entrance from street level that provides access to 1 or more units within a building.
- (29) *Common Yard* means a planted private *Frontage* wherein the *Building Facade* is set back from the *Frontage* line, and the *Front Yard* is planted and is visually continuous with adjacent *Yards*, thereby supporting a common and cohesive landscape with other frontages.
- (30) *Concrete Batch Plant* means a temporary facility with equipment that may include a main concrete cement storage bin or silo, water weigh bin, cement bin and aggregate bin.
- (31) *Construction* means
 - a) excavating, removing, filling and backfilling for the purpose of preparing or maintaining a site in respect of a building or a proposed building;
 - b) erecting, extending, enlarging, placing, removing, locating and demolishing a building;

PART II – INTERPRETATION AND DEFINITIONS

- c) altering, renovating and reconstructing a building;
 - d) moving a building from 1 site to another; and
 - e) underpinning the foundation of a building.
- (32) *Council* means the *Council* of the Rural Municipality of Rosser.
- (33) *Designated Officer* means an employee of the *Planning District* or *Municipality* who is designated to carry out a power or responsibility in accordance with the *Act*.
- (34) *Development* means
- a) the *Construction* of a building on, over or under land;
 - b) the change in the use or intensity of use of a building or land;
 - c) the removal of soil or vegetation from land; and
 - d) the deposit or stockpiling of soil or material on land and the excavation of land.
- (35) *Development Permit* means a permit issued under this By-law authorizing development, and may include a *Building Permit*.
- (36) *Distribution Centre* – see *Transportation Related*.
- (37) *Emergency and Protective Services* includes ambulance, fire, paramedic and police services.
- (38) *Encroachment* means unauthorized placement of a building, part of a building, sign or fence upon the land or easement of another, or into required *Yards*.
- (39) *Existing* means *Existing* on or before the effective date of this By-law.
- (40) *Frontage*
- a) *Building Frontage* means the full length of a building measured alongside a *Public Road* onto which the building fronts. In the case of contiguous buildings, individual *Frontages* are measured to the middle of any party wall.
 - b) *Primary Frontage* means the *Lot line Abutting a Public Road*, and where more than 1 *Lot line Abuts a Public Road*, the *Lot line Abutting a Walkable Street* or *Active Transportation Corridor* is considered the *Primary Frontage*.
 - c) *Secondary Frontage* means the *Lot lines* not designated *Primary Frontage*.
 - d) *Utilitarian Frontage* means a *Building Frontage* designed primarily for practical use rather than aesthetic appeal.
- (41) *Fulfillment Centre* – see *Transportation Related*.
- (42) *Green Building* means a building that is environmentally sustainable; designed, constructed and operated to minimize the total environmental impacts.
- (43) *Green Industry* means an industry that produces or uses *Green Products* and technology, or that recycles or uses recycled materials, limits use of fossil fuels or uses clean energy technology such as solar or wind energy.

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- (44) *Green Parking Lot* means a surface *Parking Lot* that integrates *Permeable Paving Materials*, substantial tree cover and plant material, and directs surface runoff toward landscaped basins to encourage on-site stormwater management and eliminate or reduce need for mechanical drainage connections.
- (45) *Green Products* means products that have less impact on the environment or are less detrimental to human health than traditional equivalents, and may be made from recycled materials or components, manufactured in an energy-conservative way, or be supplied to the market with less packaging. Products may include non-toxic alternatives to ozone-depleting substances.
- (46) *Green Roof* means a roof of a building that is partially or completely covered with vegetation and a growing medium planted over a waterproofing membrane.
- (47) *Heat Island* means an urban area having higher average temperature than its rural surroundings owing to the greater absorption, retention, and generation of heat by its buildings, pavements and human activities.
- (48) *Height of building or structure*, where not measured by stories, means the vertical distance between the average grade at the base of a main wall of the building and the highest point of the roof surface, if a flat roof;
a) the deck line, if a mansard roof;
b) the mid-point between the ridge if a hip, gable, shed, or gambrel roof, and the eaves of the building, excluding the eaves of any projections, or
c) the highest point of the building or structure in all other cases.

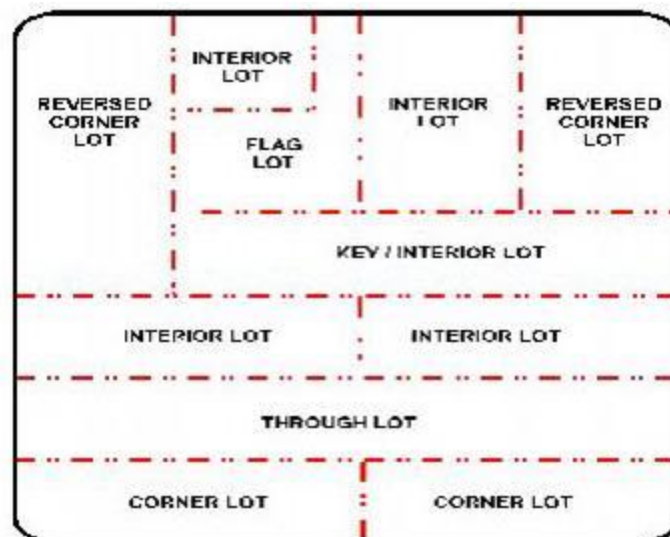


- (49) *High Cube Warehouse* means a warehouse used primarily for the storage and consolidation of manufactured goods prior to distribution to retail locations or other warehouse centres, with generally low employment counts due to high automation and truck activity.
- (50) *Human Scale* means architectural and structural components of size and proportions that relate to the human form or that exhibits through its structural or architectural components the human functions contained within.
- (51) *Incompatible Uses* means uses that are unable to exist in harmony together, and are contrary or opposed in nature.

- (52) *Industrial Corridor* means a *Public Road*, with wide lanes and turning radii, oriented to large, cargo truck traffic, and includes:
- a) All municipal roads that are flanked on both sides by *Industrial General Zone*; or on both sides by *Industrial Heavy Zone*; and
 - b) All municipal roads that are flanked by *Industrial General Zone* on one side and *Industrial Heavy zone* on the other side.
- Industrial Corridors* may include non-obstructive landscaping.
- (53) *Industrial Use*:
- a) *Light Industrial Use* means the manufacture or processing of products within an enclosed building, and may generate low levels of nuisance in compliance with the *Performance Standards* contained herein.
 - b) *General Industrial Use* means the manufacture, processing, warehousing and storage of products within an enclosed building or outdoors, and may generate moderate levels of nuisance in compliance with the *Performance Standards* contained herein, and may include outdoor storage.
 - c) *Heavy Industrial Use* means the manufacture or processing, fabrication, packaging, rendering, mining, extraction or assembly of goods and resources within an enclosed building or outdoors, and may generate higher levels of nuisance in compliance with the *Performance Standards* contained herein, and may include outdoor storage. *Accessory Uses* may include loading and unloading facilities, container storage, warehousing, and may involve explosive or flammable components, and create noise, odour or other impacts discernible beyond *Lot* lines.
- (54) *Intermodal Freight Transport* means the transportation of freight by more than one form of carrier (rail, ship and truck), usually without handling the freight itself when changing modes.
- (55) *Landscaped Area* means that part of a *Lot* located outdoors that is available or used for the placement of any or a combination of the following elements:
- a) Architectural elements consisting of decorative fencing, walls, public art, gazebos, trellises, planters, street furniture and other similar features
 - b) Hard landscaping consisting of non-vegetative materials such as brick, pavers, rock, stone, concrete, tile and wood, excluding monolithic concrete and asphalt and any area used for *Parking*, and including such features as walkways, patios, decks or in-ground pools; and
 - c) Soft landscaping consisting of vegetation such as trees, shrubs, hedges, ornamental plantings, grass and ground cover.
- (56) *Landscaped Buffer* means a *Landscaped Area* located inside and along the perimeter of a *Lot* intended to screen or separate land uses either from one another or from a *Public Road*.
- (57) *Loading Space* means an off-street space used for loading or unloading people or things from a motor vehicle.

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- (58) *Lot* means all contiguous land under 1 *Ownership* and includes a
- a) *Corner Lot* which means a *Lot* situated at the intersection of 2 or more streets or at the intersection of 2 parts of the same street, which parts have an interior angle of intersection of not more than 135 degrees;
 - b) *Flag Lot* which means a parcel having access to a public or private road by means of private right-of-way strip that is owned in fee;
 - c) *Interior Lot* which means a *Lot* *Abutting* only 1 street;
 - d) *Irregular Lot* which means a *Lot* with a pentagonal, curvilinear, wedged, trapezoidal or pie shape;
 - e) *Key Lot* which means an *Interior Lot* whose rear property line *Abuts* the side property line of a *Corner Lot*;
 - f) *Reverse Corner Lot* which means a corner parcel, the rear of which *Abuts* the side property line of another parcel; and
 - g) *Through Lot* which means a *Lot* with *frontage* on 2 approximately parallel streets with only 1 principal means of access.



- (59) *Lot Width* means the horizontal distance between the side *Lot* lines measured at right angles to the *Lot* depth, from a point that is equal to the *Front Yard* setback requirement for the zone.
- (60) *Major Renovation* means redevelopment or remodeling of *Existing* structures or new *Construction* valued at more than 50% of the taxable property value, including land and buildings.
- (61) *Multiple Uses* means 2 or more uses on 1 *Zoning Site*.
- (62) *Municipality* means the Rural Municipality of Rosser.
- (63) *Office* means a place used for the transaction of general business, but does not include *Retail* uses.

