

# THE RURAL MUNICIPALITY OF PINEY

NO. #122/2017

**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.

**EFFECT** this By-Law shall come into force and effect on and from the date of its enactment.

THIS By-Law will take effect on October 10<sup>th</sup>, 2017 and The Rural Municipality of Piney By-Law No. 80/2012 is hereby rescinded effective October 10<sup>th</sup>, 2017.

**DONE** and **PASSED** in Council assembled this 10<sup>th</sup> day of October A.D. **2017**.

The Rural Municipality of Piney

Originally Signed

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Wayne Anderson  
Reeve

Originally Signed

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Martin Van Osch  
Chief Administrative Officer

Read a first time this 8<sup>th</sup> day of August, A.D., 2017.  
Read a second time this 10<sup>th</sup> day of October, A.D., 2017.  
Read a third time this 10<sup>th</sup> day of October, A.D., 2017.

# **The Rural Municipality of Piney**

## **Zoning By-law**

**#122/2017**

**APPENDIX “A”**



# TABLE OF CONTENTS

<b>Description</b>	<b>Page</b>
<b>PART 1 – TITLE, INTENT and PURPOSE, RULES OF CONSTRUCTION</b>	<b>5</b>
1. TITLE	5
2. INTENT and PURPOSE	5
3. RULES OF CONSTRUCTION	5
4. MINIMUM AND MAXIMUM REQUIREMENTS	6
5. ILLUSTRATIONS	6
6. TABLES	6
7. HEADINGS	6
8. DEFINITIONS	6
9. MULTIPLE USES AND BUILDINGS	6
<b>PART 2 – DEFINITIONS</b>	<b>7</b>
<b>PART 3 – ADMINISTRATION</b>	<b>24</b>
1. SCOPE	24
2. AREA AFFECTED	24
3. RESPONSIBLE AUTHORITY	24
4. RESPONSIBILITIES OF COUNCIL	24
5. AMENDMENTS	24
6. OBJECTIONS	25
7. DEVELOPMENT AGREEMENTS	25
8. QUARRY / AGGREGATE / MINERAL EXTRACTION OPERATIONS	25
9. CONDITIONAL USES	25
10. VARIATION ORDERS	26
11. DESIGNATED EMPLOYEE OR OFFICER	26
12. DEVELOPMENT PERMIT/ BUILDING PERMIT	27
13. BUILDING TO BE MOVED	30
14. PREVIOUS VIOLATIONS	30
15. NON-CONFORMING USES, BUILDINGS OR STRUCTURES	30
16. ZONING MEMORANDUM	31
17. INTERPRETATION AND APPLICATION	32
18. RELATION TO OTHER BY-LAWS	32
19. SITE REDUCED	32
20. PUBLIC UTILITIES AND SERVICES	32
21. FUTURE ROAD ALLOWANCE	32
22. CONNECTING TO MUNICIPAL SERVICES	32
23. RESPONSIBILITIES OF THE OWNER	32
24. ENFORCEMENT	32
25. FEES	32
<b>PART 4 - GENERAL PROVISIONS</b>	<b>33</b>
1. REGULATIONS OF USE	33
2. ONE DWELLING UNIT PER PARCEL/ HOLDING	33
3. MULTIPLE USES	33
4. SUBDIVIDING LAND	33
5. EXCAVATION AND STRIPPING	33
6. HOME OCCUPATIONS	34
7. HOME INDUSTRIES	34

8. GARDEN SUITES	34
9. CONDOMINIUMS	35
10. PLANNED UNIT DEVELOPMENTS	36
11. TEMPORARY BUILDINGS AND USES	36
12. YARD REQUIREMENTS	37
13. SUBDIVISION OF ATTACHED DWELLINGS	37
14. PROVINCIAL TRUNK HIGHWAYS AND PROVINCIAL ROADS	38
15. NOXIOUS OR OFFENSIVE USES	38
16. WINDMILLS	38
17. HAZARD LAND PROVISIONS	38
<b>PART 5 – ZONES</b>	<b>39</b>
1. ZONING	39
2. ZONING MAP	39
3. GENERAL PROVISIONS	39
4. INTERPRETATION OF REGULATIONS	40
5. BULK REQUIREMENT TABLES	40
6. ACCESSORY USES	40
7. RETENTION OF BULK REQUIREMENTS	40
8. USE & BULK REQUIREMENTS TABLE	41
<b>Table 6-5:</b> Livestock Operation– Minimum Mutual Setback Requirements (PLUPs)	51
<b>Table 6-6:</b> Livestock Operations – Minimum Mutual Setback Requirements (PLUPS +25%)	52
<b>Table 6-7:</b> Livestock Operation – Minimum Mutual Setback Requirements (PLUPs + 100% individual residence & PLUPs + 50% designated area)	53
<b>APPENDIX “B”:</b> Rural Municipality of Piney Zoning Map	54

# **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.

#### **4. MINIMUM AND MAXIMUM REQUIREMENTS**

The provisions of this By-law shall be interpreted to be the minimum regulations except where the abbreviation for, or word, maximum is used, in which case the maximum applies.

#### **5. ILLUSTRATIONS**

Drawings and illustrations in this By-law are for information purposes only to illustrate the meaning of the written text. Where any conflict or inconsistency arises between a drawing or illustration and the text of the By-law, the text governs.

#### **6. TABLES**

Tables form part of the By-law and provide regulatory standards, either to supplement text or in place of text. Table headings, including column headings, row headings, and groupings of columns and rows, form part of this By-law, and have legal effect. Table notes, located within the tables, indicate special situations that affect the application of standards to specific zones and are also part of this By-law. Where any conflict or inconsistency arises between a table and the text of the By-law, the text governs.

#### **7. HEADINGS**

Part, section, subsection, clause, sub clause, and paragraph headings are not part of this By-law.

#### **8. DEFINITIONS**

Words, phrases and terms in this By-law shall be given the defined meaning unless defined in The Act in which case the definition in The Act takes precedence.

Word, phrases and terms not defined in this By-law or The Act shall be given the usual and customary meaning except where, in the opinion of Council, the context indicates a different meaning in which case the definition given by Council shall take precedence.

#### **9. MULTIPLE USES AND BUILDINGS**

Where any land, building or structure is used for more than one purpose; all provisions of this By-law relating to each shall apply. Where there is a conflict, the more restrictive regulations shall prevail.

There shall be only one principal or main use on a zoning site unless otherwise permitted herein.

