

Every effort has been made to ensure the accuracy of the information contained in this brochure. However, in case of a discrepancy between this brochure and the respective By-laws, the applicable By-law will take precedence.

Please call for further information.

800 Saskatchewan Avenue West
Portage la Prairie, MB
R1N 0M8

Phone: 204-239-8345

Fax: 204-239-8319

Email: kbrookes@ptgplanningdistrict.ca

dkilcup@ptgplanningdistrict.ca


rfraser@ptgplanningdistrict.ca

Website: www.ptgplanningdistrict.ca



GENERAL PLANNING INFORMATION GUIDE

Definitions
Variations
Conditional Uses
Zoning By-Law Amendments



**Portage la Prairie
Planning District**



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DEFINITIONS:

- Building Permit:** A permit issued by a municipality, planning district or other appropriate authority authorizing the construction or alteration of all or part of any building.

- Building Site:** The location on which construction of a building is about to commence or is in progress.

- Conditional Use:** The use of land or building which may be permitted in any particular zoning district as provided for in a zoning by-law or planning scheme.

- Development:**
 - a) The carrying out of the construction, erection or placing of any building or excavation or other operation on, over or under land
 - OR,
 - b) The making of any change in the use or intensity of use of any land or buildings or premises.

- Development Permit:** A permit issued under a planning scheme or zoning by-law authorizing development and may include a building permit.

- Development Plan:** A by-law passed by Council or Board under Part 4 of the Planning Act, or a part thereof, approved under this Act, covering any area of land defined therein, designed to achieve stated objectives and to promote the optimum economic, social, environmental and physical condition of the area, and consisting of the texts, maps or illustrations describing the program and policy.

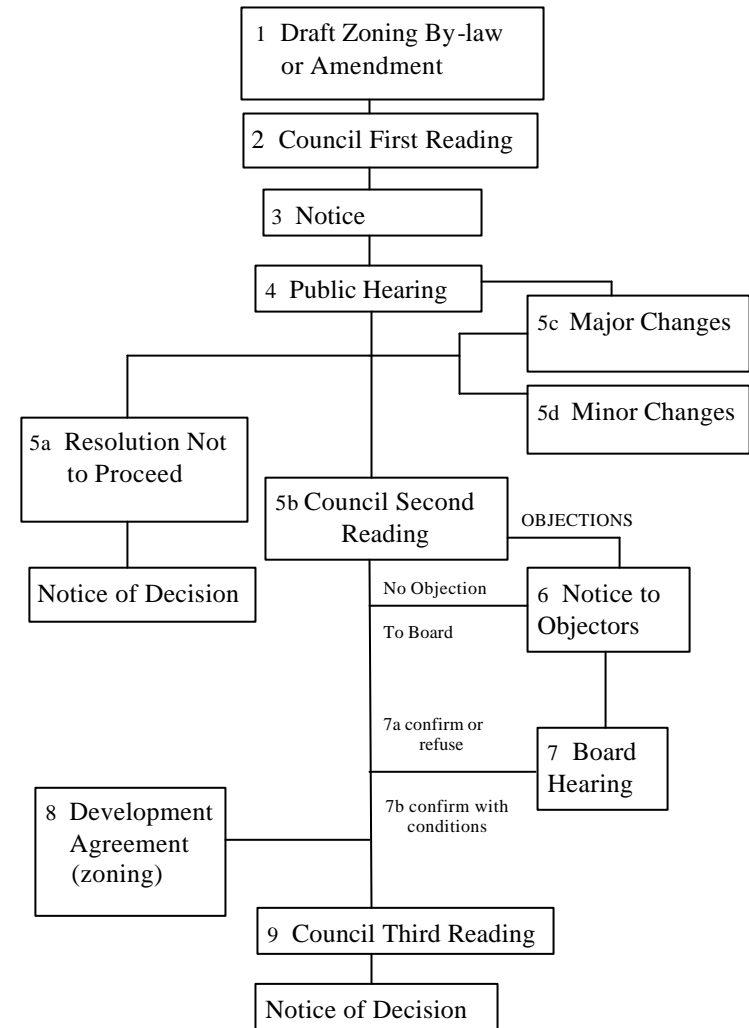
- Subdivision:** The division of a parcel by an instrument including a plan of subdivision conveyance, deed or mortgage. Applications available at Intergovernmental Affairs office.

