

The Rural Municipality of Piney

Zoning By-law

THE RURAL MUNICIPLITY OF PINEY

BY-LAW NO. 80/2012

BEING a By-law of the Rural Municipality of Piney to regulate the use and development of land;

WHEREAS, The Planning Act provides that the council of a municipality may enact a zoning By-law which generally conforms to a development plan adopted for the area;

AND WHEREAS, The Planning Act provides that the council of a municipality shall enact a zoning By-law upon the adoption of a development plan;

NOW THEREFORE, the Council of the **RURAL MUNICIPALITY OF PINEY**, in meeting duly assembled, enacts as follows:

The Rural Municipality of Piney Zoning Bylaw, attached as Appendix "A".

This By-law shall come into full force on, from and after the date on which it received third reading by the Council.

DONE and **PASSED** in Council assembled this 10th day of July A.D. **2012**.

Reeve

Chief Administrative Officer

Received **1st** reading this 28th day of February A.D. **2012**.

Received **2nd** reading this 10th day of July A.D. **2012**.

Received **3rd** reading this 10th day of July A.D. **2012**.

APPENDIX "A"

PART 1 – TITLE, INTENT and PURPOSE, RULES OF CONSTRUCTION

1. TITLE

This By-law shall be known and may be cited as "The **Rural Municipality of Piney Zoning By-law**".

2. INTENT and PURPOSE

The regulations established by this by-law are deemed necessary in order:

- a. To ensure general conformance with the objectives and policies of the Rural Municipality of Piney Development Plan;
- b. To outline the powers and duties of Council, the Development Officer and the landowner and/or developer as they relate to this By-law; and
- c. To regulate the use and development of land and buildings by:
 - i. dividing the municipality into zones;
 - ii. prescribing permitted and conditional uses for land and buildings in each zone; and
 - iii. establishing procedures for applying for and issuing development permits, non-conforming certificates, and zoning memoranda.

3. RULES OF CONSTRUCTION

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

- a. Words, phrases and terms are as defined within this By-law;
- b. Words, phrases and terms not defined within this By-law shall be as defined in The Planning Act, Municipal Act, Buildings and Mobile Homes Act, the Building, Electrical or Plumbing By-laws of the Rural Municipality of Piney, and other appropriate Acts;
- c. Words, phrases and terms neither defined within this By-law nor in the Building, Electrical or Plumbing By-laws of the Rural Municipality of Piney or other Acts shall be given their normative meaning except where Council determines the context clearly indicates a different meaning;
- d. The phrase "**used for**" includes "**arranged for**", "**designed for**", or "**occupied for**";
- e. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "**and**", "**or**" 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 shall apply singly or in any combination.

- iii. **“either-or”** indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
- f. The word **“includes”** or **“including”** shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of like kind or character.

PART 2 – DEFINITIONS

- 2.1 **Abattoir** means a building, structure, or part thereof, used for the slaughtering of animals and related activities.
- 2.2 **Abut or abutting** means immediately continuous to or physically touching, and when used with respect to a site, means that the site physically touches upon another site or piece of land, and shares a lot line or boundary with it.
- 2.3 **Accessory** when it is used in this By-law, shall have the same meaning as accessory use.
- 2.4 **Accessory building** means a subordinate building located on the same zoning site as the principal building or use, the use of which is incidental and accessory to that of the principal building or use:
- 2.5 **Accessory use or structure** means a use or structure on the same site with, and of a nature customarily incidental and subordinate to, the principal use or structure. The single exception to the above is accessory off-street parking facilities which are permitted by variation to locate elsewhere than on the same zoning site with the building, structure or use served.
- 2.6 **Act** means *The Planning Act*, and amendments thereto.
- 2.7 **Aggregate** means quarry mineral that is used solely for construction purpose as a constituent other than in the manufacture of cement and includes sand, gravel, clay, crushed stone and crushed rock.
- 2.8 **Aggregate Extraction Operation** means a site including accessory buildings and structures used for the removal, refinement and/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.
- 2.9 **Agri-business** means a commercial establishment that provides goods or services to the agricultural sector. Typical uses include farm equipment and machinery repair shops, bulk fuel stations, feed and fertilizer supply operations, livestock auction marts, grain terminals, commercial seed cleaning plants and storage and handling and/or processing for grains, vegetables and other crops.
- 2.10 **Agricultural Activities** means a use of land for agricultural purposes. These activities can include:
- a. The tillage of land;
 - b. The production and storage of agricultural crops, including hay and forages;
 - c. The production of horticultural crops including vegetables, fruit, trees, sod and greenhouse crops;
 - d. The operation of agricultural machinery and equipment;
 - e. The process necessary to prepare a farm product for distribution from the farm gate as an accessory use;
 - f. The application of fertilizers, manure, soil amendments and pesticides, including ground and aerial application; and

g. The storage, use or application of organic wastes from farm purposes.

h. apiaries

Typical uses include farming, pasturage, agriculture, apiculture, aquaculture, floriculture and horticulture. This Use Class does not include Livestock Operations or Natural Resource Developments.

2.11 Agricultural exhibition grounds means a competitive or non competitive exhibition of agricultural products and animals, and can include associated food and merchandise vendors, displays, entertainment and amusement.

2.12 Agricultural implements sales and service means a building and open area, used for display, sale or rental of new or used farm implements and where incidental repair work is done.

2.13 Airfield means any area of land or water that is used or intended for a use for the landing or taking off of aircraft.

2.14 Alter or alteration means a change or modification to an existing building, structure or use in keeping with the provisions of this by-law.

2.15 Alterations, incidental means:

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

- i. an addition/enlargement/extension on the exterior of a residential building, such as an open porch;
- ii. alteration of interior partitions in all types of buildings; or
- iii. replacement of, or changes in, the capacity of utility pipes, ducts or conduits.

b. Changes or replacements in the structural parts of a building, including but not limited to the following:

- i. adding or enlarging windows or doors in exterior walls;
- ii. replacement of building facades; or
- ii. strengthening the load bearing capacity, in not more than ten percent (**10%**) of the total floor area, to permit accommodation of a specialized unit of machinery or equipment.

2.16 Anhydrous Ammonia Facility means an area for the storage of anhydrous ammonia that is commonly used as a fertilizer, including sales and service.

2.17 Animal Housing Facility/Confined Livestock Area means a barn or an outdoor, non-grazing area where livestock are confined by fences or other structures, and includes a feedlot.

2.18 Animal Unit (A.U.) means the number of animals of a particular category of livestock that will excrete 73.00 kg. (160.93 lb.) of nitrogen in a twelve month period.

- 2.19 Automobile service station** means a development used for the retail sale of gasoline, other petroleum products, auto accessories, automobile and truck servicing, washing and repairing of vehicles and other associated uses including: Eating and Drinking Establishments and Truck Stops.
- 2.20 Automotive and equipment repair** means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This Use Class includes transmission shops, muffler shops, tire shops, automotive glass shops and upholstery shops, but does not include body repair and paint shops.
- 2.21 Bar/Lounge** means a structure or part of a structure designed, maintained and operated primarily for the dispensing of alcoholic beverages and may include the selling of food and/or snacks. If the bar/lounge is part of the larger dining facility it shall be defined as that part of the structure so designated and/or operated.
- 2.22 Basement** means a portion of a building between a floor and ceiling that is located partly underground, but with more than half of the floor to ceiling height thereof above the average grade of the adjoining ground.
- 2.23 Bed and breakfast** means a building or portion thereof where lodging and/or meals are provided for compensation for persons exclusive of the proprietor and their family.
- 2.24 Building, main or principal** means a building in which is conducted the principal use of the site on which it is situated.
- 2.25 Building Inspector** means the officer or employee of the Municipality charged with the duty of enforcing the Municipal Building By-law and any applicable Provincial and National Building Codes or regulations.
- 2.26 Building/Development Permit** means a permit issued by the Municipality authorizing the construction/development or alteration of all or part of any building or structure, in accordance with the applicable codes and standards
- 2.27 Bulk** means the following:
- a. The size (including height of building and floor area) of buildings or structures;
 - b. The area of the zoning site upon which a building is located, and the number of dwelling units or rooms within such building in relation to the area of the zoning site;
 - c. The location of exterior walls of buildings in relation to site lines to other walls of the same building, to legally required windows, or to other buildings; and
 - d. All open areas relating to buildings or structures and their relationships thereto.
- 2.28 Camping and tenting grounds** means a parcel of land planned and improved to accommodate travel trailers, camping trailers, pick-up coaches, motorized homes, tents, tent trailers or other camping accommodations used for travel, recreational and vacation uses.
- 2.29 Cemetery** means land for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematoria, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

- 2.30 Child care services** means the provision of care for remuneration or reward to a child apart from his or her own parents or guardians for a period in any one day exceeding three (3) hours but not exceeding fourteen (14) hours, and include the following:
- a. **Drop-in babysitting service** means the provision of supervision on a temporary basis being equal to the period of time while the child is with the babysitting service of children in a commercial or institutional building while the parents or guardians of the children undertake some form of short term activity, such as shopping, entertainment, education or similar activities in proximity to the place the child is under supervision on a temporary basis.
 - b. **Home day care** means the provision of child care services in a family dwelling unit, in which the owner or tenant resides, or churches or parish halls, to children, including the children of the owner or tenant, not over twelve (12) years of age. The number of children shall not exceed eight (8), with access to an outdoor recreation area.
 - c. **Group day care** means the provision of child care service to nine (9) or more children not over the age of twelve (12) in a provincially licensed facility with access to an outdoor recreation area.
- 2.31 Conditional use** means the use of land or building as provided for in *The Act*.
- 2.32 Condominium** means a condominium as established under the provisions of *The Condominium Act*.
- 2.33 Condominium unit** means a part of the land or building and is designated as a unit by the condominium plan, and is comprised of the space enclosed by its boundaries and all the material parts of the land within this space at the time the condominium declaration and plan are registered.
- 2.34 Council** means the Council of the Rural Municipality of Piney.
- 2.35 Development officer/Designated employee** means the officer appointed by the Council in accordance with the provisions of *The Act*.
- 2.36 Development permit** means a permit issued under the zoning by-law authorizing development, and may include a building permit.
- 2.37 Drive-in** means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles, which are driven onto the site where the customer may or may not receive service in the vehicle. This use class includes restaurants, coffee shops, ATM and other similar uses.
- 2.38 Dwelling** means a building or portion thereof designed for residential occupancy and include the following:
- a. **Dwelling modular home** means a building assembly or system of building sub-assemblies manufactured in its entirety, or in substantial part, off-site and transported to the point of use for installation on-site, with or without other specified components, as a finished building or as part of a finished building in accordance with CSA building regulations. Modular homes need not have electrical, plumbing, heating, ventilation, insulation or other service systems, but when such systems are installed at the off-site manufacture or assembly point, they shall be deemed a part of such building or system of building assemblies. Modular homes do not include open frame construction which can be completely inspected on-site.

b. **Dwelling; ready-to-move** means a method of constructing a dwelling unit whereby all of its component parts have been assembled in an off-site manufacturing facility and transported to a site where it is anchored to a permanent foundation.