## PART 2 – DEFINITIONS

- 2.1 Abattoir** means a building, structure, or part thereof, used for the slaughtering of animals and related activities. This use includes slaughterhouses.
- 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 use** means a use subordinate the principal building or structure on the same site with, the use of which is incidental and accessory to that of the principal building or use. Accessory when it is used in this By-law shall have the same meaning as accessory use.
- 2.4 Accessory building or structure** means a subordinate building located on the same zoning site as the principal building 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.
- 2.5 Act** means *The Planning Act* and amendments thereto.
- 2.6 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.
- 2.7 Aggregate extraction operation** means a site including accessory buildings and structures used for the removal of sand, gravel, stone or other aggregate resources for transport offsite, and may include borrow pits, gravel pits and stone quarries, but does not include an asphalt plant or a concrete plant.
- 2.8 Aggregate processing operation** means a site including accessory buildings and structures used for the refinement and/or processing of sand, gravel, stone or other aggregate resources, and may include screening, crushing and wash plants, 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, fertilizer supply operations, commercial 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;
  - 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, floriculture and horticulture. This Use 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 Agricultural staff housing** means a residential dwelling used exclusively for the purpose of housing farm staff on a temporary or seasonal basis.
- 2.14 Agricultural support industry** means an industry, commercial service or retail business in which the major product or service being bought, sold or processed is intended mainly for, from or by farmers. Typical uses include aerial spraying companies, implement parts supply, livestock husbandry supply and/or services, etc. This use does not include bulk storage facilities or anhydrous ammonia facilities.
- 2.15 Airfield** means any area of land or water that is used or intended for a use for the landing or taking off of aircraft.
- 2.16 Alter or alteration** means a change or modification to an existing building, structure or use in keeping with the provisions of this by-law.
- 2.17 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
    - iii. 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.



- 2.18 Amusement/rental hall/theatre** means a facility within any building, room or area having events, table games or electronic games played by patrons for entertainment. This use include arcades, rental halls and pool halls, but does not include carnivals.
- 2.19 Anhydrous ammonia facility** means an area for the storage of anhydrous ammonia that is commonly used as a fertilizer, including sales and service.
- 2.20 Animal housing facility/confined livestock area** means a barn or an outdoor, non-grazing area where livestock are confined by fences or other structures, but excludes feedlots.
- 2.21 Animal shelter and veterinary services** means a development used for the care and treatment of animals where the veterinary services primarily involve outpatient care and minor medical procedures. This use includes pet clinics and veterinary offices.
- 2.22 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.
- 2.23 Aquaculture** means a form of agriculture devoted to the controlled growing and harvesting of fish, shellfish, and plants in marine, brackish, and fresh water.
- 2.24 Asphalt & concrete batching plant** means a temporary or permanent facility with equipment designed to heat, dry and mix aggregate with asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process. This use includes a plant that is engaged in the production, distribution and sale of concrete or asphalt from materials that are delivered to the plant site.
- 2.25 Auction mart** means a development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment.
- 2.26 Automobile service station** means a development used for the retail sale of gasoline, other petroleum products, auto accessories, automobile and truck servicing, and washing and other accessory uses associated including: Eating and Drinking Establishments and Truck Stops.
- 2.27 Automotive and equipment repair** means a development used for the mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This use includes transmission shops, muffler shops, tire shops, automotive glass shops, upholstery shops and body repair and paint shops.
- 2.28 Automotive and recreational vehicle sales** means the retail sale of rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, utility trailers, boats, travel trailers, or similar light recreational vehicles or crafts, together with incidental maintenance services and sales parts. This use includes automobile dealerships, car rental agencies and motorcycle dealerships.
- 2.29 Automotive wrecking establishment** means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
- 2.30 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.

- 2.31 Basement suites** means a self-contained dwelling unit in the basement of a house complete with its own kitchen, bathroom, and living area.
- 2.32 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.
- 2.33 Berm** means a level space, shelf or raised barrier made of earth, soil, gravel, parent material or other ground separating two areas. It can serve as a border barrier or as a fence.
- 2.34 Bio-mass fuel system** means the production of fuel from renewable resources, especially plant biomass, vegetable oils and treated animal, municipal and industrial wastes. The following are some examples of bio-mass fuels: bio-fuel, bio-ethanol, bio-diesel, bio-gas.
- 2.35 Building, main or principal** means a building in which is conducted the principal use of the site on which it is situated.
- 2.36 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.
- 2.37 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
- 2.38 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.
- 2.39 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. This use includes food and retail services accessory to the primary use of camping and tenting grounds.
- 2.40 Cemetery** means land for the burial of the dead and dedicated for cemetery purposes, including columbaria, and mausoleums, when operated in conjunction with and within the boundaries of such cemetery.
- 2.41 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.

**2.42 Clean-tech industries** means industries dedicated to the research, development and operation of technologies that optimize the use of natural resources and offer cleaner or less wasteful alternatives to traditional products and services. This class includes smart technology infrastructure, technologies that increase resource use efficiency, including the development of hybrid vehicle technology, smart logistics software, nano-technology and the development of smart construction materials and fabrics.

**2.43 Columbarium** means a building or structure used for the interment of cremated human remains.

**2.44 Conditional use** means the use of land or building as provided for in *The Act*.

**2.45 Condominium** means a condominium as established under the provisions of *The Condominium Act*.

**2.46 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.

**2.47 Council** means the Council of the Rural Municipality of Piney.

**2.48 Crematorium** means a building or structure used to cremate human remains.

**2.49 Development officer/designated employee** means the officer appointed by the Council in accordance with the provisions of *The Act*.

**2.50 Development permit** means a permit issued under the zoning by-law authorizing development, and may include a building permit.

**2.51 Drive-through** 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 includes pickup windows, ATMs, pharmacy pick up and other similar uses. This use does not include food services.

**2.52 Drug addiction treatment facility** means an establishment or facility designed for the process of medical or psychotherapeutic treatment, for dependency on psychoactive substances such as alcohol, prescription drugs, and street drugs such as cocaine, heroin or amphetamines.

**2.53 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.

**2.54 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.

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

**2.56 Dwelling, two-family** means an attached building designed for and used by not more than two (2) families, each having exclusive occupancy of a dwelling unit.

**2.57 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.

**2.58 Dwelling unit, second** means an accessory seasonal single family dwelling when located on the same site as the main dwelling.

**2.59 Eating and drinking establishment** means the sale to the public of prepared foods, for consumption within the premises or off the site. This includes licensed drinking establishments, restaurants, cafes, delicatessens, tearooms, banquet catering, lunchrooms, and take-out restaurants. This use includes drive-in food services which provide services to customers who remain in their vehicles, refreshments stands, take-out window where service is provided to customers on the outside, or mobile catering food services. .

**2.60 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 includes public and private schools, community colleges, technical and vocational schools and associated administrative offices.

**2.61 Electric vehicle charging station** means a public or private parking space that is served by electric vehicle supply equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery in an electric vehicle.

