

Planned Unit Develop Requirements
As per Conditional Use Application No. CU008/12
(223 Drury Avenue, West St. Paul)

1.0 Description

The following Planned Unit Development (PUD) requirements apply to the property commonly known as 223 Drury Avenue (Legal Description: Lots 28/29, Plan 969) located within the Rural Municipality of West St. Paul. These requirements are established as conditions to allow for the development of sixteen (16) single-family lots.

2.0 Development Layout

The layout of the single-family lots, including approximate lot dimensions, is illustrated on the attached subdivision plan listed as Appendix A.

3.0 Bulk Regulations

3.1 Permitted Uses			
<ul style="list-style-type: none"> - Single Family Dwelling - Accessory Use Building and Structures 			
3.2 Conditional Uses			
<ul style="list-style-type: none"> - None 			
3.3 Structure Siting Requirements (variable within 10% and subject to developer approval)			
3.3 (a) Single Family Dwelling Requirements		3.3 (b) Accessory Use Building and Structures Requirements	
Front Yard (minimum):	20 feet	Front Yard (minimum):	20 feet
Side Yard Interior (minimum):	5 feet	Side Yard Interior (minimum):	5 feet
Side Yard Corner (minimum):	10 feet	Side Yard Corner (minimum):	10 feet
Rear Yard (minimum):	25 feet	Rear Yard (minimum):	3 feet
Building Height (maximum):	25 feet	Building Height (maximum):	15 feet
Lot Coverage (maximum):	40%	Lot Coverage (maximum):	15%
Unit Area (minimum):	1,500 square feet	Unit Area (maximum):	800 square feet
		Number (maximum):	1

4.0 Additional Regulations for Permitted Uses

- 4.1 Accessory use buildings shall be constructed of similar materials, colour scheme and approximate roof pitch as the house.
- 4.2 Accessory use buildings must be located behind the main dwelling.

5.0 Projections Into Required Yards

The following may project into the required yards, with the amount as indicated below:

- 5.1 Alcoves, bay windows, chimneys, eaves, fireplaces, vestibules may project into a required front, side or rear yard not more than three (3) feet, provided that any projection is not closer than one (1) foot from the side or rear site line.
- 5.2 Open unenclosed decks, platforms or process, not covered by a roof or canopy, higher than two (2) feet above the average level of the grade of the site and attached to the main building, may project into any required front side or rear yard provided that any projection is not closer than one (1) foot from the side or rear lot line.
- 5.3 Open arbours, lighting fixtures, steps, landscape architectural features or guard railing, trellises or uncovered walks may be located in any required yard provided that the projection is not closer than one (1) foot from the side or rear site lines.
- 5.4 Fences, hedges and other landscaping vegetation may be permitted in a required front side or rear yard.

6.0 Height Exceptions

Height restrictions within the PUD regulations do not apply to the following:

- Antennae
- Chimneys
- Skylights
- Lightning poles

7.0 Fencing

Fences shall not include electric, barbed wire, or chain link. Fences must be constructed of either cedar or treated lumber, shall be permitted in all yards and shall be limited in height as per the following:

Front Yard (maximum height):	4 feet
Side Yard (maximum height):	6 feet, 6 inches
Rear Yard (maximum height):	6 feet, 6 inches

8.0 Pools and Hot Tubs

- 8.1 Swimming pools, hot tubs and related equipment (e.g. filters, pumps, heaters, etc.) must be located behind the main dwelling, and, screened from public view including from a public street.
- 8.2 Private swimming pools must be completely enclosed by a fence within a minimum height of five (5) feet and shall comply with the Manitoba Building Code.
- 8.3 Gates associated with the required fence must be a minimum height of five (5) feet, and shall be self-closing with a lockable latch to prevent unauthorized entry.

9.0 Decks and Patios

Decks, patios and related hard surface landscape architecture must be located behind the main dwelling, and, screened from public view including from a public street.

10.0 Special Regulations

10.1 Street Trees

A minimum average of two (2) trees shall be planted for each single-family lot within the PUD. Deciduous trees shall have a minimum caliper of 2.5 inches and evergreen trees shall have a minimum height of 8.25 feet when planted. The location of these trees shall be to the satisfaction of the rural municipality. Variation from the number and dimensions specified may be granted with the approval of the developer.

10.2 Street lights

Ornamental street standard lighting shall be provided. The type of street lighting shall be similar in character and size to the street standard lighting illustrated in Appendix B, which is approximately fifteen (15) feet tall. The exact location of all such street lighting shall be to the satisfaction of the rural municipality.

10.3 Public Reserve

The minimum amount of Public Reserve lands to be included within the PUD is identified on the subdivision plan included in Appendix A. The Public Reserve area is described as extending 98.4 feet (30 meters) east of the Vandal Street R.O.W., and 32.8 feet (10 meters) south of the northerly boundary of the subject property.

The Public Reserve land identified on the subdivision plan is being dedicated as it is not suitable for building sites or other development, due to its natural features and topography.

10.4 Riparian Protection

In order to protect riparian habitat along the Red River and the creek, the placement of buildings or structures and / or the removal of natural vegetation is not permitted within:

100 feet (30.5 meters) from the ordinary high water mark of the Red River (measured perpendicular from the ordinary high water mark); and

16.4 feet (5 meters) from the Public Reserve (measured perpendicular from the edge of the Public Reserve).

The location of Red River's ordinary high watermark is to be determined by a Manitoba Land Surveyor.

10.5 Flood Protection

The developable land within the PUD shall comply with any and all requirements of the Province of Manitoba and the Rural Municipality concerning flood proofing and mitigation.

11.0 Definitions

11.1 The definition of terms listed in the zoning by-law for the RM of West St. Paul shall apply to the terms listed within this PUD.

11.2 The PUD is meant to replace specific zone requirements set out within the RM of West St. Paul Zoning By-law. In the event of conflict between the provisions of this PUD and any other municipal by-law, or any restriction imposed by a

government authority having jurisdiction to make such restrictions, the most restrictive provision shall govern.

- 11.3 If ambiguity arises, concerning the context or application of the PUD regulations, the Selkirk and District Planning Area Board shall set forth relevant information and its interpretation in a recommendation for the Rural Municipality's Council. Council shall consider the findings and interpretation of the SPDA and render a final decision and interpretation on the matter.

12.0 Title Registration

As outlined within the RM of West St. Paul Zoning By-law 2/99P, this PUD, which includes the requirements listed above, associated site plan(s) and other supporting documents outlined within the appendix, shall be regulated through a development agreement which is registered by means of a caveat filed in the Winnipeg Land Titles Office against the real property described as Lots 28/29 Plan 969, the SDPA Board permitting processes, and the approval of the developer upon review of primary structure plans.