2.39 Dwelling, multiple-family means a building containing three (3) or more dwelling units, each unit designed for and used by not more than one (1) family. May include multiple-story structures.

2.40 Dwelling, single-family means a detached building designed for and used by not more than one (1) family.

2.41 Dwelling, two-family means a detached or semi-detached building designed for and used by not more than two (2) families, each having exclusive occupancy of a dwelling unit.

2.42 Dwelling unit means one (1) or more rooms in a building designed for one (1) or more persons as a single housekeeping dwelling unit with cooking, eating, living, sleeping and sanitary facilities.

2.43 Dwelling unit, second means an accessory seasonal single family dwelling when located on the same site as the main dwelling, as determined by Council.

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2.443 Education service means a development which is privately or publicly supported or subsidized involving public assembly for educational, training or instructing purposes, and includes administration offices required for the provision of such services on either the same site or elsewhere. This Use Class includes public and private schools, community colleges, technical and vocational schools and associated administrative offices.

2.454 Environmental impact statement means a study prepared in accordance with established procedures to identify and assess the impacts of development on a specified feature or system.

2.465 Farm Building/Structure means a building or structure which does not contain a residential occupancy and which is:

a. Associated with and located on land devoted to the practice of farming:

b. Used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds, such as barns, produce storage buildings, milking centres, piggeries, poultry houses, grain bins, silos, machinery sheds, farm workshops, feed preparation centres, manure storages, greenhouses and garages not attached to a farm residence; and

c. Has a Low Human Occupancy (as applying to farm buildings) means an occupancy having an occupant load of not more than one (1) person per forty (40) square meters during normal use.

2.476 Fuel Tank Storage means a tank for the bulk storage of petroleum products or other flammable liquids which are being legally kept in a retail store or storage tank which is incidental to the primary use of the premises.

2.487 Garage means an accessory building or part of a principal building designed and used primarily for the storage of motor vehicles.

2.498 Garden suite means a temporary (and permanent for the approved time period), separate living unit that is not attached to the principal residence but is located on a lot containing an existing single unit dwelling, and is intended for the use of hosted person(s) with identified special needs.

- | **2.5049 General Industrial** means processing and manufacturing uses which cannot be classified as light industrial uses, as defined herein.
- | **2.519 Group home** means a residence that is licensed or funded under an Act of the Parliament of Canada or the Province of Manitoba for the accommodation of less than five (5) persons, exclusive of staff or receiving family, living under supervision in a single housekeeping unit and who by reason of their emotional, mental, social or physical conditional, or legal status, require a group living arrangement for their well being.
- | **2.524 Group Residence** means a group home for five (5) or more residents.
- 2.53 **Hobby Farm** means any agricultural use incidental to the main residential use of a parcel. The keeping of animals for personal use may be allowed, subject to specific requirements listed in the affected zones.
- | **2.542 Home industry** means a non-offensive light manufacturing activities and small businesses that may be permitted as a secondary use in addition to the principal use.
- | **2.553 Home occupation** means an occupation, trade, profession or craft that is carried on in a dwelling unit or its accessory building and which is clearly incidental or accessory to the residential use of the dwelling.
- | **2.564 Hotel** means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities. This Use Class includes restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.
- | **2.575 Indoor Participant Recreation Service** means a development providing facilities within an enclosed building for sports and active recreation where patrons are predominately participants. Typical uses include athletic clubs; health and fitness clubs; curling, roller-skating and hockey rinks; swimming pools; bowling alleys; paintball games; and racquet clubs.
- | **2.586 Kennel** means any premises on which more than two (2) animals are boarded, bred, trained or cared for, in return for remuneration or are kept for the purpose of sale. A kennel shall not include a veterinary clinic, animal hospital or animal pound.
- | **2.597 Lane** means a street not over thirty-three (33) feet in width.
- | **2.608 Light Industrial** means processing and manufacturing uses, provided that they do not create unusual fire, explosion or safety hazards, noise in excess of average intensity of street and traffic noise in the area in question; they do not emit smoke, dust, dirt, toxic or offensive odours or gas and there is no production of heat or glare perceptible from any adjacent site. Typical uses include automotive body repair and paint shops, commercial manufacturing and research facilities. Truck terminals may also be included, which may involve storing, repairing, servicing or loading trucks, transportation trailers and/or buses, automotive repair, eating and drinking areas, gas bar, retail sales, and service station as accessory uses.
- | **2.6159 Livestock** means animals or poultry not kept exclusively as pets, excluding bees.
- | **2.620 Livestock Operation** means a permanent or semi-permanent facility or non-grazing area where livestock producing at least 10.00 Animal Units are kept or raised, either indoors or outdoors, and includes all associated manure storage facilities, but does not include:
 - a. An operation for the slaughter or processing of livestock;

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- b. An operation for the grading or packing of livestock or livestock products;
- c. An operation for transporting livestock or livestock products;
- d. A livestock auction mart;
- e. An agricultural fair; and
- f. A livestock sales yard where livestock are kept no longer than three days.

| **2.634 Manufacturing facility** means a facility in which the main use is the production, compounding, processing, crating, bottling, packing, or assembling of raw or pre-processed materials including refining smelting, forging, stamping, blanking, punch-pressing or the manufacturing of chemical products.

| **2.642 Manure Storage Facility** means a structure, earthen storage facility, molehill, tank or other facility for storing manure or where it is stored, and includes any permanent equipment or structures in or by which manure is moved to or from the storage facility, but does not include:

- a. A field storage site;
- b. A vehicle or other mobile equipment used to transport or dispose of manure;
- c. A gutter or concrete storage pit used to store liquid or semi-solid manure for less than thirty days;
- d. A collection basin; or
- e. A composting site for manure or mortalities.

| **2.653 Mobile home** means a dwelling unit designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, being on the site on wheels, jacks or similar supports, or on a permanent foundation, and having been built in accordance with CSA building regulations and *The Buildings and Mobile Homes Act*. For the purpose of this By-law, the removal of the wheels or permanent or semi-permanent attachment of a foundation to a Mobile Home Dwelling shall not change the classification

| **2.664 Motel** means a building or part thereof, not over two (2) stories in height wherein sleeping accommodation is provided for transient lodgers and in which there is an exit from each room or suite of rooms directly to the outdoors with access to grade level. This Use Class includes restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

| **2.675 Non-conformity** means one, or a combination of one or more of the following:

- a. A site or an area of land;
- b. A building or structure;
- c. A use of a building or structure;
- d. Use of land

Which lawfully existed prior to the effective date of this by-law or amendments hereto, but does not conform to the provisions contained within this by-law or amendments hereto.

- | **2.686 Non-conforming uses** means any lawful use of a building, structure or land, or; portion thereof, which does not conform to any one or more of the applicable use requirements of the zone in which it is located, either on the effective date of this By-law, or amendments hereto.
- | **2.697 Non-conforming building or structure** means any lawful building or structure that does not comply with one or more of the applicable site requirements on the effective date of this By-law or amendments hereto.
- | **2.708 Non-conforming site or parcel** means any lawful site or parcel of land that does not comply with the site area, width or depth requirements of this by-law, or amendments hereto, and was on record in the Land Titles Office and in separate ownership prior to the effective date of this by-law, or amendments hereto.
- | **2.7169 Nuisance** means, when used with reference to a development, a use which, by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise; vibration; smoke; dust or other particular matter; odour; toxic or non-toxic matter; radiation hazards; fire or explosive hazards; heat; glare; unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which in the opinion of Council may be or become hazardous or injurious in regards to health or safety, or which adversely affects the amenities of the neighbourhood or interferes with or may interfere with the normal enjoyment of any land, building or structure.
- | **2.720 Outdoor Participant Recreation Service** means a development providing facilities which are available to the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses, driving range, ski hills, sports fields, skate board park, rock climbing, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, paintball games, and fitness trails.
- | **2.732 Party wall** means a wall forming part of a building and used for separation of adjoining buildings occupied, constructed or adapted to be occupied by different persons or businesses.
- | **2.743 Permitted use** means the use of land, buildings or structures provided in this zoning by-law for which a building/development permit shall be issued upon the application having been made, if the use meets all the requirements of this by-law.
- | **2.754 Personal care home** means a multiple unit dwelling or building containing individual rooms where people live dependent on personal care.
- | **2.765 Personal service shop** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons without limiting the generality of the foregoing. This use class may include such establishments as barber shops, beauty parlors, hair-dressing shops, coin op laundry, valets and depots for collecting dry cleaning and laundry.
- | **2.776 Planned unit development** means a land development project planned as an entity in accordance with a unitary site plan that permits flexibility in siting of buildings, mixture of housing types and land uses, useable open spaces and can include the preservation of significant natural features appropriate to the zone where such use is located.
- | **2.787 Private swimming pool/hot tub** means an artificially constructed basin, lined with concrete, fiberglass, vinyl or like material that is capable of containing a water depth greater than twenty-four (24) inches and that is located on the property of a single family dwelling.

- | **2.798 Professional, financial and office support service** means a development primarily used for the provision of professional management, administration, consulting and financial services. Typical uses include the office of lawyers, accountants, engineers and architects; office for real estate and insurance firms; clerical secretarial, employment, call services and similar office support services; banks, credit unions, loan offices and similar financial uses; general office / administration buildings.
- | **2.8079 Public facility** means facilities that are open to, and serve the general public, including medical and health-related offices, parks, recreation complexes, community centres, and like public uses.
- | **2.814 Public Park/Recreation Area** means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and human-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, interpretive centres, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, amphitheatres, and athletic fields.
- | **2.820 Public utility** means any system, works, plant equipment/buildings or services and facilities available at approved rates to or for the use of the public, including but not limited to:
- a. Communication, by way of telephone, wireless or television;
 - b. Public transportation, by bus or other vehicle;
 - c. Production, transmission, delivery or furnishing of water, gas or electricity to the public at large;
- A **public utility** does not include: collection of sewage, garbage or other waste.
- | **2.834 Quarry, aggregate and mineral extraction** means an area or quarry from which aggregate or minerals are extracted.
- | **2.842 Recycling Collection Centre** means a use that serves as a drop-off point for temporary storage for recoverable resources such as newspapers, glassware, plastics, and metal cans. No processing of such items would be allowed.
- | **2.853 Religious assembly** means a place of worship and related activities. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.
- | **2.864 Repair** means the renewal or reconstruction of any part of an existing structure for the purpose of its maintenance or restoration.
- | **2.875 Residential care facility** means the use of a building for the purpose of providing lodging, meals, care and supervision or transitional services to persons not related by blood, marriage or adoption to the operator nor to each other.
- | **2.886 Retail store** means a development used for the retail sale of those goods required by area residents or employees. Typical uses include food stores, clothing stores, drug stores, variety/ convenience stores selling confectionary, beverages, pharmaceutical and personal care items, hardware printed matter and similar uses.