**2.62 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.

**2.63 Equipment & vehicle rental services** means a development used for the rental of tools, appliances, recreation craft, office machines, furniture, light construction equipment, vehicles or similar items.

**2.64 Fabric covered structures** means a structure, enclosure, or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects and is either attached to the ground or a foundation. This class does not

include temporary fabric covered structures, structures fewer than 10 square meters.

- 2.65 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.
- 2.66 Farmers' markets** means an occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and craft items, and food and beverage dispensed from booths located on-site.
- 2.67 Feed mill & seed cleaning** means a processing plant where seed is cleaned and/or livestock feed and animal feed is manufactured, processed, stored, distributed and sold at a company store on plant or mill property. This use does not include feed lots.
- 2.68 Fuel tank storage** means a tank for the bulk storage of petroleum products or other flammable liquids which are being legally kept at a retail store or storage tank which is incidental to the primary use of the premises.
- 2.69 Funeral service** means a development used for the preparation of the dead for burial or cremation, and the holding of funeral services. This use includes funeral homes, mortuaries, undertaking establishments and interment services.
- 2.70 Game farm** means a development with wild animals such as elk, bison, wild boar, deer and other wild ungulates are held in captivity, pursuant to Provincial government legislation.
- 2.71 Garage** means an accessory building or part of a principal building designed and used primarily for the storage of motor vehicles.
- 2.72 Garden suite** means a temporary, 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).
- 2.73 General contractor services** means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor services. Any sales, display, office or technical support service areas shall be accessory to the principal contractor service use only.
- 2.74 General industrial** means processing and manufacturing uses which cannot be classified as light industrial uses, as defined herein.

- 2.75 Grain terminal/elevator** means any structure which is designed to store any type of grain, but does not include the typical farm granary. This use does not include feed mills and/or seed cleaning establishments.
- 2.76 Greenhouse, plant and tree nursery** means a location for the production of landscape materials, including commercial greenhouses or nurseries, and the wholesale sale of supplies, plants, trees and landscaping materials.
- 2.77 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.
- 2.78 Group residence** means a group home for five (5) or more residents.
- 2.79 Halfway house** means a residence designed to assist individuals, especially those leaving institutions, to re-enter society and learn to adapt to independent living.
- 2.80 Health services** means a development used for the provision of physical and mental health services on an outpatient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative or counselling nature. Typical used include medical and dental offices, health clinic and counselling.
- 2.81 High tech industry** means industries in technology oriented sectors, such as biotechnology, computer equipment, defense, aerospace, electronics, photonic, medical equipment, medical supplies, software, multimedia, data, semiconductors and related devices, telecommunications and professional research and testing services.
- 2.82 Hobby farm** means an agricultural use incidental to the main residential use of a parcel, compatible with the density of development, and on which animals can be kept for personal use.
- 2.83 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.
- 2.84 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.
- 2.85 Hospital** means an institution, land, building, structure or other premises or place established for the diagnosis or treatment of persons afflicted with or suffering from sickness, disease or injury, including mental or nervous illness, or for the treatment of convalescent or chronically ill persons. This use typically involves inpatient treatment that requires at least one overnight stay.
- 2.86 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 includes restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.
- 2.87 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.

- 2.88 Irrigation dugouts and ponds** means areas where surface water flows or stands on private land for use by an agricultural operator or recreational use.
- 2.89 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.
- 2.90 Lane** means a street not over thirty-three (33) feet in width.
- 2.91 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.
- 2.92 Livestock** means animals or poultry not kept exclusively as pets and excluding bees. This class of use does not include hobby farms.
- 2.93 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;
  - 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.
- 2.94 Lumber & building supply establishment** means the use of land, building or structure, or part thereof, for a retail store predominantly selling of lumber and a wide range of building and home decorating supplies along with ancillary sales of construction tools, gardening products, and home design products..
- 2.95 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.
- 2.96 Manure storage facility, non-earthen** means a structure, 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.

**2.97 Manure storage facility, earthen** means a structure built primarily from soil, constructed by excavating or forming dikes, and use for storing or treating livestock manure, but does not include:

- a. A collection basin;
- b. A field storage site; or
- c. A temporary composting site for manure;

**2.98 Marijuana Retailer & Sales** shall mean a facility licensed by the federal or provincial government where useable marijuana and marijuana-infused products may be sold at retail.

**2.99 Marina** means a public dock or basin providing secure moorings for pleasure boats and often offering supply, repair, and other facilities.

**2.100 Medical marihuana growing & production** means a premises used for growing, producing, testing, destroying, storing, or distribution of medical marihuana or cannabis authorized by a license issued by the Federal Government or any other Provincial Act.

**2.101 Mini-warehouse/self-storage** means an enclosed permanent facility that provides storage space to the general public on a for-hire basis. Mini-warehouses and self-storage areas may also include vehicle storage for recreational vehicles, boats and other vehicles. No other business or service may be allowed to operate out of a rented storage space. This definition also applies to a use that provides portable containers for storage.

**2.102 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

**2.103 Mobile home park** means an area of land with required improvements and utilities upon which three or more mobile home spaces are located and have been approved by the Municipality.

**2.104 Mobile sign** means a sign which is mounted on a trailer, vehicle, stand or similar support structure which is designed in such a manner that the sign can be readily relocated to another location, and which may include a message that can be changed through the use of removable characters or panels.

**2.105 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 includes restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

**2.106 Motocross/racetrack** means a closed loop, commercial course or trail typically comprised of natural or man-made terrain used for racing and recreational use of motorcycles, all-terrain vehicles, snowmobiles or bicycles, but does not include a personal/private use course or trial.



**2.107 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.

**2.108 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.

**2.109 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.

**2.110 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.

**2.111 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 neighborhood or interferes with or may interfere with the normal enjoyment of any land, building or structure.

**2.112 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 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.

**2.113 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.

**2.114 Peat moss harvesting & processing** means the commercial production and processing of peat and its associated structures. This will include the harvesting of peat, the creation of harvest blocks and the surface to drying of peat.

**2.115 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.

**2.116 Personal care home** means a multiple unit dwelling or building containing individual rooms where people live dependent on personal care.

- 2.117 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 may include such establishments as barber shops, beauty parlors, hair-dressing shops, coin op laundry, valets and depots for collecting dry cleaning and laundry.
- 2.118 Pet daycare** means a business or establishment used for any or all of the following: the grooming, training, and daycare of any pet.
- 2.119 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.
- 2.120 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.
- 2.121 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.
- 2.122 Public facility** means facilities that are open to, and serve the general public, including medical and health-related offices, parks, recreation and complexes, community centres.
- 2.123 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.
- 2.124 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.
- 2.125 Quarry, aggregate and mineral extraction** means an area or quarry from which aggregate or minerals are extracted.
- 2.126 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.