- (64) *Onsite-Parking* – See *Parking, On-site*.
- (65) *Owner* means, in relation to property, a person who is the *Owner* of a freehold estate in the property, and includes:
 - a) A person who is an *Owner* with another person as joint tenant or tenant in common of a freehold estate;
 - b) A person who is registered under *The Condominium Act* as the *owner*, as defined in that Act, of a unit under that Act; and
 - c) Real *Owner*, as defined in subsection 1(1) of *The Municipal Assessment Act*.
- (66) *Parcel of Land* means the aggregate of all land described in any manner in a certificate of title.
- (67) *Parking Area or Lot* means place other than a building used for the *Parking* of 4 or more motor vehicles, which includes *Parking Spaces*, aisles and driveways, but excludes the interior landscaped islands and medians, the required perimeter *Landscaped Buffer* to a *Lot* line, and an area used solely for the display of vehicles for sale.
- (68) *Parking, On-site* means a space designated for parking a vehicle on the same property as the use as it is required to serve.
- (69) *Parking Space* means a rectangular area, exclusive of any aisles or driveways, used for the *Parking* of 1 motor vehicle.
- (70) *Passive Recreation* – See *Recreational Area*.
- (71) *Pedestrian-Friendly* means the extent to which the built environment accommodates pedestrian movement and enjoyment, through sidewalks or other pedestrian right-of-ways, street furniture, landscaping, public art and aesthetics and reduced traffic hazards.
- (72) *Pedestrian-Oriented* means commercial uses with:
 - a) Scale and character that encourages an approach by either walking or cycling; and
 - b) Walk-in trade and small business establishments such as specialized *Retail* and food stores, *Restaurants*, personal service establishments, convenience stores and professional services.
- (73) *Pedestrian Scale* means the proportional relationship between an individual and his or her environment.
- (74) *Performance Standards* means a *Benchmark* against which actual performance is measured.
- (75) *Permeable Paving Materials* means materials such as gravel, interlocking brick with spacers, permeable concrete, permeable asphalt, soil pavement such as poly-pavement, and structured grass surfaces, each of which requires proper sub-grade preparation to allow infiltration or subsurface water storage.

PART II – INTERPRETATION AND DEFINITIONS

- (76) *Photovoltaic* means a method of generating electrical power by converting solar radiation into direct current electricity using semiconductors that exhibit the *Photovoltaic* effect, which is the creation of voltage or electric current in a material upon exposure to light.
- (77) *Planning District* means the South Interlake Planning District.
- (78) *Principal Building or Use* means the primary building or use on a *Zoning Site*.
- (79) *Public Lane* means a public right-of-way that provides a secondary means of access from a *Public Road* to *Abutting lots*.
- (80) *Public Monuments and Statuary* means a structure built in a public place to celebrate an important person or event or a three-dimensional work of art.
- (81) *Public Road* means a *Road* opened under *The Municipal Act* and includes a *Road* allowance, street, lane, thoroughfare, walkway, bridge and underpass, but does not include a departmental road as defined in *The Highways and Transportation Act*.
- (82) *Public Utilities and Services* means a set of services provided for the public including electricity, natural gas, water and sewer, and may include telephone services.
- (83) *Recreation Area* means indoor and outdoor facilities and grounds used for recreation and entertainment.
 - a) *Active Recreation Area* means that which requires *Development* such as prepared grounds or courses for such activities as golf, tennis, swimming, skateboarding or team sports.
 - b) *Passive Recreation Area* means that which emphasizes open space and allows for the preservation of natural habitat, and activities such as hiking, picnicking and bird-watching, and may include low level *Development* such as picnic areas and benches.
- (84) *Residential* means a premises designed for residential occupancy, but not including *Accommodations* as defined herein.
- (85) *Restaurant*
 - a) Fast-food *Restaurant* means a *Restaurant* that sells food and beverages over a counter to its customers for consumption in the *Restaurant*, for consumption in a motor vehicle on the premises, or for consumption off the premises.
 - b) Full-service *Restaurant* means a *Restaurant* that sells and serves food and beverages to patrons seated at tables, for consumption on the premises.
 - c) Take-out *Restaurant* means a *Restaurant* that does not have seating capacity for diners and instead:
 - (i) sells food and beverages over the counter for pick-up by the consumer for consumption off the premises, or

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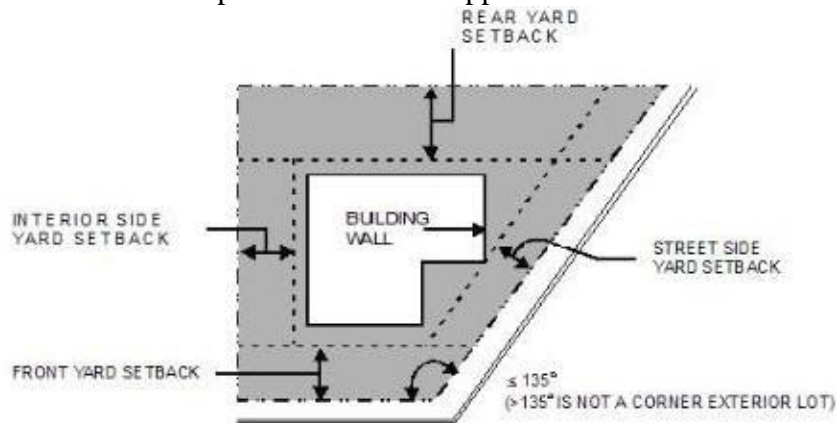
- (ii) delivers food and beverages directly to the consumer for consumption off the premises, whether located in a building, a motor vehicle or a trailer.
- (86) *Retail* means a place used for the sale, lease or rent of merchandise from businesses to the consumer for profit.
- a) *Agriculture Related Retail* means the sale of new or used products primarily used for agricultural purposes, including machinery, and may include repair services conducted within an enclosed building, except for minor incidental repairs or services.
 - b) *General Retail* means the sale of various new or used goods and services.
 - c) *Vehicle Oriented Retail* means the sale of new or used motor vehicles and may include auto body and repair services.
- (87) *Road* – see *Public Road*.
- (88) *Sensitive Lands* means:
- a) land that is susceptible to flooding, permafrost, erosion or that has unstable slopes or poor drainage;
 - b) areas of special significance for animal, bird or plant life, including wetlands, forests and nesting areas; and
 - c) land on which any *Development* is likely to harm ecological diversity.
- (89) *Services* means
- a) *Agriculture Related Services* means any service oriented to agriculture, including the sale, rental or display of new and used products and goods (including machinery) primarily used for agricultural purposes. Any repair or services shall occur within a completely enclosed building, except for minor incidental repairs or services.
 - b) *General Services* means a range of services to serve individuals working or visiting CentrePort and may include childcare services, medical services, financial related services, post-office/depot, public service buildings, social services and commercial schools (trade schools) with a minority of total revenue from *Retail*.
 - c) *Vehicle Oriented Retail* means services such as truck and trailer sales, service, auto body and repair.
- (90) *Shopfront* means the front side of a store facing the street; that usually contains display windows.
- (91) *Sign*
- a) *Band Sign* means a band of lettering above the storefront opening or within the storefront transom space.
 - b) *Billboard* means a *Sign* directing attention to a business, commodity, service, item, message or entertainment conducted, sold or offered elsewhere than upon the same *Zoning Site* on which that sign is located.
 - c) *Direction Sign* means a *Sign* used primarily to give information about the location of either the driver or possible destinations.
 - d) *Projecting Sign* means any *Sign*, except a canopy sign, which is supported by an exterior building wall and projects outward from the building wall.

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- (92) *Single Mass* means one building, separated from other buildings by a side setback.
- (93) *Site Coverage* means the area, measured as a percentage of the total site area, which is occupied by principal and *Accessory Buildings*.
- (94) *Site Line* means a boundary of a site.
- (95) *Solar Thermal* means a technology using high-temperature collectors including mirrors and lenses, to concentrate sunlight to fulfill heat requirements and for electric power production.
- (96) *Shipping Containers* means a re-sealable transportation box for unitized freight handling such as rail cars, semi-trailer containers or similar containers.
- (97) *Storey* means a level of a building included between the finished floor to the finished ceiling, and includes a mezzanine.
- (98) *Streetscape* means the appearance or views of a street, and may include improvements such as paving, trees or other decorative plantings, lighting and street furniture.
- (99) *Utilitarian Streetscape* means a *Streetscape* designed primarily for practical use, rather than ornamental and aesthetic appeal.
- (100) *Transportation Related*
 - a) *Container Transload Facility* means a facility used for receiving product by air, rail or truck; warehousing and transferring to containers.
 - b) *Distribution Centre* means a warehouse or other specialized building, often with refrigeration or air conditioning, which is stocked with products to be redistributed to retailers, wholesalers, or distributes directly to consumers, and is a principal part in the entire order fulfillment process.
 - c) *Fulfillment Centre* means a business offering services such as storage and warehousing, inventory control, product modification, pick and pack services and shipping.
 - d) *Intermodal Container Transfer Terminal* means the process of transferring cargo received by air, rail or truck to *Intermodal* containers.
 - e) *Rail or Truck Terminal* means a terminal where trains or trucks load or unload cargo.
- (101) *Utilitarian Frontage* – see *Frontage*.
- (102) *Utilitarian Streetscape* – see *Streetscape*.
- (103) *Walkable Street* means a *Public Road* that is *Pedestrian-Friendly* and allows for pedestrian passage between buildings, and is flanked on both sides by land zoned *Industrial Centre Zone*.

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- (104) *Warehouse and Distribution* means a building used for the storage, wholesale and distribution of manufactured products, supplies and equipment including self-storage units and mini-warehouses.
- (105) *Watercourse* means a naturally occurring drainage channel which includes rivers, streams and creeks.
- (106) *Weather Protection* means awnings, canopies or arbors which extend from the *Building Facade*.
- (107) *Xeriscape* means landscaping and gardening that reduces or eliminates the need for supplemental water from irrigation.
- (108) *Yard* means the unobstructed space from ground to sky between a building or structure and the nearest property line, as measured from the furthest projection to the *Lot* line.
- a) *Front Yard* means an area that extends the full width of a parcel between the front property line and the setback line, to the side property lines.
 - b) *Side Yard* means an area that extends between the side property line and the required setback line extending from the front setback to the rear setback.
 - c) *Street Side Yard* means an area that extends between the side property line bounding a street extending from the front setback line to the rear property line.
 - d) *Rear Yard* means an area that extends the full width of the parcel between the rear property line and the rear *Yard* setback line. In case of a *Corner* or *Flag Lot*, the rear *Yard* is that portion of the *Lot* opposite to the *Front Yard*.