- | **2.897 Sales/service** means the use of a building, structure or site in which goods and/or services are sold to the public, including restaurants, coffee shops, bakeries, catering services and similar uses.
- | **2.908 Salvage yard** means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to metals, paper, rags, rubber tires and bottles. This Use Class includes an automobile wrecking or dismantling yard but does not include uses established entirely within an enclosed building.
- | **2.891 Sign** means any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), banner, pennant or any other figure of similar character which:
 - a. Is a structure or any part thereof, or is attached to, painted on or in any other manner represented on or in a building or other structure;
 - b. Is used to identify, direct attention to, or advertise ~~;~~ **and**
- | **2.929 Site, area** means the computed area contained within the site lines.
- | **2.934 Site, corner** means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred and thirty-five (135) degrees.
- | **2.942 Site, frontage** means all that portion of a site fronting on a street and measured between side site lines.
- | **2.953 Site lines** definitions are as follows:

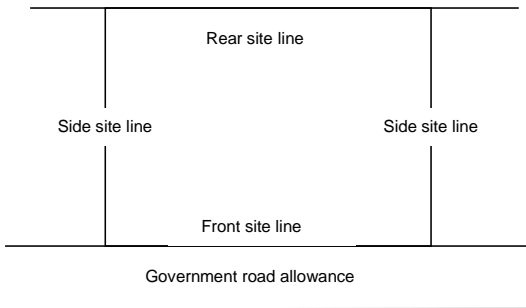
Front site line means that boundary of a site which is along an existing or designated street, lane or right-of-way. For a corner site the Development Officer may select the front site line except where an interior site abuts the corner site, in which case the front site line shall be that line which is the continuation of the front site line of the interior site.

Rear site line means that boundary of a site which is most nearly parallel to the front site line and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line.

Side site line means any boundary of a site which is not a front or rear site line.

Where an irregular shaped site cannot have its site lines defined herein, the front, rear and side site lines shall be determined by the Development Officer/designated employee.

The following sketch illustrates the foregoing definitions of site lines:



| **2.964 Site requirements** means some or all of the following:

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

| **2.975 Site, width** as it pertains to sites rectangular in shape, means the horizontal distance between the side site lines. For all other sites, including pie-shaped and other irregular shaped sites, the site width shall be determined by the council, development officer or designated employee.

| **2.986 Site, zoning** means a parcel of land with frontage on a street, lane, right-of-way, or access by a ~~right-of-way~~other legal means and of at least sufficient size to provide the minimum requirements for use, area, and required yards. A zoning site can include two or more lots/parcels/certificates of title where a building straddles all or parts of these lands. In this case, only the minimum yard requirements of the periphery of the structure need to be met.

| **2.997 Specialized agriculture** means the use of land and sale of apiculture, floriculture, horticulture, including market gardening, greenhouses, research facilities, orchards and tree farming and similar agricultural activities on a commercial basis.

| **2.1008 Storage compound** means a development used exclusively for temporary outdoor storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical uses include vehicle storage compounds, automobile wrecking yards, automobile recycling facilities and salvage yards.

| **2.10199 Street** means a public roadway having a right-of-way greater than thirty-three (33) feet in width that affords the principal means of access to abutting land.

| **2.1020 Structure** means anything constructed, built or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings,

walls, fences, signs, billboards, poster panels, light standards and similar items.

| **2.1034 Surface Water** means any body of flowing or standing water, whether naturally or artificially created, including but not limited to a lake, river, creek, spring, drainage ditch, roadside ditch, reservoir, swamp, wetland and marsh, including ice on any of them, but not including a dugout on the property of an agricultural operation.

| **2.1042 Use** means:

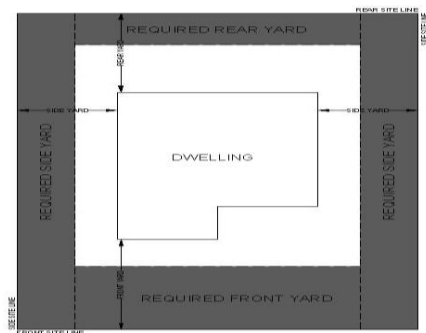
- a. Any purpose for which a building or other structure or parcel of land may be designed, arranged, intended, maintained or occupied; or
- b. Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel of land.

| **2.1053 Wind Energy Generation Systems** means a device or group of devices such as a wind charger, windmill, or wind turbine that converts wind energy into electrical energy whether it is for personal use or for generation of power for sale by a private commercial enterprise including all associated accessory facilities.

| **2.1064 Yard** means an open area, on the same zoning site containing a building or structure which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted, as specified in the bulk table for the affected zone:

- a. **"Required yard"** means a yard extending along a site line to a depth or width measured from the site line;
- b. **"Required front yard"** means a yard extending along the full length of the front site line between the side site lines;
- c. **"Required rear yard"** means a yard extending along the full length of the rear site line between the side site lines;
- d. **"Required side yard"** means a yard extending along the side site line from the front yard to the rear yard.

The following sketch illustrates the foregoing definitions of yards:



PART 3 - ADMINISTRATION

1. SCOPE

This By-law shall be in full force and effect when it is given third reading by the Council of the Rural Municipality of Piney.

2. AREA AFFECTED

The Area to which Zoning By-law shall apply shall be all of the Rural Municipality of Piney.

3. RESPONSIBLE AUTHORITY

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

4. RESPONSIBILITIES OF COUNCIL

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

- (a) Considering the adoption or rejection of proposed amendments or the repeal of this By-law;
- (b) Administering and enforcing the provisions of this by-law and the provisions of *The Planning Act*, where applicable;
- (c) Considering the adoption of amendments to or the repeal of this by-law;
- (d) Considering and issuing variation orders;
- (e) Approving or rejecting conditional use applications, and may revoke the authorized conditional use for any violation of any additional conditions imposed by it; and
- (f) Establishing a schedule of fees as provided for in this by-law.

5. AMENDMENTS

1. PROCEDURE

Subject to the procedure required under *The Act*, an amendment may be initiated by a resolution of intention by the Council, or by application of one or more owners of the property or their agents within the area proposed to be changed. Application fees will be determined by Council via a special by-law.

2. DECISION BY COUNCIL

If Council approves the application, it shall proceed with the adoption of the amendment in accordance with the provisions of *The Act*.

6. OBJECTIONS

When an objection to a zoning by-law or amendment is received subsequent to second reading having been given, a further objection may be filed with the Municipal Board in accordance with the provisions of *The Planning Act*.

7. DEVELOPMENT AGREEMENTS

Where an application is made for the amendment of this by-law Council may require the owner to enter into a development agreement. Development agreements may be registered in the Land Titles Office in the form of a caveat on the title and may be discharged when the requirements or conditions of the agreement have been met.

8. QUARRY / AGGREGATE / MINERAL EXTRACTION OPERATIONS

Establishment of new or the expansion of existing quarry operations are subject to a development agreement with Council.

9. CONDITIONAL USES

1. INTENT

The development and execution of this by-law is based upon the division of The Area into zones, within which zones the use of land, buildings and structures in relation to the land are substantially compatible. There are certain uses deemed conditional uses which, because of their unique characteristics, cannot properly be classified in any particular zone or zones without consideration of the impact of those uses upon neighbouring land and of the public need for the particular use at the particular location.

2. APPLICATION

An application for a conditional use shall be processed and approved or rejected in accordance with the provisions of *The Planning Act*.

3. FILING AN APPLICATION

The application shall be made to council or the designated employee or officer and must be in the form and accompanied by a site plan and any supporting material and such fees as required by council.

4. EXPIRY OF APPROVAL

The approval of council in accordance with the provisions of The Act shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision. The conditional use order may be extended for an additional period not longer than twelve (12) months, if an application is received before the initial deadline.

5. EXISTING CONDITIONAL USE

Where a use is classified as a conditional use under this by-law or amendments hereto and legally exists as a permitted or conditional use at the date of the adoption of this by-law or amendments hereto, it shall be considered as an existing conditional use.

6. CHANGES TO AN EXISTING CONDITIONAL USE

Any change in a conditional use shall be subject to the provisions of this section and the appropriate provisions of *The Planning Act*.

7. REVOKING A CONDITIONAL USE PERMIT

Council may revoke an approved conditional use permit for a violation of any conditions imposed by it.

10. VARIATION ORDERS

1. APPLICATION

Any person may apply for an order varying specific provisions of the by-law in accordance with the provisions of *The Planning Act*.

2. FILING AN APPLICATION

An application for a variation order shall be made to council or the designated employee or officer and must be in the form and accompanied by any supporting material and fees required by council.

3. DECISION

An application for a variation order shall be processed and approved or rejected in accordance with the provisions of *The Planning Act*.

4. MINOR VARIATIONS

The designated employee or officer may, in accordance with the provisions of *The Planning Act*, make an order that varies the height, distance, area, size or intensity of use requirements and the number of parking spaces, by no more than ten (10) percent. The applicant may appeal the order of the designated employee or officer to council.

11. DESIGNATED EMPLOYEE OR OFFICER

1. DUTIES

The designated employee or officer, as appointed by the Rural Municipality of Piney, may issue development permits in accordance with the provisions of this By-law and any other relevant by-law.

2. POWERS

The designated employee or officer may:

- a. Issue a development permit where the development of land, buildings or structures conforms to the adopted Development Plan and the requirements of this By-law and amendments thereto, subject to the provisions of **Section 12** of this **PART**;
- b. Enter any buildings or premises at all reasonable hours in the performance of their duties with respect to this By-law;
- c. Issue development permits for the temporary use of buildings, structures or land pursuant to the provisions of this By-law;

- d. Issue zoning memoranda or such other documents necessary for the administration and enforcement of this By-law;
- e. Allow or refuse such minor variations to the requirements of this by-law as authorized by subsection 10.4 of this Part and in accordance with the provisions of *The Planning Act*, and
- f. Shall refer, with his/her recommendations, to council all applications for development permits involving:
 - i) Amendments to this by-law;
 - ii) New conditional uses and changes to conditional uses;
 - iii) Variations from zone requirements in excess of that authorized by **subsection 10.4** of this **PART**;
 - iv) Matters requiring the specific approval of council pursuant to this bylaw; and
 - v) Any other items which may require council's attention.