- 2.127 Religious assembly** means a place of worship and related activities. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.
- 2.128 Rendering plant** means a processing facility where the storage or processing of livestock or animal by-products, or the storage or processing of animal waste are recycled into products from food to fuel. This class does not include slaughterhouses or abattoirs.
- 2.129 Repair** means the renewal or reconstruction of any part of an existing structure for the purpose of its maintenance or restoration.
- 2.130 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.
- 2.131 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.
- 2.132 Sales/service** means the use of a building, structure or site in which goods and/or services are sold to the public, including coffee shops, bakeries, catering services and similar uses.
- 2.133 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 does not include an automobile wrecking or dismantling yard or uses established entirely within an enclosed building.
- 2.134 Shed** means a small structure, either freestanding or attached to a larger structure, serving for storage or shelter.
- 2.135 Shooting ranges** means an outdoor commercial/club area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other shooting activity, but does not include police or military firing ranges operated by any level of government, and does not include occasional not-for-profit charitable events (commonly called “turkey shoots”), but does not include private/personal use shooting ranges.
- 2.136 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.
- 2.137 Site, area** means the computed area contained within the site lines.
- 2.138 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.

**2.139 Site, frontage** means all that portion of a site fronting on a street and measured between side site lines.

**2.140 Site lines** definitions are as follows:

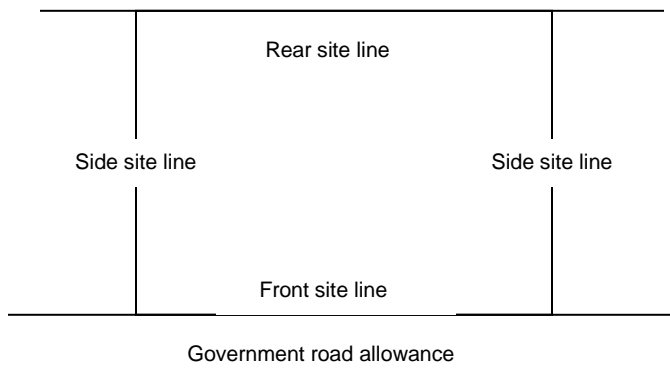
**Front site line** means that boundary of a site which is along an existing or designated street, lane or right-of-way. For a corner site the Development Officer may select the front site line except where an interior site abuts the corner site, in which case the front site line shall be that line which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



**2.141 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.

**2.142 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.

- 2.143 Site, zoning** means a parcel of land with frontage on a street, lane, right-of-way, or access by 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.
- 2.144 Solar energy generation systems** means the transformation of energy from sunlight into electricity or heat using specialized electrical or mechanical equipment that varies greatly in type, shape, size, and capacity from system to system. This land use does not include small residential or agricultural systems accessory to the principal land use.
- 2.145 Specialized agriculture** means the use of land and sale of apiculture, floriculture, horticulture, including market gardening, research facilities, u-pick farms, sod farms, greenhouse crops, orchards and tree farming and similar agricultural activities on a commercial basis.
- 2.146 Stables & riding academies** means a facility engaged in the training of horses or the operation of a horse riding academy or horse riding stables.
- 2.147 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, recreational vehicle compounds, boat compounds, etc.
- 2.148 Storage container, portable** means weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise. This term shall include all portable storage containers, regardless of size.
- 2.149 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.
- 2.150 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.
- 2.151 Surface water** means a 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.
- 2.152 Temporary structure or use** means any building or use that remains on a property for a short fixed period of time, not exceeding three (3) months. In addition, temporary structures are not supported on a permanent foundation and are not connect to any utility services.
- 2.153 Trailer, semi** means a detachable trailer for hauling freight, with wheels at the rear end, the forward end being supported by the rear of a truck tractor when attached. For the purpose of land use, a semi-trailer will only include those used as storage containers and that are not registered under the any Provincial legislation.
- 2.154 Transportation terminal** means a development where commercial vehicles pick up passengers or freight, and discharge fare-paying passengers or a development used for the sale, rental, repair or storage of commercial vehicles. This use includes vehicle repair shops, eating and drinking areas, gas bars, retails sales and service stations as accessory uses.

**2.155 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.

**2.156 Vacation farm operation** means an accessory development to a farm operation that provides temporary accommodations with or without meals to members of the travelling public for remuneration. This use includes tourist campsites, lodges and sites for motor homes or travel trailers.

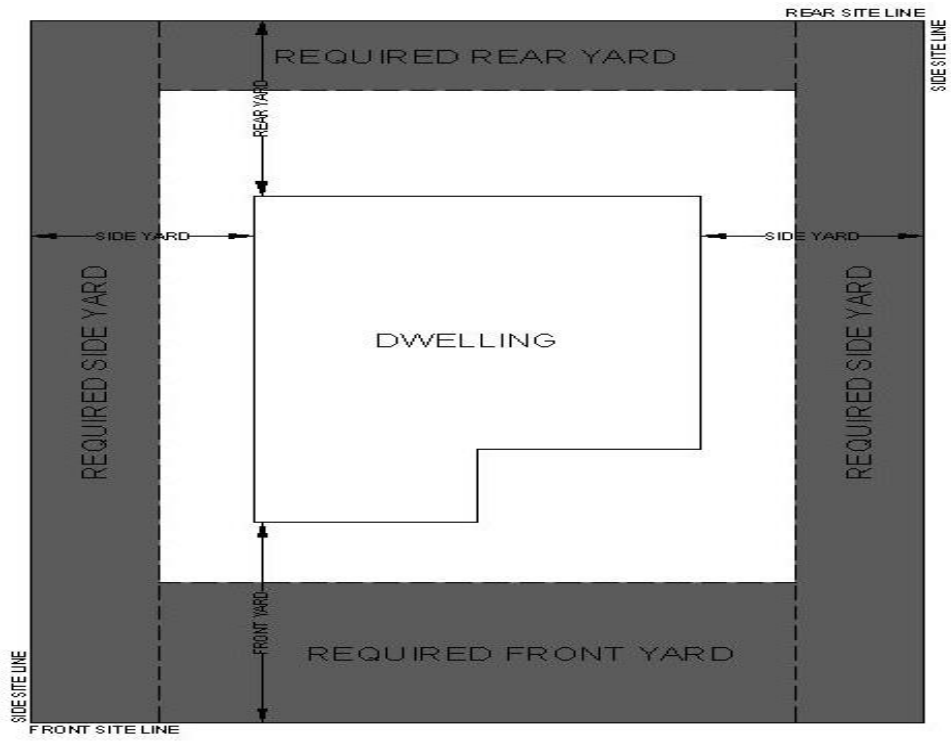
**2.157 Warehouse sales & storage** means a development used for the wholesale or retail sale of bulky goods primarily within an enclosed building with limited outdoor storage where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This use includes developments where principal goods being sold are such bulky items as furniture, carpet, and major appliances.