(a) NOTE: FRONT YARD IS SHORTER OF TWO FRONTAGES UNLESS OTHERWISE DETERMINED BY THE DIRECTOR.

- (109) *Zoning Site* means an area of land which:
- a) is occupied, or intended to be occupied, by a *Principal Building* and *Accessory Buildings*, or used for the *Principal Use* or *Multiple Uses*, having open spaces as required by this zoning by-law; and
 - b) has *Frontage* on a street or has any lawful means of access satisfactory to *Council*.

PART III - GENERAL PROVISIONS

1. *Accessory Building, Structure and Use*

- (1) Where this By-law provides that any premises may be used or a building or structure erected or used for a purpose, the purpose may include any building or use *Accessory* to the *Principal Use* or uses.
- (2) *Accessory Buildings*, except as otherwise permitted herein, shall be subject to the following:
 - a) Where the *Accessory Building* is structurally attached to a *Principal Building*, it shall be subject to, and must conform to all regulations of this By-law applicable to the *Principal Building*.
 - b) *Accessory Buildings* shall not be erected in any required *Yard* setback.
 - c) No detached *Accessory Building* shall be located closer than 6 feet (1.8 m) to any main building, measured from the furthest projection, nor shall it be located closer than 2 feet (0.6 m) to any *Site Line*, measured from the furthest projection.
 - d) No *Accessory Building* shall be erected prior to the erection of the *Principal Building*, except where it is necessary for the storage of tools and materials for use during *Construction* of the *Principal Building*, or prior to the establishment of the *Principal Use* of the site where no *Principal Building* or structure is required.

2. *Aggregate Extraction Operation*

- (1) Applications for a *Development Permit* for an *Aggregate Extraction Operation* shall include documents and information in accordance with this By-law, as well as the applicable R.M. of Rosser Aggregate By-law, and as directed by the *Designated Officer* in consultation with the *Council*.
- (2) The *Owner/operator* of an *Aggregate Extraction Operation* shall enter into a development agreement with the *Municipality* in accordance with the applicable Municipal By-law.

3. *Anhydrous Ammonia*

Anhydrous ammonia storage facilities having a storage capacity in excess of 1979.7 imperial gallons (9000 L) shall be located a minimum distance of:

- (1) 4921.3 feet (1500 m) from the border of any urban area or from evacuation sensitive facilities such as hospitals, schools or senior citizens homes;
- (2) 1640 feet (500 m) from any residence;
- (3) 164 feet (50 m) from a creek, stream or other environmentally sensitive area; and
- (4) 328 feet (100 m) from the edge of the right-of-way of a Provincial Road or Trunk Highway.

4. *Animal Processing*

All *Animal Processing* facilities shall be located a minimum distance of:

- (1) 984.3 feet (300 m) from an *Industrial Centre Zone*, as measured from the building face to the nearest *Industrial Centre Zone* boundary; and
- (2) 1640 feet (500 m) from the boundary of the City of Winnipeg or any other adjacent municipality.

5. Buffering Existing Residences

New industrial structures in the different industrial zones shall be separated from existing residential structures by the following distances: *Industrial Centre Zone* (I1) – 100 feet (30.5 m); *Industrial General Zone* (I2) – 200 feet (61 m); *Industrial Heavy Zone* (I3) – 500 feet (152.4 m).

6. Canvas Buildings

Canvas buildings or the like may be allowed in any zone and shall comply with regulations pertaining to *Accessory Buildings*.

7. Flood Risk Areas and Hazard Lands

Permanent structures and buildings shall be built upon building sites that have been raised with clean, impervious fill to an elevation a minimum of 2 – 3 feet (0.6 m - 0.9 m) above natural ground elevation.

8. Height

- (1) *Height* may be measured as defined herein, or by *Stories*, which are measured from finished floor to finished ceiling, and shall be a minimum of 12 feet (3.7 m).
- (2) *Height* limitations do not apply to a chimney, electrical or telephone transmission line, electrical apparatus or the mechanical operations of a building, overhead crane, television or radio mast, steeple, tower, water storage tank, except as limited by the Winnipeg International Airport Zoning Regulation SOR/81/708 and federal acts and regulations.
- (3) The *Height* of buildings or structures shall be in compliance with *Airport* restrictions as governed by NAV Canada, Transport Canada and the Winnipeg Airports Authority.

9. Lighting

No outdoor lighting shall imitate *Airport* lighting or impede the ability of pilots to distinguish between *Airport* lighting and other lighting.

10. Lot Grade

- (1) No building or structure shall be erected without first obtaining written instructions from the *Designated Officer* as to grade for the building or structure to be erected.
- (2) It shall be the continuing obligation of the property *Owner* to establish and maintain building grades for adequate site drainage and to ensure that the level of the surrounding fill at the building line shall not be less than the flood protection level.

11. Municipal Services

All new *Principal Buildings* shall be connected to municipal sewer and water services where available.

12. Multiple Uses

If 2 or more allowed land uses are proposed for 1 *Zoning Site*, all provisions of this By-

law relating to each use shall be satisfied. Where there is conflict, such as in the case *Performance Standards*, the highest standards shall apply to the entire *Zoning Site*.

13. Noxious or Offensive Uses

Uses which may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapours, gas, smoke, vibration or noise may be permitted only in accordance with Table 4 – *Performance Standards*.

14. Parking and Loading

(1) Access

Access to *On-Site Parking Areas* shall be from lanes wherever possible. Vehicle entrances shall be a maximum of 24 feet (7.3 m) wide at the *Lot* line when adjacent to a *Walkable Street Overlay Zone*, and shall be buffered by at minimum, a post and cable fence and shrubs. Minimum setback distances for corner lots are identified in Table 2 – *Bulk Requirements*.

(2) Landscaping

- a) All *Parking* areas located within 20 feet (6.1 m) of a Residential or Open Space zone shall include a *Landscaped Buffer* in the form of either Option (1) or (2) below.

Option (1): Site edge buffering shall have a *Landscaped Area* with at least 1 deciduous or coniferous tree for every 35 feet (10.7 m) of lot frontage and 3 shrubs per 20 feet (6.1) of lot line *Abutting* a Residential or Open Space Zone. A landscaped berm with a minimum height of 2.5 feet (0.8 m) and a rise-to-run ratio of 1:3 may be integrated into this option. The height of planted material (together with any berm provided) shall be at least 6 feet (1.8 m) in height at the time of planting.

Option (2): Site edge buffering shall include an opaque wall, berm, fence or dense vegetative screen with a minimum combined height of 6 feet (1.8 m). If a vegetative screen is proposed, it shall be at least 6 feet (1.8 m) in height at the time of planting. If a wall or fence is proposed the maximum continuous horizontal length of any section shall be 48 feet (14.6 m), at the end of which a landscaped strip with a minimum length of 16 feet (4.9 m) and depth of 4 feet (1.2 m), and with shrubs a minimum height of 2.5 feet (0.8 m) shall be provided.

- b) All *Parking Areas* along *Walkable Streets* that contain more than 20 *Parking Spaces* shall be landscaped as follows:

- (i) 1 deciduous or coniferous tree shall be provided for every 20 spaces, and 1 shrub shall be provided for each 100 feet² (9.3 m²) of *Parking Lot* interior *Landscaped Area*;
- (ii) Landscaped islands, where installed, shall have a minimum width of 5 feet (1.5 m); and
- (iii) Required trees and shrubs within a required *Landscaped Area* may be clustered to create visual interest.

- (3) **Fence Height**
Fence heights shall be accordance with the following, except where greater height is required by development agreement or by special requirement listed herein.
- a) In the Industrial Centre Zone, fence height shall be a maximum of 3 feet (0.91 m) in the *Front Yard* and 6.5 feet (2.0 m) in the *Side or Rear Yards*; and
 - b) In the Industrial General Zone or Industrial Heavy Zone, fence height shall be a maximum of 10 feet (3.0 m) inclusive of security wire.
- (4) **Lighting**
Lighting of all *Parking Areas* shall be shielded and directed to reflect away from adjacent residential development, and in compliance with general provisions for lighting in this By-law.
- (5) **Location**
- a) *Parking Space* requirements may be satisfied within the *Zoning Site* or off-site along the parking lane of the corresponding *Frontage*.
 - b) *Active Transportation Corridors* shall have 30% of the *Block* length comprised of *Shopfronts*, *Common Entry* frontages and *Common Yards*. *On-Site Parking* may be located on the side of the building for the remainder of the *Lot Width*.
 - c) *Walkable Streets* shall have 80% of the *Block* length comprised of shop fronts or *Common Entry Frontages*.
 - (i) If the *Lot Width* is greater than 140 feet (42.7 m), *On-Site Parking* may be located on the side of the building in the form of 64 feet (19.5 m) of double bay parking; or
 - (ii) If the *Lot Width* is greater than 100 feet (30.5 m), *On-Site Parking* may be located on the side of the building in the form of 42 feet (12.8 m) of single-bay parking, and all other parking may be located along the parking lane of the corresponding *Public Road* or behind the buildings.
 - d) Adjacent *lots* within a registered plan of subdivision, which form part of the *Zoning Site*, and serve to satisfy parking requirements of the use on the adjacent *Lot*, may not be sold or disposed of by any person if said sale or disposal would result in a reduction of available *On-Site Parking* below the minimum requirements, unless varied by variance order in accordance with the *Act*.
 - e) Where *On-Site Parking Abuts* a Residential Zone, and is not separated from *Residential* development by a *Public Road* or *Watercourse*:
 - (i) No building shall be erected, except 1 non-habitable *Accessory Building* or structure to shelter parking attendants; and
 - (ii) *Signs* shall be limited to *Direction Signs* no larger than 20 ft² (1.9 m²), located within the parking area or at the entrance or exit, and may contain the name of the business for which the parking area serves.
- (6) **Surface and Maintenance**
All *Parking Areas* shall be drained and maintained with a stable surface which is treated so as to prevent the rising of dust or loose particles. The surface may be constructed of *Permeable Paving Materials* or other material approved by the *Designated Officer*.