12. DEVELOPMENT PERMIT/ BUILDING PERMIT

1. PERMIT REQUIRED

The owner or his agent shall obtain all necessary permits as required by the Council and other government agencies. An application for a development permit / building permit is required for the following:

- a. the erection or construction or placement of any building, or structure, except fences, sheds or light standards;
- b. The addition, extension, structural alteration or conversion of any building or structure;
- c. The relocation or removal or demolition of any building or structure; excepting any non-taxable farm building; and
- d. A change in land use, building or structure.

2. REQUIREMENTS

In addition to the requirements of any By-law of the Rural Municipality of Piney or any other provincial regulations, all applications for a development permit shall include all relevant information required by council. No person shall erect, locate, relocate, use or occupy any building, land or structure contrary to any development permit or the material furnished in support of the application. Council or Designated Officer may, as a condition of issuing a development permit require that an applicant enter into an agreement or an interim agreement, which shall be attached to and form part of such development permit, to do all or any of the following:

- a. to construct, or pay for the construction of, or improvement to, a public roadway required to give access to the development;
- b. to specify the location and number of vehicular and pedestrian access points to sites

from public roadways, including the construction, or payment for the construction thereof or improvements thereto;

- c. to install, or pay for the installation of, utilities that are necessary to serve the development, or pay the recovery costs of services which have already been installed;
- d. to repair, improve or reinstate, or to pay for the repair, improvement or reinstatement, of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by the development or building operations upon the site; and
- e. to construct, or pay for the construction of, or improvement to, land drainage works that are necessary to serve the development.

3. DEVELOPMENT PERMIT NOT REQUIRED

The following developments shall not require a development permit; however, such developments must comply with all provisions of this by-law, any other applicable by-laws of the municipality and all required provincial setbacks and/or permits:

- a. The carrying out of work or maintenance or repair to any building or structure, provided that such works do not include structural alterations or major renovations;
- b. The temporary uses of a site or the erection or construction of temporary buildings or structures;
- c. The construction or maintenance of that part of a public works placed in or upon a public works easement;
- d. The carrying out by the Rural Municipality of Piney of any operation for the maintenance or improvement of a public works, including the inspection, repair or renewal thereof;
- e. The erection, placement, enlargement, structural alteration, relocation or use of any building or structure, not exceeding one hundred and twenty (**120**) square feet that is normally incidental or accessory to a dwelling as the principal building or use;
- f. General landscaping and the planting or removal of trees and hedges intended as a shelterbelt or buffer;
- g. The construction or erection of certain non-illuminated signs; and
- h. The operation of a home occupation in accordance with **Section 8** of **PART 4** of this by-law.

4. WITHHOLDING DEVELOPMENT PERMITS

The designated employee or officer may withhold issuing a development permit:

- a. As provided for in *The Planning Act*;
- b. That could result in a violation of this By-law or any By-law of the Rural Municipality of Piney; or
- c. To any person who has failed to pay any fees due and owing to the Rural Municipality of Piney.

5. SUSPENSION OR REVOCATION OF DEVELOPMENT PERMITS

The Development Officer may suspend or revoke a development permit where:

- a. The applicant fails to comply with the conditions of issuance of a permit; or
- b. Any person undertakes or causes or permits any development on a site contrary to the terms or conditions of a permit.

6. EXISTING BUILDING PERMITS

Unless otherwise provided for herein, building permits issued prior to the effective date of this By-law shall be considered valid for the purpose of this By-law provided all the conditions under which the permit was issued are complied with.

13. BUILDING TO BE MOVED

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

14. NON-CONFORMING USES, BUILDINGS OR STRUCTURES

A non-conforming use and a non-conforming building or structure shall be regulated in accordance with and subject to the provisions of *The Planning Act*, unless otherwise provided for herein.

1. CONTINUANCE OF LAWFULLY EXISTING NON-CONFORMITIES

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

2. INCIDENTAL ALTERATIONS

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

3. REPAIR OR REBUILDING

Pursuant to the provisions of *The Planning Act*, where a building that does not conform to the provisions of the zoning by-law, is damaged or destroyed to an extent of fifty (50) percent or more of the replacement value of the building above its foundation, said building must not be repaired or rebuilt except in conformity with this by-law and any approved variance.

4. NON-CONFORMING PARCEL

If the size or dimensions of an existing parcel of land do not conform to the zoning by-law, the owner of the land may:

- a. Use the land for any use permitted under the by-law; and
- b. Construct or alter a building on the land if all requirements of the by-law, such as yards, building height and floor area, are met.

5. DISCONTINUANCE OF NON-CONFORMING USE

If the use of land or the intensity of the use of land does not conform to the zoning by-law and the non-conformity has been discontinued for more than twelve (12) consecutive months, the land must not be used after that time except in conformity with the zoning by-law.

6. NON-CONFORMITY MAY BE ALTERED BY VARIANCE

Council may permit the following alterations to an existing non-conformity by variance order in accordance with *The Planning Act*:

- a. Construction on a non-conforming building beyond that permitted under **subsection 14.2** above;
- b. An increase in the intensity of an existing non-conforming use, other than a variance to increase the number of animal units in a non-conforming livestock operation;
- c. The repair or rebuilding of a non-conforming building that has sustained more damage than permitted under **subsection 14.3** above; or
- d. The extension of the twelve (12) month time limit under **subsection 14.5** above for not more than twelve (12) additional months.

Where any of the above variances do not result in the elimination of the non-conformity, the subject building, structure, use or parcel shall retain its non-conforming status as per section 14 above.

15. ZONING MEMORANDUM

Upon request, Council will issue a zoning memorandum that states whether or not a building, parcel, or use appears to conform to the zoning by-law. Application for a zoning memorandum must be in the form and be accompanied by any supporting material and fees, required by council.

16. INTERPRETATION AND APPLICATION

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.

17. RELATION TO OTHER BY-LAWS

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

18. SITE REDUCED

A site area or site width or required yard reduced below the minimum requirements of this By-law by virtue of a public works, street or public utility shall be deemed to conform to the requirements of this By-law.

19. PUBLIC UTILITIES AND SERVICES

Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of a public service such as police or fire protection. Public utilities, as defined by this By-law, shall be listed as a Permitted Use in all Zones. Yard, area and height requirements for proposed public utilities shall be determined by Council and should be of a standard compatible to the zone in which the public utility is proposed.

20. FUTURE ROAD ALLOWANCE

No buildings or structures shall be erected upon any land designated for a future road allowance by Council. Any development adjacent to said future road allowance should comply with the requirements of the by-law as if the said future road allowance was already in existence.

21. CONNECTING TO MUNICIPAL SERVICES

All principal buildings constructed on a site served by public or private sewer, water or hydro distribution shall be connected to such services. Sewer and water connections shall be made within the time limit specified in the Rural Municipality of Piney Sewer and Water By-law and any amendments thereto.

22. RESPONSIBILITIES OF THE OWNER

Neither the granting of a development permit nor the approval of the drawing and specifications nor inspection shall in any way relieve the owner of the responsibility of complying with the requirements of this By-law or of any relevant By-laws of the Rural Municipality of Piney.

23. ENFORCEMENT

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

24. FEES

Council shall, by By-law, establish a fee schedule for variations, zoning amendments, zoning memoranda, conditional use orders, non-conforming certificates and other appropriate documents.

PART 4 - GENERAL PROVISIONS

1. REGULATIONS OF USE

The general provisions shall apply to all Zones listed herein unless otherwise specifically stated. No land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use that:

- a. Is listed in the zone as:
 - i. a permitted use development; or
 - ii. a conditional use development, subject to approval as such
- b. Is an accessory use, building or structure.
- c. Has been granted an appropriate variation order per provisions of *The Act*.

2. ONE DWELLING UNIT PER PARCEL/ HOLDING

Except where otherwise provided in this by-law (e.g. mobile home parks, strip malls, planned unit development, multiple family units, where allowed), there shall be only one (1) main building or one (1) main use on a zoning site. For example, a residential zoning site shall contain only one (1) single-family dwelling or one (1) two-family dwelling and their accessory buildings, structures and uses, unless otherwise permitted in the following zones: *R1, R2, R3, and LR*.

3. MULTIPLE USES

Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict, such as in the case of site area and frontage, the higher or more stringent requirement shall prevail.

4. SUBDIVIDING LAND

Except as otherwise provided for in this by-law, no parcel of land shall be divided into sites unless each resulting site conforms to the requirements of the *Rural Municipality of Piney Development Plan* and this By-law.

5. EXCAVATION, STRIPPING AND GRADING

For the purpose of this Section of the By-law, excavation shall mean excavation for commercial purposes. A person wishing to excavate, strip or grade land:

- a. Requires the prior approval of Council and a Development Permit;
- b. May be required to provide Council with information as necessary to evaluate the proposal and may impose such conditions and requirements as it deems appropriate and necessary; and
- c. If necessary has obtained the required / necessary permits from the appropriate government departments.

6. HOME OCCUPATIONS

A home occupation shall be permitted as an accessory use to the principal dwelling or mobile home in all zones provided that:

- a. It shall be limited to those uses, which do not interfere with the rights of other residents to quiet enjoyment of their neighbourhood;
- b. It shall not create a nuisance by way of dust, noise, vibration, smoke, odour, litter, light or heat nor shall it create or cause any fire hazard, electrical interference or traffic congestion in the neighbourhood;

Home occupations shall generally include child care services, business, professional or organization offices, crafts and hobbies, private tutoring or lessons, hair stylists, and other such uses.

A home occupation shall be subject to conditional use approval, when it does not comply with the requirements as noted.

7. HOME INDUSTRIES

In order that the business initiatives of the residents are not unreasonably discouraged, non offensive light industrial activities and small businesses shall be permitted as a second use, in addition to the principal use in the “**LR**” *Limited Rural*, “**R1**” *Rural 1*, “**R2**” *Rural 2*, “**R3**” *Rural 3* and “**GD**” *General Development Zones*. In order to accommodate the limited demand for such uses, these shall be subject to the following criteria:

- a. The principal use on the site shall be established as residential and be the permanent residence of the owner/operator of the proposed use;
- b. The second use will not generate unacceptable amounts of noise, odour or traffic; create unsightly appearances or other disturbances that may be deemed unsuitable;
- c. The proposed use will not create a potential for conflict with activities that would normally occur in the specific Zone.