**2.158 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 for generation of power for sale by a commercial enterprise including all associated accessory facilities. This land use does not include small residential or agricultural systems accessory to the principal land use.

**2.159 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 neighboring 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;
- 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;
- d. a change in land use, building or structure; and
- e. the erection or construction of a berm exceeding 30 metres in total length for the purpose of a fence or barrier;

### **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 ten square metres (10 m<sup>2</sup>) 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;
- h. single level decks twenty four (24) inches or less in height above grade located in a side or rear yard of a single family or two-family dwelling;
- i. for temporary berms used in flood mitigation or septic fields;
- j. the construction of a fence or light standard; and

- k. the operation of a home occupation in accordance with **Section 8** of **PART 4** of this by-law.

#### **4. APPLICATION**

All applications for a development permit shall:

- a. Be made by a person with a legal or equitable estate or interest in the property sought to be developed or a person duly authorized by him/her in that regard;
- b. Conform to the Development Plan, any Secondary Plan or development by-laws or it will be rejected;
- c. Be accompanied by all applicable fees and charges; no action shall be taken on any development permits until all applicable fees and charges have been paid in full;
- d. Be accompanied by all information requested by the Development Officer to show apparent compliance with this By-law and any other relevant by-laws, including but not limited to:
  - i. a site plan, drawn to scale, showing the actual dimensions and shape of the site to be built upon;
  - ii. the exact size and location on the site of buildings already existing, if any; and
  - iii. the location and dimensions of the proposed building, enlargement or structural alterations.
- e. Include such other information as may be required by Council including:
  - i. building Location Certificates;
  - ii. existing or proposed use of the land;
  - iii. the number and location of automobile parking spaces and loading spaces;
  - iv. the number of families, dwelling units or rental units the building is designed to accommodate;
  - v. conditions existing on the site;
  - vi. current copies of relevant titles, easements caveats; or
  - vii. a surveyor's certificate prepared by a Manitoba land surveyor and such other matters as may be necessary to determine conformance with and provide for the enforcement of this By-law.

#### **5. 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.

## **6. 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.

## **7. 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 over 10 square metres 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. PREVIOUS VIOLATIONS**

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

## **15. 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.

#### **7. NON-CONFORMITY BY VIRTUE OF PUBLIC WORKS**

In accordance with Section 121 of The Act, 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. For example, the widening of a road that reduces the front yard depth of a property so that it does not comply with this By-law would be deemed acceptable.

### **16. 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.

## **17. 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.

## **18. 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.

## **19. 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.

## **20. 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.

## **21. 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.

## **22. 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.

## **23. 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.

## **24. 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*.

## **25. 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 AND STRIPPING**

For the purpose of this Section of the By-law, excavation shall mean excavation for commercial purposes.

- a. Requires the prior approval of Council by Conditional Use;
- 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 neighborhood;
- 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 neighborhood;

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*, “**LRB**” *Limited Rural Buffer*, “**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, except Rural Commercial/Industrial Zone;
- 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 may 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 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) story or fifteen (15) feet in height; and
- e. May be used as office space for the contractor of developer;
  - i. shall not be used for human habitation, except as temporary accommodation for a caretaker or watchman; and
  - ii. 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**

Council may place conditions through the conditional use process to mitigate byproducts that are determined to be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise for uses determined to be noxious or offensive outcomes.

#### **16. WINDMILLS**

Private windmills may be permitted when accessory to a main use within the "rural zones". Private windmills may be permitted by condition use within "general development zones" and are not permitted within "rural seasonal residential zones". Windmills must be set back 1.5 times their total turbine height from a Provincial Road or Provincial Trunk Highway.

#### **17. FENCES**

This section applies to fences which are used for residential or commercial purposes and do not include fences used in the confinement of livestock or accessory to livestock operations or for agricultural purposes.

- a. fences in all zones shall not be constructed of or contain debris, junk or waste materials unless such materials have been recycled and reprocessed into building materials marketed to the general public or other materials deemed unsuitable by Council;
- b. fences shall not impede, obstruct or alter the flow of drainage;
- c. fences in all zones shall not obstruct or confuse the view of vehicular and pedestrian traffic at intersections; and
- d. fences are permitted in all required yards and can be placed up to the property line. Maximum height requirements are as follows: not more than four (4) feet in the required front yard and at a height of not more than eight (8) feet in the rear and side yards.

#### **18. BERMS**

All berms must be constructed with a minimum of 4:1 slopes and a 1 metre flat top. Berm height shall be determined by averages of height over total length. Berms shall be trimmed and leveled to allow for future maintenance including; weed management, mowing, erosion and settlement. Berms shall not impede, obstruct or alter the flow of drainage.

#### **19. HAZARD LAND PROVISIONS**

This section applies to areas which may be subject to hazards such as flooding, erosion or river bank instability. Development in these hazardous areas shall be subject to the following conditions;

- a. No development will be permitted on land subject to erosion, bank instability, landslides or flooding unless it has been demonstrated to Council by an approved third party Engineering or Geotechnical report that the erosion process has been halted or that the hazard has been (or can be) protected against;
- b. Compliance with the Rural Municipality of Piney's Lot Grade By-Law;

## 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, Badger, Sandilands 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.
- ii. **"R2" RURAL 2 ZONE** provides for areas where agriculture is the primary land use but there are soil limitations.
- iii. **"R3" RURAL 3 ZONE** accommodates limited agricultural uses in areas with environmental restrictions, poor soils, unique topography, etc.
- iv. **"LR" LIMITED RURAL ZONE** provides appropriate lands for agricultural uses with Class 5 soils.
- v. **"LRB" LIMITED RURAL BUFFER ZONE** provides appropriate lands for agricultural and mixed uses in proximity to the settlement centres.
- vi. **"RS" 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*.
- vii. **"RCI" RURAL COMMERCIAL/INDUSTRIAL ZONE** provides areas for resource-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. 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"**.