PART III – GENERAL PROVISIONS

15. **Public Monuments or Statuary**

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

16. **Public Road**

(1) *Frontage on a Public Road*

All *Development* shall be on sites having *Frontage* on an all-weather *Public Road*.

(2) *Future Road Allowance*

No building or structure shall be erected upon any land acquired by the *Municipality* or any other federal or provincial government agency, and which has been designated for a future road allowance. Any *Development* adjacent to said future road allowance shall comply with the requirements of this By-law as if the said future road allowance was already in existence.

17. **Public Utilities and Services**

(1) Nothing in this By-law shall be so interpreted as to interfere with the *Construction*, maintenance and operation of the facilities of any *Public Utility* or *Public Service* such as ambulance, police and fire protection, or postal or telephone service provided that the requirements of such *Public Utility* or *Public Service* is of a standard compatible with the adjacent area. Notwithstanding the generality of the foregoing, transformer boxes may be permitted in any zone.

(2) A site area, site width, site depth or required *Yard* reduced below the minimum requirements of this By-law by virtue of a public works, street or *Public Utility* shall be deemed to conform to the requirements of this By-law.

18. **Relocation of Building or Structure**

No building or structure shall be moved or relocated in whole or in part to any other location unless every portion of the building or structure is made to conform to all applicable regulations of this By-law.

19. **Signs**

Signs shall require *Development Permits* in accordance with Part 1 – Administration (1.8.4), and shall comply with the following.

(1) *Appearance and Lighting*

a) No *Sign* shall:

- (i) interfere with the operations of the *Airport*;
- (ii) direct beams of light, including klieg lights and search lights, in a flashing sequence toward any residence, *Public Road* or highway;
- (iii) display graphics that imitate or resemble any traffic control sign, signal or device;
- (iv) display lights and rotating beams that resemble any traffic control sign, signal or device; or ambulance, fire, police and other emergency vehicles; or
- (v) move in whole or part in a swinging motion.

- b) Digital moving copy *Signs*, digital reader boards, digital static copy *Signs* and digital 24- hold *Signs* must:
 - (i) Have 6 second minimum hold times and 0.25 second maximum transition times;
 - (ii) Not interfere with operations of the *Airport*;
 - (iii) Not exceed 3.2 lux above ambient light condition brightness levels; and
 - (iv) Use automatic dimming.
- (2) Location
 - a) Address numbers shall be attached to the building in proximity to the principal entrance.
 - b) No *Sign* or *Sign* structure may be located where it may:
 - (i) Interfere with, obstruct view of, or be confused with any authorized traffic control sign, signal or device;
 - (ii) Materially impede the view of any *Public Road* or highway intersection, or in such a manner as to materially impede the view of the intersection of a *Public Road* or highway with a railroad grade crossing; or
 - (iii) Interfere with the free use of a fire escape, exit or standpipe, or obstruct a required door, stairway, ventilator, window or public way or other hazardous location.
 - c) No *Sign* or *Sign* structure may be located:
 - (i) Within 125 feet (38.1 m) of a Provincial Trunk Highway and Provincial Road right-of-way, except where permitted by the proper jurisdiction – Manitoba Infrastructure and Transportation or the Manitoba Highway Traffic Board.
 - (ii) On, over or above any land or public right-of-way or sidewalk, owned by the *Municipality* except where approval by *Council*.
 - (iii) Within 262.47 feet (80 m) of an Open Space or Industrial Centre Zone boundary, except where not visible from said boundary, as determined by the *Designated Officer*; and
 - (iv) Facing residential uses, except where not visible from the residence, as determined by the *Designated Officer*.
 - d) No *Billboard* shall be located within 492 feet (150 m) of another *Billboard* on the same street and facing the same direction of traffic. Applications for *Billboards* shall include information as stipulated in this By-law; including Part I Administration/8. Development Permits/(4). Permit Application.
- (3) Obsolete or Abandoned *Signs*
 - a) *Signs* and *Sign* structures shall be kept in repair and in proper state of preservation.
 - b) *Signs* that are obsolete because of discontinuance of the business service or activity shall be removed or relocated within 30 days following such condition.
 - c) Where the *Designated Officer* deems a *Sign* to be abandoned or obsolete, an order may be sent by registered mail to the *Owner* or person responsible for the abandoned sign, ordering its removal within 15 days of the date of notice, or take such measures as specified in the notice. Failure to comply may result in removal of the *Sign* by the *Municipality* at the expense of the *Owners* or the person responsible for the *Sign*.

PART III – GENERAL PROVISIONS

(4) Prohibited Signs

The following signs shall be prohibited in all zones: animated signs, changeable copy signs, inflated display signs, painted signs on fences or roofs (except addresses), roof signs, portable signs and vehicles signs.



(5) Size Calculation

Where a *Sign* has 2 or more faces, the area of all faces shall be included in determining the area of the *Sign*, except where 2 such faces are placed back to back and are at no point more than 2 feet (0.61 m) from one another.

(6) Temporary Signs

Temporary signs may be permitted at the discretion of the *Designated Officer*. However, temporary *Construction* signs may be erected for a maximum of 30 days prior to commencement of *Construction*, and shall be removed within 30 days of completion of *Construction*.

Signs - Industrial Centre Zone

<i>Projecting Sign</i>	
	<ul style="list-style-type: none"> - Quantity 1 façade - 2 max - Area (max) 600 ft² (55.7 m²) max - Width 6 ft (1.8 m) max - Height 4 ft (1.2 m) max - Depth / Projection 4 ft (1.2 m) max - Clearance 8 ft (2.4 m) min - Letter Height 8 in (20.3 cm) max
<i>Band Sign</i>	
	<ul style="list-style-type: none"> - Quantity (max) 1 (2 for corner buildings) - Area (max) 3 ft²/1 linear ft façade (0.3 m²/0.3 linear m façade) - Width 90% width of facade max - Height 3 ft (0.91 m) max - Depth / Projection 7 in (0.2 m) max - Clearance 7 ft (2.1 m) min - Letter Height 18 in (0.5 m) max

20. Temporary Building, Structure or Use

- (1) Temporary buildings or structures which are incidental and necessary to *Development* on the same *Zoning Site* may be permitted on a temporary basis subject to the issuance of a *Development Permit*, with terms and conditions as deemed necessary by the Designated Employee.
 - a) A *Development Permit* issued for a temporary building, structure or use, excluding temporary *Signs*, shall be valid for a period of not more than twelve (12) months and may not be renewed for more than 2 successive periods at the same location.
 - b) In all cases, temporary buildings and structures:
 - (i) May be used for storage of construction materials and equipment incidental to and necessary for *Construction*, including temporary asphalt or *Concrete Batch Plants* incidental and necessary for *Development* on the *Zoning Site* or for road construction;
 - (ii) May be used for office space for the contractor or developer;
 - (iii) Shall not be used for human habitation, except as temporary *accommodation* for a caretaker, watchman or other staff; and
 - (iv) Shall not be detrimental to the public health, safety, convenience and general welfare.

21. Winnipeg James Armstrong Richardson International Airport

- (1) The Winnipeg International Airport Zoning Regulation SOR/81-708 protects the *Airport* obstacle limitation surfaces from obstructions, and takes precedence over this By-law.
- (2) No building, structure and natural growth (trees), nor disposal of waste edible by or attractive to birds shall be permitted in proximity to the *Airport* in accordance with SOR/81-708.
- (3) Applications for *Development Permits* shall be circulated to NAV Canada, Winnipeg Airports Authority and Transport Canada for review and comment prior to issuance of a *Development Permit* to ensure compliance with *Airport* related restrictions.
 - a) The Winnipeg Airports Authority operates, manages, maintains and invests in the *Airport*.
 - b) NAV Canada owns and operates the civil air navigation service and assesses and approves all proposals for land use near the *Airport* and air navigation infrastructure before *Construction* begins to ensure that air navigation system safety and efficiency are not compromised by proposed land *Development*.
 - c) Transport Canada performs assessments on the requirement for obstruction marking and lighting of man-made structures per Canadian Aviation Regulations.

22. Yard Requirements

- (1) No *Yard* requirement of a *Zoning Site* may be applied so as to satisfy the *Yard* requirements of another *Zoning Site*.
- (2) Administrative Discretion
 - a) Where *Yard* requirements cannot be determined due to peculiar *lot* configuration, topography or architectural or site arrangement, the *Designated Officer* has the authority to make the determination.
- (3) *Encroachments*

Required *Yards* shall be maintained open and unobstructed from the ground to the sky, with the following exceptions:

 - a) Architectural features may encroach into a required *Side Yard* by no more than 5 inches (12.7 cm) for each 1 foot (0.3 m) of width, provided the width is not reduced to less than 3 feet (0.9 m); and may encroach into a required *Front Yard* or *Rear Yard* by not more than 3 feet (0.9 m);
 - b) *Accommodations* for disabled persons may encroach into any required *Yard*;
 - c) Fences, hedges and landscape features may encroach into any required *Yard*;
 - d) Historic plaques or markers authorized by *Council* may encroach into any required *Yard*;
 - e) Open, unenclosed and uncovered porches or paved terraces, without permit fixed canopies, may encroach into a front or rear required *Yard* a maximum of 10 feet (3.2 m); and
 - f) Open and unenclosed stairways or balconies, not covered by a roof or canopy, may encroach into the required *Front Yard* by no more than 3 feet (0.9 m), and into the required *Rear Yard* by no more than 4 feet (1.2 m).

(4) No Building or Structure

Where a *Zoning Site* is occupied by a permitted use that requires no buildings or structures, the required *Yards* shall be provided and maintained, except at the discretion of the *Designated Officer* regarding such cases as *Agricultural Activities* or open space uses.

(5) *Side Yard* Exception

Units within buildings with common party walls shall be construed as 1 building occupying 1 *Zoning Site*.

PART IV – ZONES

1. Zones

The CentrePort Zones are “form-based,” which places the focus upon the built form and its relationship to the public realm. This provides stronger controls over urban character and function, and the means to achieve development objectives with greater certainty. In contrast, conventional zones focus on the segregation of specific land uses.