Home industries shall generally include farm-related sales and service, machinery and auto repair, welding, carpentry and other trades and similar uses directly serving the rural population.

8. GARDEN SUITES

It is the intent of this section to provide standards and conditions for the placement of a temporary, detached, removable self contained one-family dwelling unit on the same site as the principal dwelling, for occupancy by an elderly parent(s) or other family member(s) requiring or providing care and assistance.

Only owner-occupiers of the principal dwelling are permitted to install garden suites, subject to the following:

- a. Garden suites are allowed as a conditional use in all Zones;
- b. The additional dwelling shall be temporary in nature, blend in with adjacent residential dwellings and is to be removed upon the cessation of the occupancy for which it is intended;

- c. Hydro and municipal services shall be connected to existing facilities upon approval of the affected authorities;
- d. The temporary dwelling shall be built on a one (1) floor design and have all facilities located on this level. The size of the dwelling shall be as determined by Council;
- e. A development agreement shall be entered into with the Rural Municipality of Piney;
- f. Either parent(s) of family members will domicile this temporary dwelling as long as their health permits. In the event of cessation, it will incumbent upon the owner to inform the Rural Municipality of Piney in writing within thirty (30) days of the temporary dwelling becoming vacant. Removal of the building or a change in use shall occur within six (6) months of the above noted date of notification to the municipality; and
- g. The additional dwelling unit shall not be located in the front yard of the zoning site, shall maintain a separation distance of ten (10) feet to principal dwelling and be in compliance with side and rear yard requirements as set out in **the bulk requirement table of the zone within which the site is located.**

9. CONDOMINIUMS

Condominium developments are characterized by individual ownership of dwelling or land units and common ownership of all other property including buildings and structures or parts thereof, open space, roadways, pathways and equipment held by the condominium corporation. Such developments shall be regulated by the following provisions:

- a. In bare land unit condominium developments, each "**bare land unit**", as defined in *The Condominium Act*, which is delineated by horizontal land boundaries, shall be considered a "**site**" as defined herein for the purposes of determining site area and width, yards and other requirements;
- b. In bare land unit condominium developments, "**common elements**", as defined in the said Act, which will be ordinarily used for the passage of vehicles or pedestrians including roads, road allowances, streets and lanes but not including pedestrian walkways or off-street vehicle parking areas, shall be considered:
 - i. a "**street**", as defined herein, where such thoroughfare is over thirty-three (33) feet in width; and
 - ii. a "**lane**", as defined herein, where such thoroughfare is not over thirty-three (33) feet in width.
- c. In condominium developments where the individual dwelling units within a building form the condominium units, the development shall be considered as a multiple-family dwelling. That is, the individual condominium units within the building shall be considered as dwelling units within a multi-family dwelling (apartment block or townhouse) for the purposes of this by-law, and the building containing the condominium units shall be considered as a multi-family dwelling for the purposes of bulk requirements.
- d. Condominium developments that propose a mixture of different land uses, or which do not conform to the requirements of this by-law will be considered as a Planned Unit Development and shall be subject to **section 10** of this **Part**.

The provisions of the Bulk Requirement Table for the zone in which the development is to be located and all other regulations and requirements of this by-law shall apply.

10. PLANNED UNIT DEVELOPMENTS

A Planned Unit Development is primarily a major land development project that, because of its size or complexity, high density, mixture or land uses or other unusual characteristics, is planned as a single entity in accordance with an overall site plan. There are many possible innovative projects that can occur within a Planned Unit Development, including, but not limited to the following:

- a. Comprehensive redevelopment - mixed use projects;
- b. Higher quality townhouse and apartment projects containing two or more principal buildings and characterized by diverse designs;
- c. Alternative subdivision layouts characterized by an open space nature, clustered developments, preservation of natural features, separation of pedestrian and vehicular systems, staggered setbacks, diverse housing types and models and reduced amount of land devoted to streets and public works; and
- d. Shopping centres and industrial developments utilizing common elements to address common parking needs, customer access, etc.
- e. Planned Unit Developments are allowed as a conditional use in the “**GD**” *General Development* and “**RCI**” *Rural Commercial/ Industrial Zones*. Bulk requirements for each development will be determined by Council.
- f. An application for the establishment of a Planned Unit Development shall be accompanied by the following information:
 - i. those requirements normally required for the issuance of a development permit as outlined in **subsection 12.1** of **PART 3**; and
 - ii. an impact statement, engineering study or such information as Council may consider necessary for the review of the proposal.

11. TEMPORARY BUILDINGS AND USES

Notwithstanding any provisions elsewhere contained in this By-law, the Council may permit, subject to such conditions as it may see fit to impose, and for a period of time determined by Council, the temporary use of lands, buildings or structures not in conformity with the requirements of this By-law, if, in Council's opinion, the amenity or sanitary conditions of property in the vicinity will not be adversely affected thereby. If the proposed use occurs within the control area of a Provincial Highway, the application will be referred to The Highway Traffic Board or Manitoba Infrastructure and Transportation to establish additional requirements.

Temporary buildings, structures and uses may also be considered for the following:

- a. Temporary buildings, structures and uses for construction materials or equipment, both incidental and necessary to construction on the same zoning site may be permitted on a temporary basis subject to the issuance of a Development Permit for both the principal building and the temporary use and subject to such additional requirements as Council may deem necessary from time to time;.

- b. A Development Permit for a temporary building, structure, or use shall be subject to such terms and conditions as required by Council with fees as set out in the Fee Schedule;
- c. Each Development Permit issued for a temporary building, structure or use shall be valid for a period as determined by Council.
- d. In all cases, temporary buildings and structures shall not exceed one thousand (1000) sq. ft. in area and one (1) storey or fifteen (15) feet in height; and
 - i. may be used as office space for the contractor of developer;
 - ii. shall not be used for human habitation, except as temporary accommodation for a caretaker or watchman; and
 - iii. shall not be detrimental to the health, safety, convenience and general welfare.

The provisions of this Section shall apply to all Zones.

12. YARD REQUIREMENTS

Required yards shall be provided and maintained and shall be unobstructed from ground level to the sky, except for those obstructions set forth in the following:

- a. For a main building and accessory buildings, the yard requirements are measured from architectural features such as chimneys, bay windows, alcoves, canopies and awnings, eaves and eaves troughs which are included as part of the main building. Overhangs may project into a required front yard not more than four (4) feet and into a side yard not more than two (2) feet.

13. SUBDIVISION OF ATTACHED DWELLINGS

A site with a two-family attached dwelling or row-type dwelling located thereon may be subdivided into two or more sites provided that:

- a. Any new site line shall, where possible, be a straight line between the front and rear site lines, located in such a manner that the party wall of two adjacent units shall form part of the new site line;
- b. Each site created shall have frontage on a street or other access as may be approved by Council;
- c. Each site created shall provide not less than one (1) on-site parking space having access directly to either a public lane or street;
- d. The permitted use for each site created shall be for one attached single family dwelling unit only;
- e. All applicable provisions of the RM of Piney Building By-law shall be complied with; and
- f. Notwithstanding the minimum requirements of the “**GD**” *General Development Zone*, any new site created pursuant to this subsection shall have a minimum site area of 2,000 square feet and a minimum site width of 20 feet. No side yard is required along the party wall.

14. PROVINCIAL TRUNK HIGHWAYS AND PROVINCIAL ROADS

All development proposed adjacent to Provincial Trunk Highways and Provincial Roads shall comply with the regulations and controls stipulated in the relevant legislation and/or regulations and other policies established by the appropriate authorities.

15. NOXIOUS OR OFFENSIVE USES

Notwithstanding anything herein contained, no use that may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise shall be permitted in any zone unless the use is permitted in the subject zone or measures satisfactory to Council are undertaken to mitigate or eliminate such effects.

16. PRIVATE SWIMMING POOLS AND HOT TUBS

This section applies to private and semi-private swimming pools, hot tubs and similar structures when accessory to a residential use:

- a. Outdoor pools and hot tubs shall comply with yard requirements for accessory buildings and uses as set forth in the affected zone. In no case shall an outdoor pool or hot tub be located closer than five (5) feet to any side or rear site line;
- b. All outdoor pools and hot tubs shall be completely enclosed with a fence or other suitable barrier constructed or erected in accordance with the following:
 - i. it shall have a minimum height of six (6) feet including gates, which shall be self-closing and equipped with a lockable latch to prevent unauthorized entry;
 - ii. there shall be no openings other than an entry to a building at a gate and it shall be so constructed as to prevent a child from crawling under either the fence or gate;
 - iii. where a chain link fence is used, the outside surface of the enclosure shall be relatively smooth so as not to provide foot or toe holds; and
 - iv. the enclosure surrounding an outdoor pool shall be maintained in good repair.
- c. Open decks and open stairways associated with the outdoor pools or hot tubs may project to within two (2) ft. of any side or rear site line;
- d. Semi-private pools, which are not located on the property of a single family dwelling and used solely by the occupant of said dwelling or his guests, are subject to the regulations governing swimming pools under *The Public Health Act*.
- e. Nothing in this Section shall relieve any such structure from complying with spatial, structural, electrical, plumbing, health and safety or separation requirements contained in regulations under *The Building and Mobile Homes Act*, *The Public Health Act* or other applicable statutes.

17. BUILDINGS TO BE MOVED

- a. No existing building or existing structure over 125 square feet shall be moved in whole or in part to any other location unless every portion of the building or structure is made to conform to all the regulations of this By-law applying to the zone in which it is located and the owner and his agent has first obtained a conditional use pursuant to *The Planning Act*.

PART 5 - ZONES

1. ZONING

In order to carry out the intent and purpose set forth in **section 2** of **PART I - ADMINISTRATION**, the following zones are hereby established:

- a. **Urban Zone:**
- i. **"GD" GENERAL DEVELOPMENT ZONE** provides areas for a mixture of residential, commercial and industrial uses in the settlement centres of Piney, Vassar, South Junction, Sprague, Middlebro, and Woodridge. The corresponding designation in the Development Plan is *Settlement Centre*.
- b. **Rural Zones:**
- i. **"R1" RURAL 1 ZONE** provides for areas where agriculture is the primary land use and makes provisions for some resource uses. The corresponding Development Plan designation is *Rural Area 1*.
 - ii. **"R2" RURAL 2 ZONE** provides for areas where agriculture is the primary land use but there are soil limitations. The corresponding Development Plan Designation is the *Rural Area 2*.
 - iii. **"LR" LIMITED RURAL ZONE** provides appropriate lands for agricultural uses in proximity to the settlement centres and with Class 5 soils. The corresponding Development Plan Designation is the *Limited Rural Area*.
 - iii. **"R3" RURAL 3 ZONE** accommodates limited agricultural uses in areas with environmental restrictions, poor soils, unique topography, etc. The corresponding Development Plan Designation is the *Rural Area 3*.
 - iv. **"RSR" RURAL SEASONAL RESIDENTIAL ZONE** provides areas for rural non-farm residential development utilizing on-site sewage and water services as well as open space, parks, and recreation uses which cannot be easily located in the urban areas (i.e. golf courses, campgrounds, shooting ranges, RV parks, etc.). The corresponding Development Plan designation is *Rural Seasonal Residential Area*.
 - v. **"RCI" RURAL COMMERCIAL/INDUSTRIAL ZONE** provides areas for agriculturally-related commercial / industrial development, and those uses requiring large areas otherwise not suitable for urban areas. These areas are provided for in 4.3.6 of the Development Plan.