#### **4. 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 (green);
- b. Conditional (yellow), and
- c. Not Permitted (red);

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. Accessory uses listed as “Accessory Use Only” must be accessory to a permitted principle use and are otherwise not permitted within the zone. 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 the Table.
- 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. USE & BULK REQUIREMENTS TABLE**

Use	Minimum Requirements					Development Zones								
	site area acres (ac.)	site width (ft.)	front yard (ft.)	side yard (ft.)	rear yard (ft.)	Rural Zone			Limited Rural Zone		General Development Zone (GD)	Rural - Seasonal Residential Zone (RS)	Rural Commercial / Industrial Zone (RCI)	
						Zone 1 (R1)	Zone 2 (R2)	Zone 3 (R3)	Limited Rural (LR)	Limited Rural Buffer (LRB)				
P - Permitted Use C - Conditional Use NP - Not Permitted														
Abattoir	80 ac.	200 ft.	125 ft.	10 ft.	10 ft.	C	C	C	C	C	NP	NP	C	
Accessory uses			30 ft.	5 ft.	5 ft.	Accessory Use								
Aggregate processing operation	(10 ac. GD, RCI) (80 ac. R1, R2, R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	P	P	P	C	C	C	NP	C	
Agri-business	(2 ac. GD & RCI) (80 ac. R1, R2, R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	P	P	P	C	C	C	NP	P	
Agricultural activity other than livestock operation	80 ac.	200 ft.	125 ft.	10 ft.	10 ft.	P	P	P	P	P	C	NP	P	
Agricultural exhibition grounds	80 ac.	200 ft.	125 ft.	10 ft.	10 ft.	P	P	P	P	P	C	NP	C	
Agricultural implements sales and services	80 ac.	200 ft.	125 ft.	10 ft.	10 ft.	P	P	P	P	P	C	NP	P	
Agricultural staff housing	80 ac.	200 ft.	125 ft.	10 ft.	10 ft.	Accessory Use					C	NP	NP	
Agricultural support industry	(2 ac. GD & RCI) (80 ac. R1, R2, R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	P	P	P	P	C	C	NP	P	
Airfield	80 ac.	200 ft.	125 ft.	10 ft.	10 ft.	P	P	P	P	C	NP	NP	C	
Amusement/rental hall/theatre	(2 ac. GD, RCI & RS) (80 ac. R3 & LR)	200 ft.	(30 ft. GD) (125 ft. R3, LR, RCI & RS)	10 ft.	10 ft.	NP	NP	NP	NP	C	P	P	P	
Anhydrous ammonia facility	80 ac.	600 ft.	325 ft.	25 ft.	25 ft.	C	C	C	C	NP	NP	NP	C	
Animal shelter/veterinary service	(2 ac. GD & RCI) (10 ac. R1, R2, R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	P	P	P	P	P	C	NP	P	

Use	site area acres (ac.)	site width (ft.)	front yard (ft.)	side yard (ft.)	rear yard (ft.)	Rural Zone			Limited Rural Zone		General Development Zone (GD)	Rural - Seasonal Residential Zone (RS)	Rural Commercial / Industrial Zone (RCI)
						Zone 1 (R1)	Zone 2 (R2)	Zone 3 (R3)	Limited Rural (LR)	Limited Rural Buffer (LRB)			
Aquaculture	(2 ac. GD & RCI) (10 ac. R1, R2, R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	P	P	P	P	P	C	NP	C
Asphalt & concrete batching plant	80 ac.	200 ft.	125 ft.	10 ft.	10 ft.	C	C	C	C	NP	NP	NP	C
Auction mart	80 ac.	200 ft.	125 ft.	10 ft.	10 ft.	C	C	C	C	C	C	NP	C
Automobile service station	(2 ac. GD, RCI & RS) (80 ac. R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	NP	NP	NP	NP	C	C	C	P
Automobile wrecking establishments	80 ac.	200 ft.	125 ft.	10 ft.	10 ft.	C	C	C	C	NP	NP	NP	C
Automotive and equipment repair	(2 ac. GD, RCI & RS) (80 ac. R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	Accessory Use Only				C	C	C	P
Automotive and recreational vehicle sales	(2 ac. GD, RCI) (80 ac. R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	Accessory Use Only				C	C	NP	P
Bar/lounge	(2 ac. GD, RCI & RS) (80 ac. LR)	200 ft.	(30 ft. GD) (125 ft. LR, RCI & RS)	10 ft.	10 ft.	NP	NP	NP	NP	C	P	P	C
Basement & secondary suites		200 ft.	(30 ft. GD) (125 ft. R1, R2, R3, LR & RS)	10 ft.	10 ft.	Accessory Use						NP	
Bed and breakfast		200 ft.	(30 ft. GD) (125 ft. R1, R2, R3, LR & RS)	10 ft.	10 ft.	Accessory Use						NP	
Berm	(6,000 sq. ft. GD & RS) (2 ac. R1, R2, R3 & LR)	50 ft.	(30 ft. GD) (50 ft. R1, R2, R3, LR & RS)	10 ft.	10 ft.	C (≥48")	C (≥48")	C (≥48")	C (≥48")	C (≥24")	C (≥24")	C (≥24")	C (≥24")
						P (<48")	P (<48")	P (<48")	P (<48")	P (<24")	P (<24")	P (<24")	P (<24")
Bio-mass fuel production	80 ac.	200 ft.	125 ft.	10 ft.	10 ft.	P	P	P	P	C	C	C	P
Camping and tenting grounds	80 ac.	200 ft.	125 ft.	10 ft.	10 ft.	C	C	C	C	C	C	C	NP
Caretaker residence		200 ft.	(30 ft. GD) (125 ft. R1, R2, R3, LR & RS)	10 ft.	10 ft.	Accessory Use						NP	