- Variation:** An application to modify zoning requirements governing: height, site area, width or coverage, buildings, floor space, minimum yards, dwelling unit density or parking and loading requirements as they apply to an *individual site*.

- Zoning By-Law:** A by-law passed by the Council of a municipality under Part 5 of the Planning Act. Current Zoning By-Law complete with Zoning Map is available at the respective municipal offices.

ZONING ADOPTION AND AMENDMENT PROCEDURE

Part 5 and Part 11 of the Planning Act



ZONING ADOPTION AND AMENDMENT PROCEDURE

Planning Act Reference Part 5 and Part 11

STEPS	DESCRIPTION
1.	Draft the by -law or amendment
2.	Council First Reading
3.	Notice (for rezoning) A) Publish notice in newspaper B) Mail Notice to: i) Minister ii) adjacent municipality or district iii) the applicant (if any) iv) adjacent property owner (if any) OR v) placard
4.	Public Meeting
5.	Council Decisions A) Resolution not to proceed and Notice of decision B) Council Second Reading i) with no obligations - go to step 8 ii) with objections - go to step 6 C) major changes made to by-law - go to step 3 D) Minor changes
6.	Notice to Objectors A) no further appeals - go to step 8 B) further appeals received—go to step 7
7.	District Board Hearing A) confirm or refuse the by-law B) confirm the by-law subject to conditions
8.	Zoning Development Agreement
9.	Council Third Reading Notice of Decision

WHAT PROCESS IS INVOLVED IN AN APPLICATION FOR A VARIATION OR CONDITIONAL USE?

- When the applicant is applying the following items are required: a survey certificate, status of title and site plan showing the area affected as well as what is to be adjusted. The more information the better.
- A hearing date before Council is set within 40 days of the application.
- The application is circulated to all City Departments for comments (City of Portage la Prairie only) .
- A notice is sent by mail to residents located within 100 m (330 ft.) of the property line in question.
- Once comments are received, a report is presented to Committee of Council and then to Council on the hearing date specified. Anyone wishing to make presentation to Council regarding the application are permitted to do so at the hearing.
- Council will then approve/deny the application. Council may at this time include conditions of approval on the application. An Order is then issued to the applicant/owner approving or denying the application. The Decision of Council is mailed to the applicant and to any person who made representation at the hearing.
- Expiry of Approval - the approval of Council shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision, unless it is renewed prior to the expiry date at the discretion of Council for an additional period not exceeding twelve (12) months.

WHAT TIMELINES ARE INVOLVED?

The timelines for the Variation and Conditional Use process is approximately 40 days.

WHERE DO I APPLY FOR A VARIATION AND CONDITIONAL USE?

Applications for Variations (Part 6 of Planning Act) and Conditional Uses (Part 7 of Planning Act) are made to the Development Officer of the Portage la Prairie Planning District.

REQUIRED DOCUMENTS?

- Status of Title
- Current Survey Certificate
- Site Plan

WHEN IS A DEVELOPMENT PERMIT REQUIRED?

As per applicable municipal Zoning By-laws, no person shall use any land, building or structure and shall not construct or reconstruct a building or structure except in conformity with an approved development permit and an owner or his agent shall obtain all necessary permits as required by the Council and other government agencies.

WHEN IS A DEVELOPMENT PERMIT NOT REQUIRED?

- A) The carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation as defined in the Building Permit By-law with amendments thereto.
- B) The erection or construction of gates, fences, walls or other means of enclosure (other than on corner lots or where abutting on a road used by vehicular traffic) and the maintenance, improvement and other alterations of any gates, fences or wall or other means of enclosure. Height restrictions apply, call for measurements.
- C) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this By-law.
- D) The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial or municipal authority on land which is publicly owned or controlled.
- E) Utility connections and maintenance, including television, telephone, electrical, heating installation work to a building, provided that the use or intensity of use of the building does not change.
- F) Open patios at ground level.

APPLICATION FOR VARIATION AND CONDITIONAL USE PROCESS

**Part 6 – Variation
Part 7 – Conditional Use**