2. ZONING MAP

The location and the boundaries of the zones listed in **Section 1** of this **Part** are shown the Zoning Map attached hereto, marked as **APPENDIX "B"** to this By-law.

3. DIMENSIONS AND SCALE

The scale and all dimensions of the Zoning Map are in feet (ft.).

4. REGISTERED PLANS

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

5. GENERAL PROVISIONS

The general provisions applying to all zones are contained within this **PART**. Also applying to these zones are the provisions of "**PART 2**" - **DEFINITIONS**, "**PART 3**" - **ADMINISTRATION**, "**PART 4**" - **GENERAL PROVISIONS** and zoning map as per "**APPENDIX B**".

6. INTERPRETATION OF REGULATIONS

In their interpretation and application, the provisions of this **Part** shall be held to be the minimum requirements is satisfy the intent and purpose as set forth in **Section 1** of this **Part**.

5. BULK REQUIREMENT TABLES

Bulk Requirement Tables list all uses that are:

- a. Permitted; and
- b. Conditional

All listed uses are subject to the provisions contained therein. Uses not listed are not permitted.

6. ACCESSORY USES

Accessory uses and structures, as noted for each zone, are permitted when accessory to a permitted use and conditional when accessory to a conditional use. Said accessory buildings or structures shall be subject to the following requirements in addition to the specific requirements for each zone listed below:

- a. Yard requirements for accessory buildings and structures shall be subject to the regulations of that Zone.
- b. No accessory building or structure shall be used as a dwelling unit, except as otherwise stated within.
- c. Where any building or structure on a site is attached to a principal building on the site it shall be subject to and shall conform to all requirements applicable to the main building.
- d. Accessory buildings or structures shall not be located within a dedicated easement right-of-way.

7. RETENTION OF BULK REQUIREMENTS

It shall be a continuing obligation of the owner to maintain the minimum site area, yards and other open spaces required herein for any use as long as it remains in existence. Furthermore, the minimum required site area, yards and other open spaces allocated to a use as per requirements of this By-law shall not be virtue of change of ownership, or for any other reason, be used to satisfy the required yard, other open space, or minimum site area requirements for any other use.

8. BULK REQUIREMENT TABLES

Table 6-1: "GD" GENERAL DEVELOPMENT ZONE

Permitted uses ⁴	Minimum Requirements				
	site area square feet (sq. ft.) acres (ac.)	site width (ft.)	front yard (ft.)	side yard (ft.)	rear yard (ft.)
Accessory uses (see section 6 of this Part)	-	-	30	10	10
Bed and breakfast (see section 2.23 of Part 2)	As determined by Council				
Camping and tenting grounds (see section 2.28 of Part 2)	As determined by Council				
Child care services (see section 2.30 of Part 2)	6,000 sq. ft.	50	30	10	10
Dwelling: single-family and two-family (serviced ¹ / unserviced ²)	6,000 sq. ft. / 2 ac.	50 / 200	30	10	10
Group home (see section 2.51 of Part 2)	As determined by Council				
Hobby farm (see section 2.53 of Part 2)	As determined by Council				
Home industry (see section 7 of Part 4)	-	-	-	-	-
Home occupation (see section 6 of Part 4)	-	-	-	-	-
Personal service shop (see section 2.76 of Part 2)	5,000 sq. ft.	50	30	10	10
Planned Unit Development (see section 2.76 of Part 2)	1 ac.	100	30	10	10
Professional, financial and office support service (see section 2.78 of Part 2)	5,000 sq. ft.	50	30	10	10
Public facility (see section 2.79 of Part 2)	As determined by Council				
Public park and recreation area (see section 2.80 of Part 2)	As determined by Council				
Public utility (see section 2.81 of Part 2)	As determined by Council				
Religious assembly (see section 2.84 of Part 2)	10,000 sq. ft.	100	30	10	10
Retail store (see section 2.87 of Part 2)	5,000 sq. ft.	50	30	10	10
Sales / service (see section 2.88 of Part 2)	6,000 sq. ft.	50	30	10	10
Signs (see section 2.90 of Part 2)	-	-	-	-	-
Subdivision of attached two-family dwelling (see section 13 of Part 4) (serviced ¹ only)	2,000 sq. ft.	20 ft.	30	10	10
Conditional uses ⁴	Minimum Requirements				
	site area square feet (sq. ft.) acres (ac.)	site width (ft.)	front yard (ft.)	side yard (ft.)	rear yard (ft.)
Agri-business (see section 2.9 of Part 2)	10,000 sq. ft. / 2 ac.	100 / 200	30	10	10
Automobile service station ³ (see section 2.19 of Part 2)	20,000 sq. ft.	150	30	10	10
Automotive and equipment repair shop (see section 2.20 of Part 2)	10,000 sq. ft. / 2 ac.	100 / 200	30	10	10
Cemetery (see section 2.29 of Part 2)	1 ac.	200	30	10	10
Dwelling, single family ; modular / ready-to-move (serviced ¹ / unserviced ²)	6,000 sq. ft. / 2 ac.	50 / 200	30	10	10
Dwelling; multiple-family (can include modular / ready to move)	As determined by Council				
Drive-in (see section 2.37 of Part 2)	As determined by Council				
Education service (see section 2.44 of Part 2)	As determined by Council				
Garden suite (see section 8 of Part 4)	As determined by Council				
General industrial (serviced ¹ / unserviced ²) (see section 2.50 of Part 2)	10,000 sq. ft. / 2 ac.	100 / 200	50 / 75	25 / 25	25 / 25
Hotel / Motel including Bar/Lounge (see section 2.55 of Part 2)	As determined by Council				
Indoor participant recreation services (see section 2.56 of Part 2)	20,000 sq. ft.	200	0	0	10
Kennel ⁵ (see section 2.57 of Part 2)	As determined by Council				

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Light industrial (serviced ¹ / unserviced ²) (see section 2.59 of Part 2)	10,000 sq. ft. / 2 ac.	100 / 200	50 / 75	25 / 25	25 / 25
Manufacturing Facility (see section 2.62 of Part 2)	1 ac.	100	25	5	25
Mobile home (serviced ¹ / unserviced ²) (see section 2.64 of Part 2)	6,000 sq. ft. / 2 ac.	50 / 200	25 / 25	5 / 25	25 / 25
Personal care home (see section 2.74 of Part 2)	As determined by Council				
Recycling Collection Centre (see section 2.83 of Part 2)	As determined by Council				
Residential Care Facility (see section 2.86 of Part 2)	As determined by Council				

- Note 1 Connected to a municipally operated sewage system or where an acceptable alternative on-site wastewater treatment is utilized
- Note 2 Where an approved on-site wastewater management system is utilized
- Note 3 Service station fuel pumps shall be located a minimum of thirty feet from any front or side site line.
- Note 4 Appropriate parking will be provided for all uses.
- Note 5 Must comply with By-law 74/2011.

Accessory uses in this zone include:

1. Children's play structures
2. Private swimming pools and hot tubs
3. Structures related to the keeping of domestic animals
4. Private garages, carports, sheds for storage of domestic equipment and supplies
5. Decks and gazebos
6. Flagpoles and clotheslines
7. Satellite dishes
8. Alternate energy systems including private windmills
9. Child care services

9.10. Other uses as approved by Council

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Table 6-2: “R1” RURAL 1 ZONE

Permitted uses	Minimum Requirements acres (ac.) and feet (ft.)				
	site area acres (ac.)	site width (ft.)	front yard (ft.)	side yard (ft.)	rear yard (ft.)
Accessory uses (see section 6 of this Part)	-	-	125	25	25
Agricultural activity other than livestock operation (see Part 2-sSection 2.10 of Part 2)	80	600	125	25	25
Bed and breakfast (see section 2.23 of Part 2)	2	200	125	25	25
Camping and tenting grounds (see section 2.28 of Part 2)	2	200	125	25	25
Cemetery (see section 2.29 of Part 2)	5	200	125	25	25
Cultural facilities	2	200	125	25	25
Dwelling; single-family ¹	2	200	125	25	25
Group home (see section 2.51 of Part 2)	As determined by Council				
Heritage sites	2	200	125	25	25
Hobby farm (see section 2.53 of Part 2)	2	-	-	-	-
Home industry (see section 7 of Part 4)	-	-	-	-	-
Home occupation (see section 6 of Part 4)	-	-	-	-	-
Livestock operation – 10 to 299 A.U. ^{2,3,6} - including animal housing facility (see Tables 6-6 and 6-7 of this Part)	80	600	125 ⁶	25 ⁶	25 ⁶
Mobile home (see section 2.64 of Part 2)	2	200	125	25	25
Outdoor participant recreation services (see section 2.71 of Part 2)	2	200	125	25	25
Public facility (see section 2.79 of Part 2)	As determined by Council				
Public park and recreation area (see section 2.80 of Part 2)	2	200	125	25	25
Public utility (see section 2.81 of Part 2)	As determined by Council				
Signs (see section 2.90 of Part 2)	-	-	-	-	-
Specialized agriculture (see section 2.98 of Part 2)	10	300	125	25	25
Stables and riding academies – less than 10 A.U. ⁵	5	300	125	25	25
Conditional uses	Minimum Requirements acres (ac.) and feet (ft.)				
	site area acres (ac.)	site width (ft.)	front yard (ft.)	side yard (ft.)	rear yard (ft.)
Additional Dwelling Unit	As determined by Council				
Agricultural exhibition grounds (see sSection 2.11 of Part 2)	5	300	125	25	25
Airfields (see section 2.13 of Part 2)	5	200	125	25	25
Education service (see section 2.44 of Part 2)	As determined by Council				
Expanding livestock operations ⁶ greater than 299 A.U. to a maximum of 1200 au (see table 6-6)	80	600	330	330	330
Garden suite (see section 8 of Part 4) (unserviced)	As determined by Council				
Kennel ⁷ (see section 2.57 of Part 2)	As determined by Council				
Municipal sewage facilities including lagoons	As determined by Council				
New and Expanding livestock operations ³ greater than 300 A.U. to a maximum of 1200 A.U. (see table 6-7)	80	600	330	330	330
Quarry/aggregate/mineral extraction operations (see section 8 of Part 2-ART 3 and sSections 2.7, 2.8 of Part 2)	As determined by Council				
Recycling Collection Centre (see section 2.83 of Part 2)	As determined by Council				
Shooting Ranges	2	200	125	25	25
Solid waste disposal/transfer station	As determined by Council				
Wind Energy Generation Systems (see section 2.104 of Part 2)	As determined by Council				

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Note 1 The minimum yard requirement if livestock is to be kept as an accessory use is 4 acres.
 Note 2 Livestock production operations will not be allowed on land parcels of less than 40 acres. However, the keeping of animals (pasturing and domestic) with one (1) animal unit or less per acre of site area will be permitted on existing parcels of less than 40

- acres.
- Note 3* In existence at the time of adoption of this zoning by-law.
Note 4 Site requirements are for structures only.
Note 5 Must have at least 1 acre per A.U.
Note 6 Or as otherwise required by regulation
Note 7 Must comply with By-law 74/2011.