Use	site area acres (ac.)	site width (ft.)	front yard (ft.)	side yard (ft.)	rear yard (ft.)	Rural Zone			Limited Rural Zone		General Development Zone (GD)	Rural - Seasonal Residential Zone (RS)	Rural Commercial / Industrial Zone (RCI)
						Zone 1 (R1)	Zone 2 (R2)	Zone 3 (R3)	Limited Rural (LR)	Limited Rural Buffer (LRB)			
Cemetery	2 ac.	200 ft.	(30 ft. GD) (125 ft. R1, R2, R3, LR & RS)	10 ft.	10 ft.	P	P	P	P	P	P	P	NP
Cleantech Industries	(2 ac. GD, RCI & RS) (80 ac. R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	NP	NP	C	C	C	C	C	C
Columbarium		200 ft.	(30 ft. GD) (125 ft. R1, R2, R3, LR & RS)	10 ft.	10 ft.	Accessory Use						NP	
Condominium unit	(2 ac. GD & RS) (80 ac. R1, R2, R3 & LR)	200 ft.	(30 ft. GD) (125 ft. R1, R2, R3, LR & RS)	10 ft.	10 ft.	NP	NP	NP	NP	C	P	P	NP
Crematorium	10 ac.	200 ft.	125 ft.	10 ft.	10 ft.	C	C	C	C	C	NP	NP	C
Drive-through	(2 ac. GD, RCI & RS) (80 ac. R1, R2, R3 & LR)	200 ft.	(30 ft. GD) (125 ft. R1, R2, R3, LR, RCI & RS)	10 ft.	10 ft.	NP	NP	NP	NP	P	P	P	P
Drug addiction treatment facility	10 ac.	200 ft.	125 ft.	10 ft.	10 ft.	NP	NP	C	C	C	C	NP	NP
Dwelling: multi-family	2 ac.	200 ft.	50 ft.	10 ft.	10 ft.	C	C	C	C	C	C	C	NP
Dwelling: mobile/modular home	(6,000 sq. ft. GD & RS) (2 ac. R1, R2, R3 & LR)	50 ft.	(30 ft. GD) (50 ft. R1, R2, R3, LR & RS)	10 ft.	10 ft.	P	P	P	P	P	P	P	NP
Dwelling: second seasonal detached		200 ft.	50 ft.	10 ft.	10 ft.	Accessory Use				Accessory Use			NP
Dwelling: single family	(6,000 sq. ft. GD & RS) (2 ac. R1, R2, R3 & LR)	50 ft.	(30 ft. GD) (50 ft. R1, R2, R3, LR & RS)	10 ft.	10 ft.	P	P	P	P	P	P	P	NP
Dwelling: two family	(6,000 sq. ft. GD & RS) (2 ac. R1, R2, R3 & LR)	50 ft.	(30 ft. GD) (50 ft. R1, R2, R3, LR & RS)	10 ft.	10 ft.	P	P	P	P	P	P	P	NP
Eating & drinking establishment	(2 ac. GD, RCI & RS) (80 ac. R3 & LR)	200 ft.	(30 ft. GD) (125 ft. R3, LR, RCI & RS)	10 ft.	10 ft.	NP	NP	NP	NP	C	P	P	C
Education service	10 ac.	200 ft.	(30 ft. GD) (125 ft. R3, LR & RS)	10 ft.	10 ft.	NP	NP	NP	NP	C	P	C	NP



Use	site area acres (ac.)	site width (ft.)	front yard (ft.)	side yard (ft.)	rear yard (ft.)	Rural Zone			Limited Rural Zone		General Development Zone (GD)	Rural - Seasonal Residential Zone (RS)	Rural Commercial / Industrial Zone (RCI)
						Zone 1 (R1)	Zone 2 (R2)	Zone 3 (R3)	Limited Rural (LR)	Limited Rural Buffer (LRB)			
Greenhouse, plant and tree nursery	(2 ac. GD, RCI & RS) (10 ac. R1, R2, R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	P	P	P	P	P	C	C	P
Group day care	2 ac.	200 ft.	(30 ft. GD) (125 ft. R3, LR & RS)	10 ft.	10 ft.	NP	NP	NP	NP	P	P	P	NP
Group home	(2 ac. GD) (80 ac. R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	NP	NP	C	C	C	C	NP	NP
Group residence	(2 ac. GD) (80 ac. R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	NP	NP	C	C	C	C	NP	NP
Halfway house	(2 ac. GD) (80 ac. R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	NP	NP	C	C	C	C	NP	NP
Health service	(2 ac. GD, RCI & RS) (80 ac. R3 & LR)	200 ft.	(30 ft. GD) (125 ft. R3, LR, RCI & RS)	10 ft.	10 ft.	NP	NP	NP	NP	P	P	C	C
High Tech Industry	(2 ac. GD & RCI) (80 ac. R1, R2, R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	C	C	C	C	C	C	NP	C
Hobby farm	2 ac.	200 ft.	125 ft.	10 ft.	10 ft.	Accessory Use Only					C	C	C
Home day care		200 ft.	(30 ft. GD) (125 ft. R1, R2, R3, LR & RS)	10 ft.	10 ft.	Accessory Use Only							
Home industry		200 ft.	(30 ft. GD) (125 ft. R1, R2, R3, LR & RS)	10 ft.	10 ft.	Accessory Use Only							NP
Home occupation		200 ft.	30 ft.	10 ft.	10 ft.	Accessory Use Only							NP
Hospitals	(2 ac. GD, RCI & RS) (80 ac. R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	NP	NP	NP	NP	P	P	C	C
Hotel	(2 ac. GD, RCI & RS) (10 ac. LR)	200 ft.	125 ft.	10 ft.	10 ft.	NP	NP	NP	NP	C	C	C	C
Indoor participant recreation service	(2 ac. GD, RCI & RS) (80 ac. R3 & LR)	200 ft.	(30 ft. GD) (125 ft. R3, LR, RCI & RS)	10 ft.	10 ft.	NP	NP	NP	NP	P	P	P	C

Use	site area acres (ac.)	site width (ft.)	front yard (ft.)	side yard (ft.)	rear yard (ft.)	Rural Zone			Limited Rural Zone		General Development Zone (GD)	Rural - Seasonal Residential Zone (RS)	Rural Commercial / Industrial Zone (RCI)
						Zone 1 (R1)	Zone 2 (R2)	Zone 3 (R3)	Limited Rural (LR)	Rural Buffer (LRB)			
Irrigation dugouts & ponds	2 ac.	200 ft.	125 ft.	10 ft.	10 ft.	Accessory Use			C	C	C	Accessory Use	
Kennel	10 ac.	200 ft.	125 ft.	10 ft.	10 ft.	C	C	C	C	C	C	C	C
Light industrial	(2 ac. GD, RCI) (80 ac. R1, R2, R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	Accessory Use Only			C	C	NP	P	
Livestock; less than 10 A.U.	(2 ac. GD, RCI & RS) (80 ac. R1, R2, R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	Accessory Use			C	C	C	C	
Livestock; operations greater than 10 A.U. to a maximum of 299 A.U. to include animal housing facilities	80 ac.	600 ft.	125 ft.	25 ft.	25 ft.	P (Table 6-6 and 6.7)	P (Table 6-6 and 6.7)	P (Table 6-5)	P (Table 6-5)	C (Table 6-5)	NP	NP	NP
Livestock; new operations greater than 299 A.U. to a maximum of 1200 A.U.	80 ac.	600 ft.	125 ft.	25 ft.	25 ft.	C (Table 6.7)	C (Table 6-6)	C (Table 6-5)	C (Table 6-5)	C (Table 6-5)	NP	NP	NP
Livestock; expanding operations 299 A.U. to a maximum of 1200 A.U.	80 ac.	600 ft.	125 ft.	25 ft.	25 ft.	C (Table 6-6)	C (Table 6-6)	C (Table 6-5)	C (Table 6-5)	C (Table 6-5)	NP	NP	NP
Lumber & building supply establishment	(2 ac. GD, RCI & RS) (80 ac. R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	NP	NP	C	C	C	C	C	C
Manufacturing facility	(2 ac. GD, RCI) (80 ac. R1, R2, R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	Accessory Use Only			C	C	NP	C	
Marijuana Retailer & Sales	(2 ac. GD, RCI & RS) (80 ac. R1, R2, R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	NP	NP	C	C	C	C	C	C
Marina	(2 ac. GD, RCI & RS) (80 ac. R1, R2, R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	Accessory Use			C	C	C	P	
Medical marijuana growing & production	80 ac.	600 ft.	125 ft.	25 ft.	25 ft.	C	C	C	C	C	NP	NP	C
Mini-warehouse/self storage	(2 ac. GD, RCI & RS) (80 ac. R3 & LR)	200 ft.	(30 ft. GD) (125 ft. R3, LR, RCI & RS)	10 ft.	10 ft.	Accessory Use Only			P	P	C	P	
Mobile home park	2 ac.	200 ft.	125 ft.	10 ft.	10 ft.	NP	NP	NP	NP	C	C	NP	NP