(1) *Industrial Centre Zone (I1)*

- Land uses within the *Industrial Centre Zone* are generally oriented towards *Light Industrial Uses*, as well as medium scale *Retail, Service, Office* and *Accommodation* uses that generally have higher employment counts.
- Buildings have the smallest *Footprint* within CentrePort, are up to 10 *Stories* in *Height*, and are situated at or near the front lot line *Abutting* a sidewalk. Ground floor levels may contain commercial and *Office* uses. *Single Mass* upper stories and secondary areas of ground floors may contain flexible *Light Industrial*, civic and additional commercial and *Office* uses.
- *Streetscapes* are *Pedestrian-Friendly*, with inviting sidewalks, street furniture and landscaping to support pedestrian comfort and commercial activity along *Walkable Streets* and *Active Transportation Corridors*.

(2) *Industrial General Zone (I2)*

- Land uses within the *Industrial General Zone* are generally oriented towards *Industrial Uses*, including manufacturing and distribution uses with substantial large cargo truck activity and *High Cube Warehouses*.
- Buildings have the second largest *Footprint*, are up to 3 *Stories* in *Height*, and are entirely or partly situated at or near the front lot line *Abutting* a sidewalk. Ground floor levels may contain industrial, manufacturing, *Office* and storage uses, and may include outdoor assembly and retail sales *Accessory* to the primary *Industrial Use*. Upper stories may contain industrial, manufacturing and *Office* uses.
- *Streetscapes* are comprised of *Utilitarian Frontages*, including loading docks and *Accommodations* for movement of large cargo trucks and service and delivery vehicles, and may include tree plantings for shade.

(3) *Industrial Heavy Zone (I3)*

- Land uses within the *Industrial Heavy Zone* are generally oriented towards *Heavy Industrial Uses* such as manufacturing and distribution activity and including multi-modal, inter-modal and specialized shipping facilities.
- Buildings have the largest *Footprint*, are up to 3 *Stories* in *Height*, and may be situated anywhere on the *Lot* in accordance with *Bulk Requirements*. Ground floor level uses may range from industrial, manufacturing, distribution uses, including outdoor assembly to *Office* uses. Upper stories may contain industrial, manufacturing and *Office* uses.

- *Streetscapes* are comprised of industrial *Frontages*, including loading docks and *Accommodations* for movement of large cargo trucks and service and delivery vehicles, and may include non-obstructive tree plantings for shade.
- (4) *Open Space Zone*
- The *Open Space Zone* is intended to provide areas for parks and recreation, and to protect environmentally *Sensitive lands*. Open space may serve to separate certain land uses within the *Industrial Centre*, *Industrial General* and *Industrial Heavy* Zones. A future Open Space Plan will serve to add this zone to the Zoning Maps.
- (5) *CentrePort Rural Zone*
- The CentrePort Rural Zone is intended to preserve and protect lands for future industrial and commercial uses in keeping with the vision for CentrePort Canada and to ensure that existing lawful land uses can continue to function in their current state until such time as the lands are required for CentrePort-related development.
 - Permitted uses in the CentrePort Rural Zone are limited to *Agricultural Activities* and *Public Utilities and Services*.
 - Non-conforming buildings, structures, *Lots* and uses are subject to the relevant provisions of *The Planning Act* and Section 10 of Part 1 of this By-law.
 - Development proposals in the CentrePort Rural Zone shall not be approved that would: substantially alter the existing state of the land; require structures, footings or foundations that cannot be removed or relocated at a nominal cost to the proponent; or, compromise the future economical subdivision, servicing and development of the land.

2. **Overlay Zones**

Overlay zones may be placed over existing zones to identify special provisions or incentives to guide development within a defined area. The boundaries of the overlay zones may or may not coincide with the boundaries of the underlying zone.

- (1) *Walkable Street Overlay Zone*
- The *Walkable Street Overlay Zone* requires *Pedestrian-Friendly Streetscapes*, with inviting sidewalks and such other amenities as street furniture, public art and landscaping, to support pedestrian comfort and commercial activity. *Walkable Streets* are flanked on both sides by land zoned *Industrial Centre Zone*.
- (2) *Active Transportation Corridor Overlay Zone*
- The *Active Transportation Corridor Overlay Zone* requires infrastructure to support pedestrians, cyclists and public transit, such as sidewalks, multi-use paths and bike lanes with landscaping and buffering to improve safety and aesthetic appeal.

PART IV – ZONES

(3) *Industrial Corridor Overlay Zone*

- The *Industrial Corridor Overlay Zone* is intended to prioritize expeditious movement of industrial traffic and cargo, and may encompass the majority of the *Public Road* network within CentrePort. The infrastructure is designed for large trucks, with minimal buffering and landscaping to provide transition between industrial and non-industrial land uses.

For the purposes of applying the standards of Table 2, a Zoning Site that is not located adjacent to any of the three Overlay Zones is required to meet *Industrial Corridor Overlay Zone* standards.

3. Uses

(1) Allowable Uses

No land shall be used or occupied and no building or structure shall be erected, altered, relocated, used or occupied hereafter for any use in any zone, except in accordance with Table 1 – Use and *Parking* Table:

- a) Uses that are permitted are listed as “P”;
- b) Uses that are permitted subject to specific standards are listed as “P*”; and
- c) Uses that are not permitted are listed as “X”.

(2) Table 1 - Use and *Parking*

Table 1 – USE AND PARKING									
Emp = employee		n/a = not applicable		1000 ft ² (93 m ²) of gross floor area					
LAND USE		Industrial Centre I1		Industrial General I2		Industrial Heavy I3		Open Space OS	
		P/X	Parking	P/X	Parking	P/X	Parking	P/X	Parking
Accessory Buildings, Structures and Uses		P	0	P	0	P	0	P	0
Accommodations		P	1/room	X	n/a	X	n/a	X	n/a
Agricultural Activities		P	0	P	0	P	0	X	0
Billboard		X	n/a	P*	n/a	P*	n/a	X	n/a
Emergency and Protection Services		P	1/3 emp	P	1/3 emp	P	n/a	X	n/a
Industry	Aggregate Extraction ¹	X	n/a	X	n/a	P*	1/3 emp	X	n/a
	Anhydrous Ammonia	X	n/a	X	n/a	P*	1/3 emp	X	n/a
	Animal Processing	X	n/a	X	n/a	P*	1/3 emp	X	n/a
	Light	P*	1/3 emp	P*	1/3 emp	P*	n/a	X	n/a
	General	X	n/a	P*	1/3 emp	P*	1/3 emp	X	n/a
	Heavy	X	n/a	X	n/a	P*	1/3 emp	X	n/a
Office		P	2/1000 ft ²	X	3/1000 ft ²	X	n/a	X	n/a
Open Space		X	0	P	0	X	0	P	0
Parking		P	n/a	P	n/a	P	n/a	X	n/a
Residential		X	n/a	X	n/a	X	n/a	X	n/a
Restaurant	Full-service	P	3/1000 ft ²	x	n/a	X	n/a	X	n/a
	Fast-food	P	3/1000 ft ²	P	5/1000 ft ²	X	n/a	X	n/a
	Take-out	P	3/1000 ft ²	P	5/1000 ft ²	X	n/a	X	n/a
Retail	Agriculture Related	P	4/1000 ft ²	P	4/1000 ft ²	X	4/1000 ft ²	X	n/a
	General	P	3/1000 ft ²	X	n/a	X	n/a	X	n/a
	Vehicle-Oriented	P	4/1000 ft ²	P	5/1000 ft ²	X	n/a	X	n/a
Services	Agriculture Related	P	3/1000 ft ²	P	3/1000 ft ²	X	n/a	X	n/a
	General	P	2/1000 ft ²	X	n/a	X	n/a	X	n/a
	Vehicle-Oriented	P	3/1000 ft ²	P	3/1000 ft ²	X	n/a	X	n/a
Transportation Related	Container Transload	X	n/a	P	1/3 emp	P	1/3 emp	X	n/a
	Distribution Centre	X	n/a	P	1/3 emp	P	1/3 emp	X	n/a
	Fulfillment Centre	X	n/a	P	1/3 emp	P	1/3 emp	X	n/a
	Intermodal Transfer	X	n/a	X	1/3 emp	P	1/3 emp	X	n/a
	Rail / Truck Terminal	X	n/a	X	1/3 emp	P	1/3 emp	X	n/a
Utilities – Private and Public		P	1/3 emp	P	1/3 emp	P	1/3 emp	P	1/3 emp
Warehouse and Distribution		X	n/a	P	1/3 emp	P	1/3 emp	X	n/a

1 See applicable Rosser Aggregate By-law for Specific Standards.

(3) Administrative Discretion

The *Designated Officer* has the authority to determine if a use that is not listed in Table 1 – Use *Parking* may be allowed, subject to review against the following criteria.

- a) The proposed use is not listed as a Permitted use in any zone, and
- b) The proposed use is generally consistent with the:
 - (i) development plan and any secondary plan by-law in effect;
 - (ii) purpose of the applicable zone; and
 - (iii) general character of Permitted uses and will not produce greater impact.