Accessory uses in this zone may include all those permitted in the "GD" zone, **AND**:

1. Dwelling or mobile home ancillary to an agricultural use
2. Farm buildings/structures (see
3. Shelterbelts, fences, hedges, and similar landscape features
4. Refuse/garbage storage areas and structures
5. Second dwelling unit, seasonal, as approved by Council
- 4-6. Other uses as approved by Council

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Table 6-3: “R2” RURAL 2 ZONE

Permitted uses	Minimum Requirements acres (ac.) and feet (ft.)				
	site area acres (ac.)	site width (ft.)	front yard (ft.)	side yard (ft.)	rear yard (ft.)
Accessory uses (see section 6 of this Part)	-	-	125	25	25
Agricultural activity other than livestock operation operation (see Part 2-sSection 2.10 of Part 2)	80	600	125	25	25
Bed and breakfast (see section 2.23 of Part 2)	2	200	125	25	25
Camping and tenting grounds (see section 2.28 of Part 2)	2	200	125	25	25
Cemetery (see section 2.29 of Part 2)	5	200	125	25	25
Cultural facilities	2	200	125	25	25
Dwelling; single-family ¹	2	200	125	25	25
Group home (see section 2.51 of Part 2)	As determined by Council				
Heritage sites	2	200	125	25	25
Hobby farm (see section 2.53 of Part 2)	2	-	-	-	-
Home industry (see section 7 of Part 4)	-	-	-	-	-
Home occupation (see section 6 of Part 4)	-	-	-	-	-
Livestock operation – 10 to 299 A.U. ^{2,3,6} - including animal housing facility (see Tables 6-6 and 6-7 of this Part)	80	600	125 ⁶	25 ⁶	25 ⁶
Mobile home (see section 2.64 of Part 2)	2	200	125	25	25
Outdoor participant recreation services (see section 2.71 of Part 2)	2	200	125	25	25
Public facility (see section 2.79 of Part 2)	As determined by Council				
Public park and recreation area (see section 2.80 of Part 2)	2	200	125	25	25
Public utility (see section 2.81 of Part 2)	As determined by Council				
Signs (see section 2.90 of Part 2)	-	-	-	-	-
Specialized agriculture (see section 2.98 of Part 2)	10	300	125	25	25
Stables and riding academies – less than 10 A.U. ⁵	5	300	125	50	50
Conditional uses	Minimum Requirements acres (ac.) and feet (ft.)				
	site area acres (ac.)	site width (ft.)	front yard (ft.)	side yard (ft.)	rear yard (ft.)
Additional Dwelling Unit	As determined by Council				
Agricultural exhibition grounds (see section 2.11 of Part 2)	5	300	125	25	25
Airfields (see section 2.13 of Part 2)	5	200	125	25	25
Education service (see section 2.44 of Part 2)	As determined by Council				
Expanding livestock operations ⁶ greater than 299 A.U. to a maximum of 1200 au (see table 6-6)	80	600	330	330	330
Garden suite (see section 8 of Part 4) (unserviced)	As determined by Council				
Kennel ⁷ (see section 2.57 of Part 2)	As determined by Council				
Municipal sewage facilities including lagoons	As determined by Council				
New and Expanding livestock operations ³ greater than 300 A.U. to a maximum of 800 A.U. (see table 6-6)	80	600	330	330	330
Quarry/aggregate/mineral extraction operations (see section 8 of Part 3 and sections 2.7, 2.8 of Part 2)	As determined by Council				
Recycling Collection Centre (see section 2.83 of Part 2)	As Determined by Council				
Shooting Ranges	2	200	125	25	25
Solid waste disposal/transfer station	As determined by Council				
Wind Energy Generation Systems (see section 2.104 of Part 2)	As determined by Council				

Note 1 The minimum yard requirement if livestock is to be kept as an accessory use is 4 acres.

Note 2 Livestock production operations will not be allowed on land parcels of less than 40 acres. However, the keeping of animals (pasturing and domestic) with one (1) animal unit or less per acre of site area will be permitted on existing parcels of less than 40

- acres.
- Note 3* In existence at the time of adoption of this zoning by-law.
 - Note 4* Site requirements are for structures only.
 - Note 5* Must have at least 1 acre per A.U.
 - Note 6* Or as otherwise required by regulation
 - Note 7* Must comply with By-law 74/2011.

Accessory uses in this zone may include all those permitted in the "GD" and "R-1" zones.

Table 6-4: "R3" RURAL 3_ZONE

Permitted uses	Minimum Requirements acres (ac.) and feet (ft.)				
	site area acres (ac.)	site width (ft.)	front yard (ft.)	side yard (ft.)	rear yard (ft.)
Accessory uses (see section 6 of this Part)	-	-	125	25	25
Agricultural activity other than livestock operation (see section 2.10 of Part 2)	80	600	125	25	25
Bed and breakfast (see section 2.23 of Part 2)	2	200	125	25	25
Camping and tenting grounds (see section 2.28 of Part 2)	2	200	125	25	25
Cemetery (see section 2.29 of Part 2)	5	200	125	25	25
Dwelling; single-family ¹	2	200	125	25	25
Expanding ³ livestock operation – 10 to 200 A.U. ² (see table 6-5)	80	600	125	25	25
Group home (see section 2.51 of Part 2)	As determined by Council				
Hobby farm (see section 2.53 of Part 2)	2	-	-	-	-
Home industry (see section 7 of Part 4)	-	-	-	-	-
Home occupation (see section 6 of Part 4)	-	-	-	-	-
Mobile home (see section 2.64 of Part 2)	2	200	125	25	25
Public facility (see section 2.79 of Part 2)	As determined by Council				
Public park and recreation area (see section 2.80 of Part 2)	As determined by Council				
Public utility (see section 2.81 of Part 2)	As determined by Council				
Signs (see section 2.90 of Part 2)	-	-	-	-	-
Specialized agriculture (see section 2.98 of Part 2)	10	300	125	25	25
Stables and riding academies – less than 10 A.U. ⁵	5	300	125	50	50
Conditional uses	Minimum Requirements acres (ac.) and feet (ft.)				
	site area square feet acres (ac.)	site width (ft.)	front yard (ft.)	side yard (ft.)	rear yard (ft.)
Additional Dwelling Unit	As determined by Council				
Agricultural exhibition grounds (see section 2.11 of Part 2)	5	300	125	25	25
Airfields (see section 2.13 of Part 2)	5	200	125	25	25
Cultural facilities	2	200	125	25	25
Education service (see section 2.44 of Part 2)	As determined by Council				
Garden suite (see section 8 of Part 4) (unserviced)	As determined by Council				
Heritage sites	2	200	125	25	25
Kennel ⁷ (see section 2.57 of Part 2)	As determined by Council				
Municipal sewage facilities including lagoons	As determined by Council				
Outdoor participant recreation services (see section 2.71 of Part 2)	2	200	125	25	25
Quarry/aggregate/mineral extraction operations (see section 8 of Part 3 and sections 2.7, 2.8 of Part 2)	As determined by Council				
Recycling Collection Centre (see section 2.83 of Part 2)	As determined by Council				
Shooting Ranges	2	200	125	25	25
Solid waste disposal/transfer station	As determined by Council				

Note 1 The minimum yard requirement if livestock is to be kept as an accessory use is 4 acres.

Note 2 Livestock production operations will not be allowed on land parcels of less than 40 acres. However, the keeping of animals (pasturing and domestic) with one (1) animal unit or less per acre of site area will be permitted on existing parcels of less than 40 acres.

Note 3 In existence at the time of adoption of this zoning by-law.

Note 4 Site requirements are for structures only.

Note 5 Must have at least 1 acre per A.U.

Note 6 Or as otherwise required by regulation

Note 7 Must comply with By-law 74/2011.

Accessory uses in this zone may include all those permitted in the "GD" and "R-1" zones.

Table 6-5: Livestock Operation– Minimum Mutual Setback Requirements (PLUPs)

Size of Livestock Operation in Animal Units (AUs)	Minimum Setback Requirements (feet)*			
	From Single Residence ³		From designated areas ¹	
	To Earthen Manure Storage	To Buildings / Non-Earthen Manure Storage ²	To Earthen Manure Storage	To Buildings / Non-Earthen Manure Storage ²
10-100	656	328	2,625	1,739
101-200	984	492	3,937	2,625
201-300	1,312	656	5,249	3,511
301-400	1,476	738	5,906	3,937
401-800	1,640	820	6,561	4,364
801-1600	1,968	984	7,874	5,249
1601-3200	2,297	1,148	9,186	6,135
3201-6400	2,625	1,312	10,499	6,988
6401-12800	2,953	1,476	11,811	7,874
>12800	3,281	1,640	13,123	8,760

¹ As measured from the urban buffer around settlement / urban centres as well as rural residential areas as outlined on

Map 1 – General Land Use Map of *The Rural Municipality of Piney Development Plan, By-law 2009.*

² Includes barns and non-earthen manure storage structures such as above or below grade tanks

³ Not including residence of the owner or operator of the livestock operation

Table 6-6: Livestock Operations – Minimum Mutual Setback Requirements (PLUPS +25%)

Number of Animal Units (AUs)	Minimum Setback Requirement (feet)*			
	From Single Residence ³		From designated areas ¹	
	To Earthen Manure Storage	To Buildings / Non-Earthen Manure Storage ²	To Earthen Manure Storage	To Buildings / Non-Earthen Manure Storage ²
10-100	820	410	3,282	2,174
101-200	1,230	615	4,922	3,282
201-300	1,640	820	6,562	4,389
301-400	1,845	923	7,383	4,922
401-800	2,050	1,025	8,202	5,455
801-1600	2,460	1,230	9,843	6,562
1601-3200	2,872	1,435	11,483	7,669
3201-6400	3,282	1,640	13,124	8,735
6401-12800	3,692	1,845	14,764	9,843
>12800	4,102	2,050	16,404	10,950

¹ As measured from the urban buffer around settlement / urban centres as well as rural residential areas as outlined on

Map 1 – General Land Use Map of *The Rural Municipality of Piney Development Plan, By-law 2009.*

² Includes barns and non-earthen manure storage structures such as above or below grade tanks

³ Not including residence of the owner or operator of the livestock operation

Development Plan, By-law 53-09.