1 Rural Municipality of Rosser By-law No.

PART IV – ZONES

(4) Table 2 – Bulk Requirements

TABLE 2 – BULK REQUIREMENTS								
ZONE	REQUIREMENT		Walkable Street Overlay		Active Transportation Overlay		Industrial Corridor Overlay	
INDUSTRIAL CENTRE ZONE (I1)	Building Height+		20 ft min (6.1 m) – 10 stories max		3 stories max		3 stories max	
	Building Setback	Front	0 – 10 ft max (0 – 3.1m)		5 ft – 20 ft max (1.5 m – 6.1 m)		5 ft min (1.5 m)	
		Side	Abutting I1	0 – attached	Abutting I2	20 ft min (6.1 m) attached	Abutting I3	n/a
				5 ft (1.5 m) detached		n/a		n/a
	Rear	20 ft min (6.1 m)		20 ft min (6.1 m)		n/a		
		5 ft min (1.5 m) to rear access lane		5 ft min (1.5 m) to rear access lane		n/a		
	Frontage ++	Shopfront	50 % min of total Building frontage with 60% min clear glass		50% min of total Building Frontage with 60% min clear glass		50 % min of total Building Frontage with 60% min clear glass	
		Common Entry	70% min of total Building Frontage with 30% min clear glass		50 % min of total Building Frontage with 30% min clear glass		Unlimited % of total Building Frontage with 30% min clear glass	
	Landscaping		1 tree/30 ft (9.1 m) plus 3 shrubs /20 ft (6.1 m) of Lot Frontage 1 foundation shrub/10 ft of Facade		Landscaped with connection to <i>Existing</i> or proposed sidewalk and bikeway			
	Parking	Access	60 ft min (18.3 m) from corner		60 ft min (18.3 m) from corner		60 ft min (18.3 m) from corner	
		Landscaped	5% gross parking area to be landscaped if over 20 parking spaces					
Loading	Setback	30 ft min (9 m) <i>Front Yard</i>		20 ft min (6.1 m) <i>Front Yard</i>		n/a		
	Setback	60 ft min (18.3 m) <i>Front Yard</i>		20 ft min (6.1 m) <i>Front Yard</i>		n/a		
Signs*		Band sign*: 1 sign/Facade (2 max); 3ft ² /linear ft max area (0.28 m ² /linear m); 7 ft min clearance (2.13 m) Projecting sign**: 1 sign/façade (2 max); 6 ft ² max area (0.56 m ²); 8 ft min clearance (2.44 m)						
Site Coverage		90% max		90% max		90% max		
INDUSTRIAL GENERAL ZONE (I2)	Building Height+		n/a		3 stories max		3 stories max	
	Building Setback	Front	n/a		5 ft – 20 ft max (1.5 m – 6.1 m)		5 ft min (1.5 m)	
		Side	Abutting I1: n/a		Abutting I2 – 20 ft min (6.1 m)		Abutting I3 – 29.8 ft min (9.1 m)	
		Rear	n/a		20 ft min (6.1 m)		20 ft min (6.1 m)	
	n/a		5 ft min (1.5 m) to rear access lane		5 ft min (1.5 m) to rear access lane			
	Frontage ++	Shopfront	50% min of total Building Frontage with 60% min clear glass		50% min of total Building Frontage with 60% min clear glass		50% min of total Building Frontage with 60% min clear glass	
		Common Entry	70% min of total Building Frontage with 60% min clear glass		50% min of total Building Frontage with 30% min clear glass		Unlimited % of total Building Frontage with 30% min clear glass	
	Landscaping		Paved		Landscaped with connection to <i>existing</i> or proposed sidewalk and bike lane			
	Parking	Access	n/a		60 ft min (18.3 m) from corner		30 ft min (9.1 m) from corner	
		Setback	n/a		20 ft min (6.1 m) <i>Front Yard</i>		n/a	
	Loading	Setback	n/a		20 ft min (6.1 m) <i>Front Yard</i>		n/a	
Signs		Free standing sign: 200 ft ² max area (18.5 m ²); 30 ft max Height (9.14 m); 25 ft (7.6 m) <i>Front Yard</i> or as approved by the Manitoba Highway Traffic Board or Manitoba Infrastructure and Transportation						
Site Coverage		70% max		70% max		70% max		
INDUSTRIAL HEAVY ZONE (I3)	Building Height +		n/a		3 stories max		3 stories max	
	Building Setback	Front	n/a		20 ft min (6.1 m)		5 ft min (1.5 m)	
		Side	n/a		Abutting I2: 29.8 ft min (9.1 m)		Abutting I3: 20 ft min (6.1 m)	
		Rear	n/a		29.8 ft min (9.1 m)		20 ft min (6.1 m)	
	n/a		5 ft min (1.5 m) to rear access lane		5 ft min (1.5 m) to rear access lane			
	Frontage ++	Shopfront	n/a		n/a		n/a	
		Common Entry	n/a		n/a		n/a	
	Landscaping		n/a		Landscaped with connection to <i>existing</i> or proposed sidewalk and bikeway			
	Parking	Access	n/a		60 ft min (18.3 m) from corner		60 ft min (18.3 m) from corner	
		Setback	n/a		Landscaped with connection to <i>existing</i> or proposed sidewalk and bikeway			
	Loading	Setback	n/a		n/a		n/a	
Signs		Free standing sign: 200 ft ² max area (18.5 m ²); 30 ft max Height (9.14); 25 ft (7.6 m) <i>Front Yard</i> or as approved by the Manitoba Highway Traffic Board or Manitoba Infrastructure and Transportation						
Site Coverage		n/a		70% max		70% max		

+ Building Heights shall be in accordance with Airport restrictions.

++ Provided all energy-related code requirements are met.

(5) Table 3 - Sustainable Development Standards

Development proposals shall achieve a minimum of 5 points in total, from any combination of the following sustainable development measures before a *Development Permit* will be issued. No partial points will be accepted. Applicants will be encouraged to incorporate as many sustainable development measures as their *Construction* plans will accommodate.

The *Designated Officer* may require documentation as listed below, as well as written confirmation of compliance by a qualified professional, to be attached to the permit application submission.

TABLE 3 - SUSTAINABLE DEVELOPMENT MEASURES		
Sustainable Measure	Points	Required Documentation
Active Transportation Corridor	5	Construction plans showing location of proposed construction along an Active Transportation Corridor at <i>Active Transportation Corridor Standards</i>
Benchmarking and Disclosure of Energy Performance	2	Copy of enrollment in Canadian ENERGY STAR Portfolio Manager
Bicycle Amenities	2	Construction plans showing bike storage, bike parking, employee shower
Bicycle Path	2	Construction plans showing new bike path adjacent to creek corridor
Energy Efficient Building	2	Proof that new construction is 10% improvement over MB Energy code standard / Proof that a <i>major renovation</i> is 5% improvement over ANSI/ASHRAE/ES Standard 90.1-2013
Green Building	2	Construction plans showing new construction or <i>major renovation</i> in compliance with the Green Building rating system Energy model demonstrating improvement and other proof of eligibility for certification by Green Building Council of Canada, Green Globes or Living Building Challenge
Green Industries	3	Specifications and quarterly reports for 48 months after start up as proof that qualifying <i>green product</i> sales and services comprise over 75% of gross revenue
	5	Specifications and quarterly reports for 48 months after start up as proof that qualifying <i>green product</i> sales and services comprise over 95% of gross revenue
Green Roof	3	Construction plans showing vegetated roof on 50% min of total roof area – with drainage and planting details
Heat Island Reduction	3	Construction plans showing 35% of all on-site, non-roof hardscape areas such as sidewalks, plazas, courtyards, <i>parking lots</i> , parking structures, and driveways to be covered by either: shade tree canopy (15 year maturity); or solar reflective paving and roofing with a solar reflectance index (SRI) of at least 29
Hydro Power Smart Commercial Incentives	1	Construction plans showing sustainable development measures and proof of qualification for current incentives
Hydro Power Smart Industrial Incentives	5	Construction plans showing sustainable development measures and proof of qualification for current incentives
Rail Use	3	Logistics plans and quarterly reports for 48 months after start up showing transport of raw and finished good to be 60% or greater by rail
	5	Logistics plans and quarterly reports for 48 months after start up showing transport of raw and finished good to be 95% or greater by rail
Renewable Energy Sources Incentive programs: Manitoba Green Energy equipment tax credit and Manitoba Geothermal Energy Incentive Program	3	Construction plans or an affirmative pre-feasibility study of the system showing on-site solar (thermal or <i>Photovoltaic</i>), wind energy generation or geothermal in compliance with CSA-448 Earth Energy Standard established through an accepted building energy performance simulation tool supplying 5% min of building's annual electric and thermal energy
Upgrade to <i>Industrial Corridor</i>	1	Construction plans showing shade tree planting and sidewalks along an <i>Industrial Corridor</i> , with connections to <i>existing</i> and proposed adjacent sidewalks
Walkable Street	5	Construction plans showing location of proposed construction along a <i>Walkable Street</i> at <i>Walkable Street</i> standards
Water Efficient Landscaping	2	Construction plans showing <i>Xeriscape</i> plant materials and water-re-use for irrigation

(6) Table 4 - *Performance Standards*

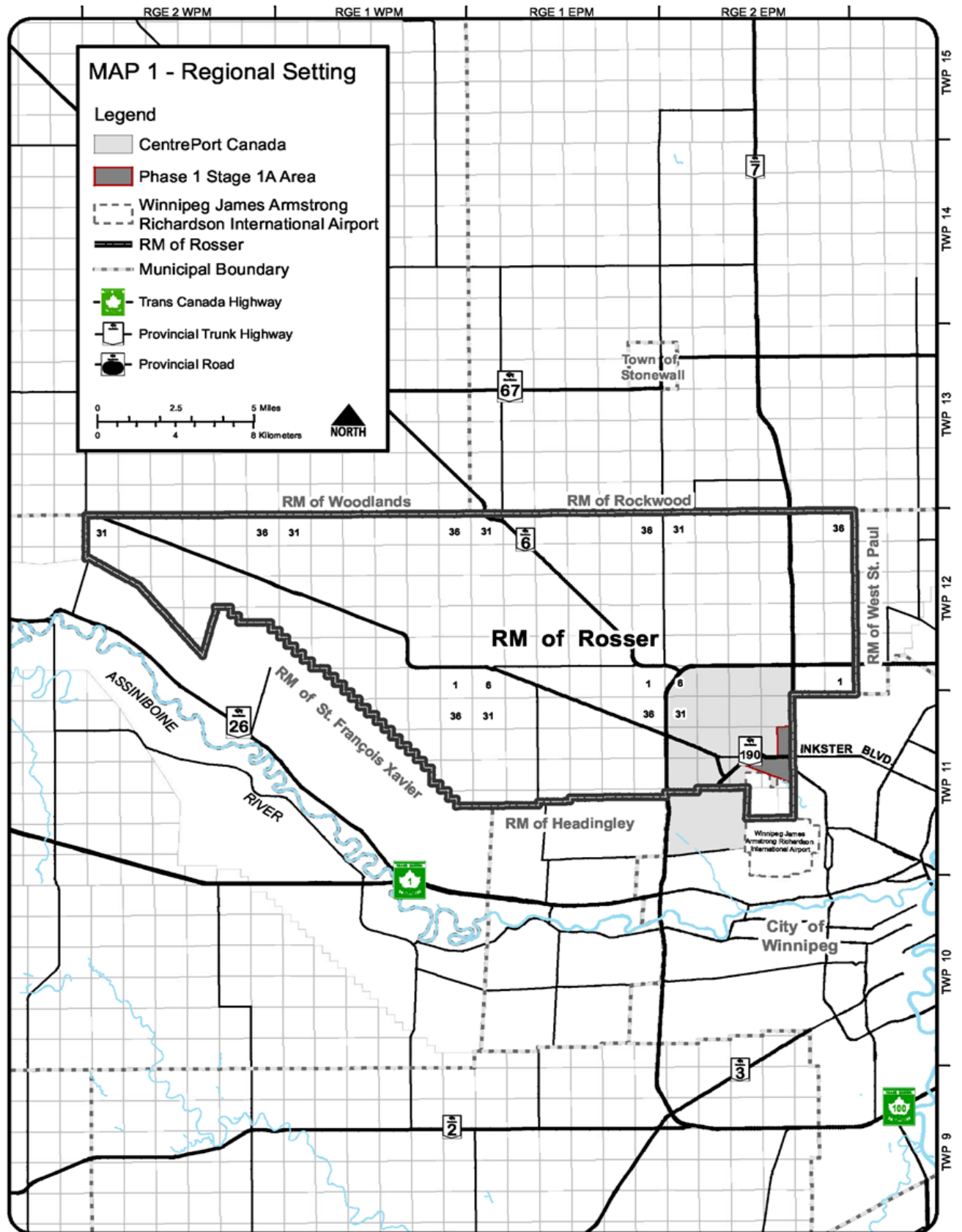
Industrial Uses shall conform to the following *Performance Standards*. The *Designated Officer* shall require written confirmation of compliance by a qualified professional, to be attached to the permit application submission.

TABLE 4 – PERFORMANCE STANDARDS	
<i>I1 = Industrial Centre Zone I2 = Industrial General Zone I3 =-Industrial Heavy Zone</i>	
NUISANCE	STANDARDS
Air Pollution	No air pollution or smoke shall be produced which is in violation of the requirements of the <i>Canadian Ambient Air Quality Standards</i> .
Dust, Dirt or Particulate Matter	No discharge into the air of any dust, dirt or particulate matter shall occur from any activity or from any products stored on the <i>Zoning Site</i> that is discernible without instruments at: I1: A <i>Lot</i> line of the <i>Zoning Site</i> ; I2: A <i>Lot</i> line of the <i>Zoning Site</i> ; or I3: A <i>Lot</i> line <i>Abutting</i> a Residential Zone.
Electrical Disturbance	No activity shall cause electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
Glare or Heat	No direct or sky-reflected glare or heat shall be produced in quantities which are discernible without instruments at: I1: A <i>Lot</i> line of the <i>Zoning Site</i> ; I2: A <i>Lot</i> line of the <i>Zoning Site</i> ; or I3: A <i>Lot</i> line <i>Abutting</i> a Residential Zone.
Inflammable or Explosive Materials	No inflammable or explosive materials shall be produced, used, stored or handled unless adequately safe-guarded, as approved by the Municipal Fire Department, against hazards of explosion.
Liquid Contaminants	No discharge of liquid contaminants or materials of such nature or temperature which contaminates any water supply, interferes with bacterial processes and sewage treatment or in any way causes the emission of dangerous or offensive materials shall occur into any public sewer, private sewage disposal system, stream or into the ground.
Noise or Vibration	No noise or vibration, other than related to transportation activities and temporary <i>Construction</i> work shall be produced in quantities which are discernible without instruments at: I1: A <i>Lot</i> line of the <i>Zoning Site</i> ; I2: A <i>Lot</i> line <i>Abutting</i> a non-industrial land use; or I3: A <i>Lot</i> line <i>Abutting</i> a Residential Zone. Where noise attenuation is required within a Provincial Highway or Road Control Area, application shall be made by the <i>Owner</i> to Manitoba Highway Traffic Board or to Manitoba Infrastructure and Transportation respectively.
Odorous Gases	No emission of any odorous gases or matter shall be produced in quantities which are discernible without instruments at: I1: A <i>Lot</i> line of the <i>Zoning Site</i> ; I2: A <i>Lot</i> line of the <i>Zoning Site</i> ; or I3: A <i>Lot</i> line <i>Abutting</i> a Residential Zone.
Radioactivity	No activity, including storage or dumping, shall result in the emission of radioactivity in any amount.

APPENDIX A

ZONING MAPS

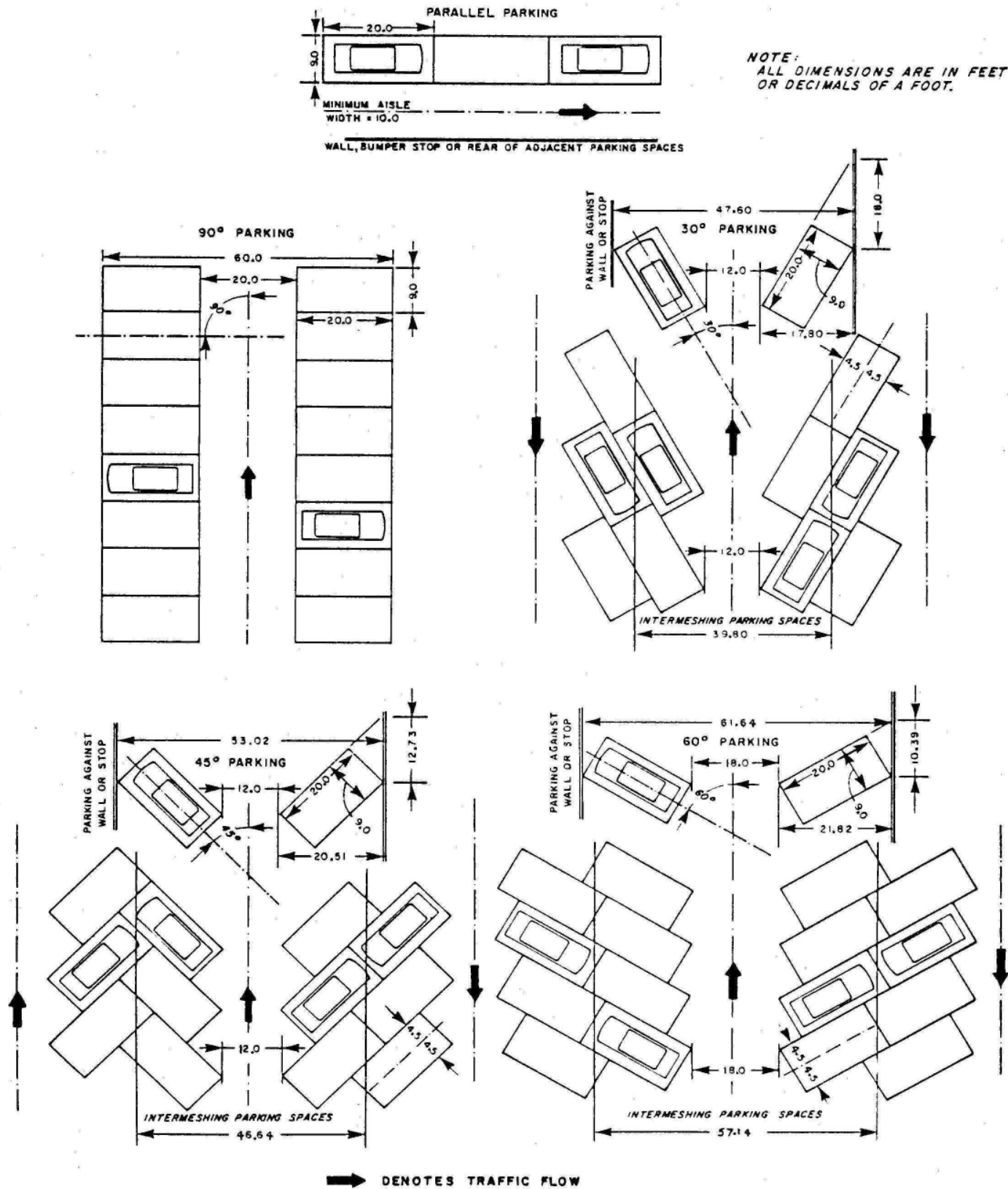
1. Regional Setting
2. Rosser CentrePort Canada Area



APPENDIX B

1. Parking Standards
2. Street Standard Guides:
 - (1) *Walkable Street* Standards
 - (2) *Active Transportation* Standards
 - (3) *Industrial Corridor* Standards
 - (4) Design Standards