*Distance to be maintained between two uses, measured from the nearest points of any structure.

Table 6-7: Livestock Operation – Minimum Mutual Setback Requirements (PLUPs + 100% individual residence & PLUPs + 50% designated area)

Size of Livestock Operation in Animal Units (AUs)	Minimum Setback Requirements (feet)			
	From Single Residence ³		From designated areas ¹	
	To Earthen Manure Storage	To Buildings / Non-Earthen Manure Storage ²	To Earthen Manure Storage	To Buildings / Non-Earthen Manure Storage ²
10-100	1,312	656	3,938	2,609
101-200	1,968	984	5,906	3,938
201-300	2,624	1,312	7,874	5,267
301-400	2,952	1,476	8,859	5,906
401-800	3,280	1,640	9,842	6,546
801-1600	3,936	1,968	11,811	7,874
1601-3200	4,594	2,296	13,779	9,203
3201-6400	5,250	2,624	15,749	10,482
6401-12800	5,906	2,952	17,717	11,811
>12800	6,562	3,280	19,685	13,140

¹ As measured from the urban buffer around settlement / urban centres as well as rural residential areas as outlined on

Map 1 – General Land Use Map of *The Rural Municipality of Piney Development Plan, By-law 2009*.

² Includes barns and non-earthen manure storage structures such as above or below grade tanks

³ Not including residence of the owner or operator of the livestock operation.

Table 6-8: “LR” LIMITED RURAL ZONE

Permitted uses	Minimum Requirements acres (ac.) and feet (ft.)				
	site area acres (ac.)	site width (ft.)	front yard (ft.)	side yard (ft.)	rear yard (ft.)
Accessory uses (see section 6 of this Part)	-	-	125	25	25
Agricultural activity other than livestock operation (see section 2.10 of Part 2)	80	600	125	25	25
Bed and breakfast (see section 2.23 of Part 2)	2	200	125	25	25
Camping and tenting grounds (see section 2.28 of Part 2)	2	200	125	25	25
Cemetery (see section 2.29 of Part 2)	5	200	125	25	25
Dwelling; single-family ¹	2	200	125	25	25
Expanding livestock operations ³ – 10 to 100 A.U. (see table 6-5)	80	600	125	25	25
Group home (see section 2.51 of Part 2)	As determined by Council				
Home industry (see section 7 of Part 4)	-	-	-	-	-
Home occupation (see section 6 of Part 4)	-	-	-	-	-
Mobile home (see section 2.64 of Part 2)	2	200	125	25	25
Public facility (see section 2.79 of Part 2)	As determined by Council				
Public park and recreation area (see section 2.80 of Part 2)	As determined by Council				
Public utility (see section 2.81 of Part 2)	As determined by Council				
Recreational Enterprises (i.e. Stables and riding academies) less than 20 A.U. ⁵	5	300	125	50	50
Signs (see section 2.90 of Part 2)	-	-	-	-	-
Specialized agriculture (see section 2.98 of Part 2)	10	300	125	25	
Conditional uses	Minimum Requirements acres (ac.) and feet (ft.)				
	site area square feet (sq. ft.) acres (ac.)	site width (ft.)	front yard (ft.)	side yard (ft.)	rear yard (ft.)
Additional Dwelling Unit	As determined by Council				
Agricultural exhibition grounds (see section 2.11 of Part 2)	5	300	125	25	25
Airfields (see section 2.13 of Part 2)	5	200	125	25	25
Education service (see section 2.44 of Part 2)	As determined by Council				
Garden suite (see section 8 of Part 4) (unserviced)	As determined by Council				
Heritage sites	2	200	125	25	25
Municipal sewage facilities including lagoons	As determined by Council				
Outdoor participant recreation services (see section 2.71 of Part 2)	2	200	125	25	25
Public park and recreation area (see section 2.80 of Part 2)	2	200	125	25	25
Quarry/aggregate/mineral extraction operations (see section 8 of Part 3 and sections 2.7, 2.8 of Part 2)	As determined by Council				
Solid waste disposal/transfer station	As determined by Council				
Wind Energy Generation Systems (see section 2.104 of Part 2)	As determined by Council				

Note 1 The minimum yard requirement if livestock is to be kept as an accessory use is 4 acres.

Note 2 Livestock production operations will not be allowed on land parcels of less than 40 acres. However, the keeping of animals (pasturing and domestic) with one (1) animal unit (A.U.) or less per acre of site area will be permitted on existing parcels of less than 40 acres.

Note 3 In existence at the time of adoption of this zoning by-law.

Note 4 Site requirements are for structures only.

Note 5 Must have at least 1 acre per A.U.

Note 6 Or as otherwise required by regulation

Accessory uses in this zone may include all those permitted in the "GD" zone, AND:

1. Dwelling or mobile home ancillary to an agricultural use
2. Farm buildings including barns, grain bins, equipment sheds and such structures
3. Shelterbelts, fences, hedges, and similar landscape features
4. Refuse / garbage storage areas and structures
5. Second dwelling unit, seasonal, as approved by Council.

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Table 6-9: “RS” RURAL AND SEASONAL RESIDENTIAL ZONE

Permitted uses	Minimum Requirements acres (ac.) and feet (ft.)				
	site area acres (ac.)	site width (ft)	front yard (ft)	side yard (ft)	rear yard (ft)
Accessory uses (see section 6 of this Part)	-	-	125	25	25
Camping and tenting grounds (see section 2.28 of Part 2)	2	200	125	25	25
Condominium / Planned Unit Developments (see section 2.32 and 2.76 of Part 2)	2	200	125	25	25
Cultural facilities	2	200	125	25	25
Dwelling - single-family	2	200	125	25	25
Group home (see section 2.51 of Part 2)	As determined by Council				
Heritage sites	2	200	125	25	25
Home industry (see section 7 of Part 4)	-	-	-	-	-
Home occupation (see section 6 of Part 4)	-	-	-	-	-
Outdoor participant recreation services (see section 2.71 of Part 2)	2	200	125	25	25
Public facility (see section 2.79 of Part 2)	As determined by Council				
Public park and recreation area (see section 2.80 of Part 2)	2	200	125	25	25
Public utility (see section 2.81 of Part 2)	As determined by Council				
RV parks	2	200	125	25	25
Signs (see section 2.90 of Part 2)	-	-	-	-	-
Conditional uses	Minimum Requirements acres (ac.) and feet (ft.)				
	site area (acres)	site width (ft)	front yard (ft)	side yard (ft)	rear yard (ft)
Bed and breakfast (see section 2.23 of Part 2)	2	200	125	25	25
Dwelling – Multiple Family	2	200	125	25	25
Dwelling – Two family	2	200	125	25	25
Education service (see section 2.44 of Part 2)	As determined by Council				
Garden suite (see section 8 of Part 4)	As determined by Council				
Hotel / Motel including Bar/Lounge (see section 2.55 of Part 2)	As determined by Council				
Livestock to a maximum of 1 A.U per acre (5-10 acre minimum)	5	-	-	-	-
Mobile home (see section 2.64 of Part 2)	2	200	125	25	25

Accessory uses in this zone are the same as for the “GD” zone; and

The limited keeping of livestock to a maximum of 10 A.U. ~~must have~~ on the basis of at least 1 acre per A.U..

Table 6-10: “IC” RURAL INDUSTRIAL / COMMERCIAL ZONE

Permitted uses	Minimum Requirements acres (ac.) and feet (ft.)				
	site area acres (ac.)	site width (ft)	front yard (ft)	side yard (ft)	rear yard (ft)
Accessory uses (see section 6 of this Part)	-	-	125	25	25
Abattoirs (see section 2.1 of Part 2)	2	200	125	25	25
Agricultural auction marts (see section 2.61 of Part 2)	5	300	125	25	25
Agri-business (see section 2.9 of Part 2)	2	200	125	25	25
Agricultural implements sales and service (see section 2.12 of Part 2)	2	200	125	25	25
Anhydrous ammonia facility (see section 2.16 of Part 2) Part 2)	2	200	125	25	25
Asphalt and concrete batching plants	2	200	125	25	25
Automobile service station ³ (see section 2.19 of Part 2)	2	200	125	25	25
Automotive and equipment repair shop (see section 2.20 of Part 2)	2	200	125	25	25
Contractor establishments	2	200	125	25	25
Drive-in (see section 2.37 of Part 2)	2	200	125	25	25
Fuel tank storage (see section 2.47 of Part 2)	2	200	125	25	25
Greenhouses (see section 2.98 of Part 2)	2	200	125	25	25
Hotel / Motel including Bar/Lounge (see section 2.55 of Part 2)	2	200	125	25	25
Manufacturing facility	2	200	125	25	25
Light / General industrial (see section 2.59 and 2.50 of Part 2)	2	200	125	25	25
Planned unit development (see section 2.76 of Part 2)	2	200	125	25	25
Professional, financial and office support service (see section 2.78 of Part 2)	2	200	125	25	25
Public utility (see section 2.81 of Part 2)	As determined by Council				
Public works yard	2	200	125	25	25
Retail store (see section 2.87 of Part 2)	2	200	125	25	25
Recycling Collection Centre (see section 2.83 of Part 2)	As determined by Council				
Sales / service (see section 2.88 of Part 2)	2	200	125	25	25
Salvage yard (see section 2.89 of Part 2)	2	200	125	25	25
Signs (see section 2.90 of Part 2)	-	-	-	-	-
Storage compound (see section 2.99 of Part 2)	5	300	125	25	25
Veterinary clinics, animal kennels and pounds ² (see section 2.57 of Part 2)	2	200	125	25	25
Welding, machinery and repair shops (see section 2.59 of Part 2)	2	200	125	25	25

Note 1 Accessory uses typically include uses incidental to the listed permitted use or as otherwise permitted by a zoning / development agreement.

Note 2 Must comply with By-law 74/2011.

APPENDIX "B": Rural Municipality of Piney Zoning Map