1. Parking Standards

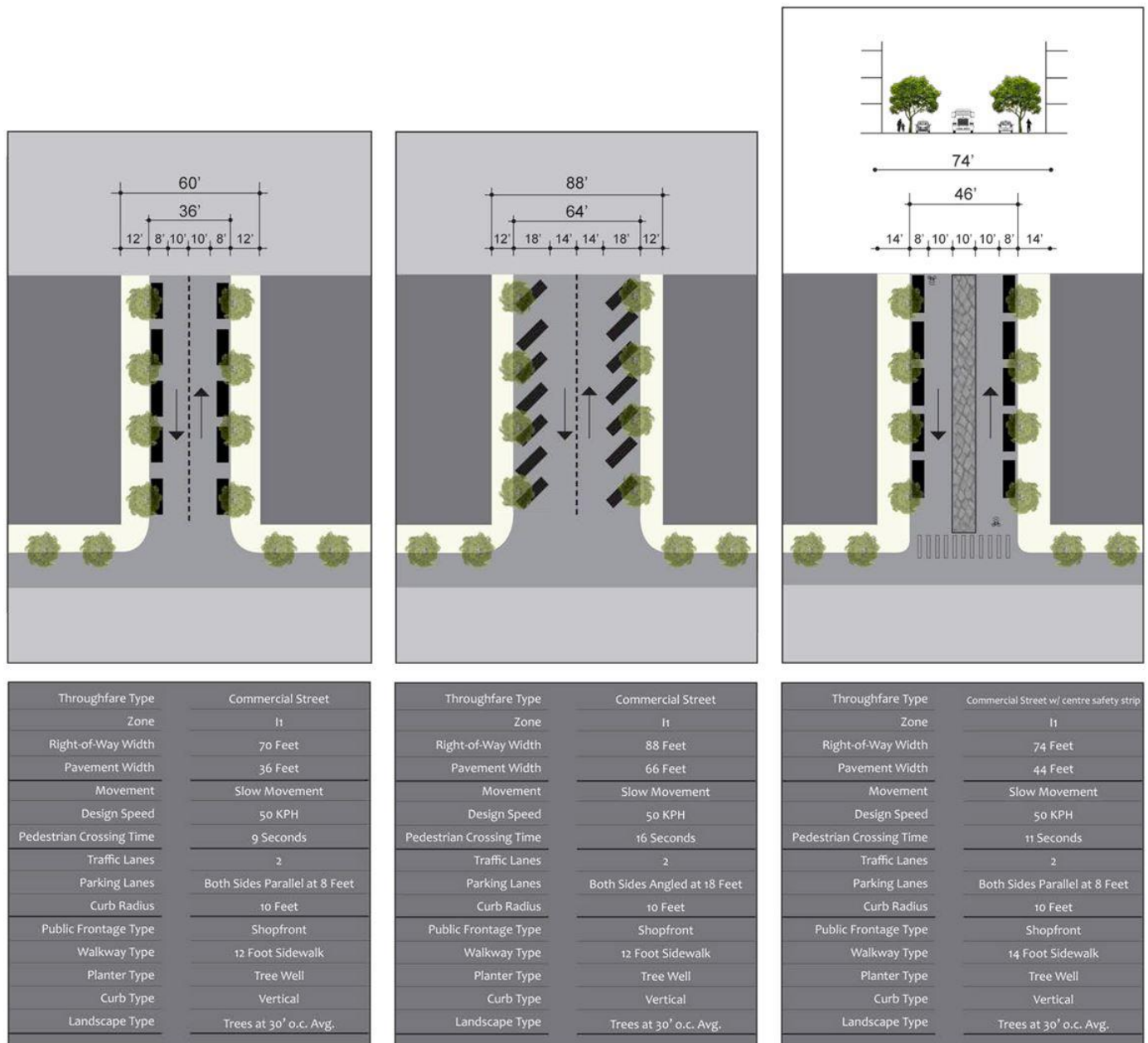


2. Street Standard Guides

The Street Standards are intended to guide the design and construction of public and private roads within the area of applicability of CentrePort By-law. This attachment is not part of the bylaw and the dimensions and details are guidelines. Detailed road design can deviate but should preserve the intent of the original guideline. Deviations should be approved by *Council*, with technical support from a transportation engineer, as part of a design review process but will not require a public hearing or variance process.

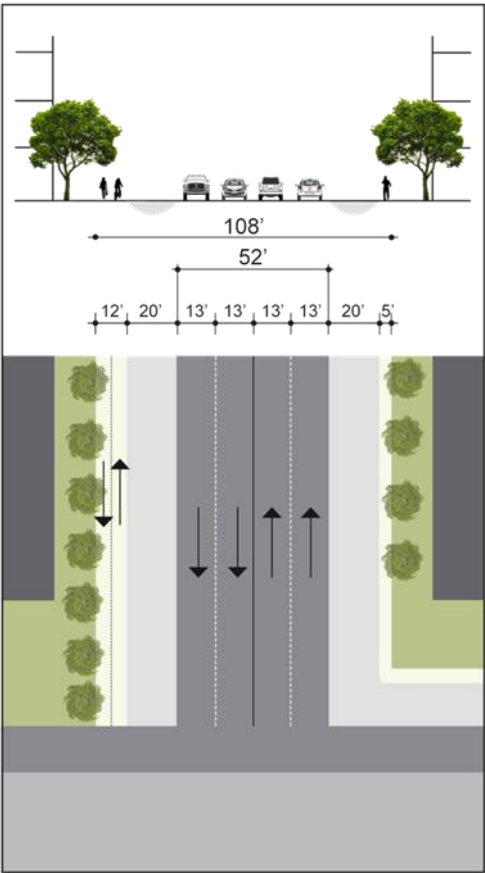
(1) Walkable Street Standards

The *Walkable Street Overlay Zone* require *Public Roads* that are *Pedestrian-Friendly* and allow for pedestrian passage between buildings, and is flanked on both sides by land zoned *Industrial Centre Zone*. The figure below illustrates a typical cross section of a *Walkable Street*.



(2) **Active Transportation Corridor Standards**

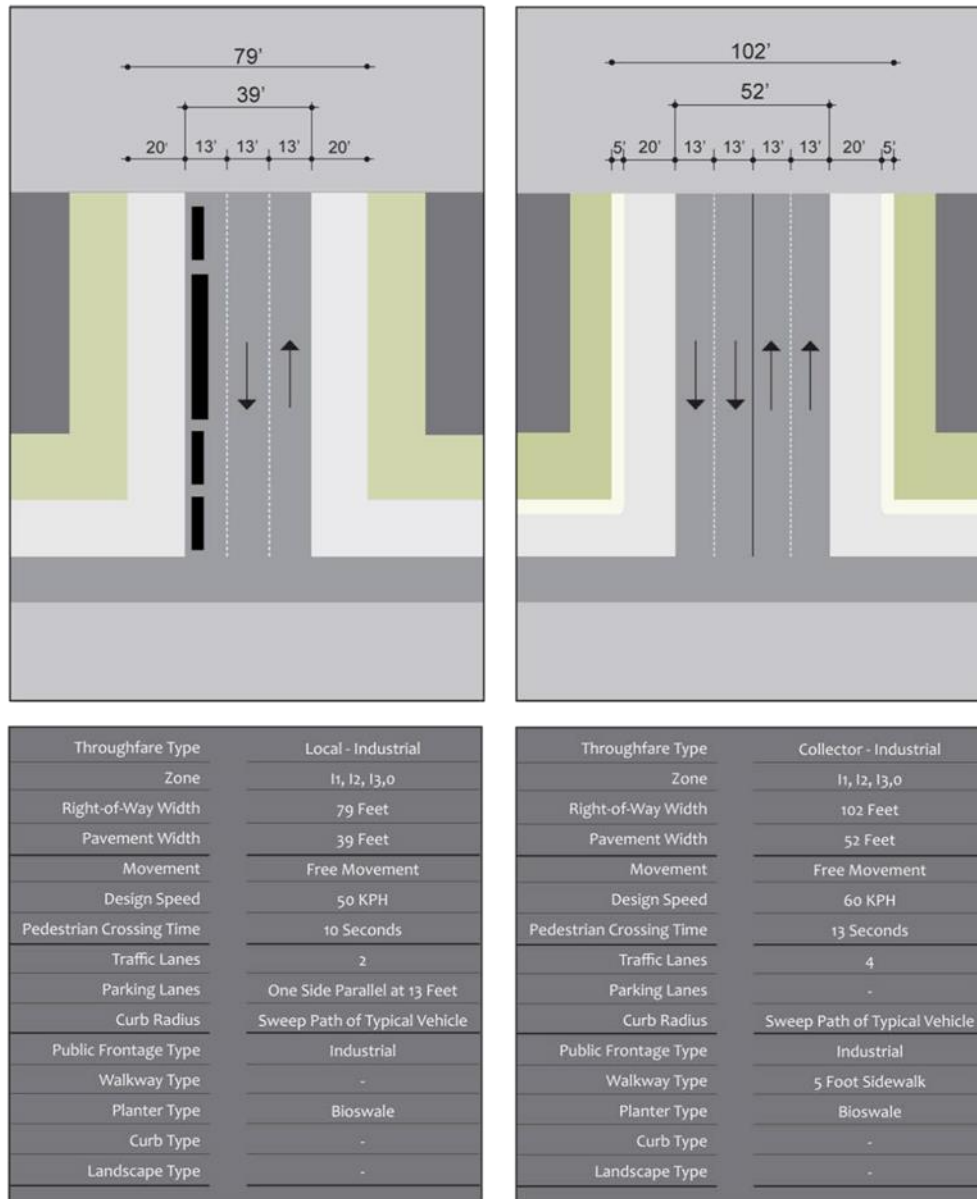
An *Active Transportation Corridor Overlay Zone (ATC)* is a *Public Road* right-of-way that includes *Active Transportation Infrastructure*. Bike paths are on public lands but not in the roadway and separated from trucks and automobiles by 20’ of ditch or grass. The figure below illustrates a typical cross section of an *Active Transportation Corridor*.



Throughfare Type	Active Transportation Corridor
Zone	I1, I2, I3, O
Right-of-Way Width	108 Feet
Pavement Width	52 Feet
Movement	Free Movement
Design Speed	60 KPH
Pedestrian Crossing Time	13 Seconds
Traffic Lanes	4
Parking Lanes	-
Curb Radius	Sweep Path of Typical Vehicle
Public Frontage Type	Industrial
Walkway Type	5 Foot Sidewalk and 12 Foot AT Path
Planter Type	Bioswale
Curb Type	-
Landscape Type	Trees at 30' o.c. Avg.

(3) **Industrial Corridor Standards**

The *Industrial Corridor* is oriented towards industrial traffic and represents the most common street type in CentrePort. All local streets flanked on both sides by *Industrial General* or *Industrial Heavy* and all local streets with mixed flankage are *Industrial Corridors*. The figure below illustrates a typical cross section of an *Industrial Corridor*.



(4) **Design Standards**

The 3 street design standards reflect the *Development* that fronts onto those streets. Generally, the highest quality *Streetscape* should be required on the *Walkable Streets* and on other streets located within or adjacent to the *Industrial Centre*

 Highest Standards  Some Standards  Least Standards  Not Allowed	1-1 Industrial Centre	1-2 Industrial General	1-3 Industrial Heavy	
WS Walkable Streets		X	X	
ATC Active Transportation Corridors				
IC Industrial Corridors				