Use	site area acres (ac.)	site width (ft.)	front yard (ft.)	side yard (ft.)	rear yard (ft.)	Rural Zone			Limited Rural Zone		General Development Zone (GD)	Rural - Seasonal Residential Zone (RS)	Rural Commercial / Industrial Zone (RCI)
						Zone 1 (R1)	Zone 2 (R2)	Zone 3 (R3)	Limited Rural (LR)	Limited Rural Buffer (LRB)			
Motel	(2 ac. GD, RCI & RS) (80 ac. R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	NP	NP	NP	NP	C	C	C	C
Motocross/racetrack	10 ac.	200 ft.	125 ft.	10 ft.	10 ft.	NP	NP	C	NP	NP	NP	NP	C
Outdoor participant recreation service	2 ac.	200 ft.	(30 ft. GD) (125 ft. R1, R2, R3, LR, RCI & RS)	10 ft.	10 ft.	NP	NP	C	C	P	P	P	C
Outdoor drinking and dining area	(2 ac. GD & RS) (80 ac. R1, R2, R3 & LR)	200 ft.	(30 ft. GD) (125 ft. R1, R2, R3, LR & RS)	10 ft.	10 ft.	Accessory Use Only				P	P	P	P
Outdoor display and sales	(2 ac. GD & RS) (80 ac. R1, R2, R3 & LR)	200 ft.	(30 ft. GD) (125 ft. R1, R2, R3, LR & RS)	10 ft.	10 ft.	Accessory Use Only				P	P	P	P
Peat moss harvesting & processing	10 ac.	200 ft.	125 ft.	10 ft.	10 ft.	C	C	C	C	C	NP	NP	C
Personal care home	(2 ac. GD & RS) (80 ac. R3 & LR)	200 ft.	(30 ft. GD) (125 ft. R3, LR & RS)	10 ft.	10 ft.	NP	NP	NP	NP	C	P	C	NP
Personal service shop	(2 ac. GD, RCI & RS) (80 ac. R3 & LR)	200 ft.	(30 ft. GD) (125 ft. R3, LR, RCI & RS)	10 ft.	10 ft.	NP	NP	NP	NP	P	P	P	P
Pet daycare	(2 ac. GD, RCI & RS) (80 ac. R1, R2, R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	Accessory Use Only				C	C	C	P
Professional, financial and office support service	(2 ac. GD, RCI & RS) (80 ac. R3 & LR)	200 ft.	(30 ft. GD) (125 ft. R3, LR, RCI & RS)	10 ft.	10 ft.	NP	NP	C	P	P	P	P	P
Public facility	(2 ac. GD, RCI & RS) (80 ac. R1, R2, R3 & LR)	200 ft.	(30 ft. GD) (125 ft. R1, R2, R3, LR, RCI & RS)	10 ft.	10 ft.	C	C	C	C	P	P	P	P
Public park/recreation area	(2 ac. GD, RCI & RS) (80 ac. R1, R2, R3 & LR)	200 ft.	(30 ft. GD) (125 ft. R1, R2, R3, LR, RCI & RS)	10 ft.	10 ft.	P	P	P	P	P	P	P	C
Public utility	(2 ac. GD, RCI & RS) (80 ac. R1, R2, R3 & LR)	200 ft.	(30 ft. GD) (125 ft. R1, R2, R3, LR, RCI & RS)	10 ft.	10 ft.	P	P	P	P	P	P	P	P
Quarry, aggregate and mineral extraction	20 ac.	600 ft.	125 ft.	25 ft.	25 ft.	C	C	C	C	NP	NP	NP	NP

Use	site area acres (ac.)	site width (ft.)	front yard (ft.)	side yard (ft.)	rear yard (ft.)	Rural Zone			Limited Rural Zone		General Development Zone (GD)	Rural - Seasonal Residential Zone (RS)	Rural Commercial / Industrial Zone (RCI)
						Zone 1 (R1)	Zone 2 (R2)	Zone 3 (R3)	Limited Rural (LR)	Limited Rural Buffer (LRB)			
Recycling collection centre	(2 ac. GD, RCI & RS) (80 ac. R1, R2, R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	P	P	P	P	C	C	C	P
Religious assembly	2 ac.	200 ft.	(30 ft. GD) (125 ft. R3, LR, RCI & RS)	10 ft.	10 ft.	NP	NP	NP	NP	P	P	P	C
Rendering plant	40 ac.	200 ft.	125 ft.	10 ft.	10 ft.	C	C	C	C	NP	NP	NP	C
Residential care facility	(2 ac. GD & RS) (80 ac. LR)	200 ft.	(30 ft. GD) (125 ft. LR & RS)	10 ft.	10 ft.	NP	NP	NP	C	C	P	C	NP
Retail store	(2 ac. GD, RCI & RS) (80 ac. R3 & LR)	200 ft.	(30 ft. GD) (125 ft. LR, RCI & RS)	10 ft.	10 ft.	NP	NP	NP	NP	P	P	P	P
Retail sales		200 ft.	(30 ft. GD) (125 ft. R1, R2, R3, LR, RCI & RS)	10 ft.	10 ft.	Accessory Use Only							
Salvage yard	10 ac.	200 ft.	125 ft.	10 ft.	10 ft.	NP	NP	C	C	NP	NP	NP	C
Shooting ranges	160 ac.	2140 ft.	125 ft.	25 ft.	25 ft.	C	C	C	C	NP	NP	NP	NP
Solar energy generation systems	80 ac.	200 ft.	(30 ft. GD) (125 ft. R3, LR, RCI & RS)	10 ft.	10 ft.	NP	NP	C	C	C	C	C	C
Solid waste disposal/transfer station	80 ac.	200 ft.	125 ft.	10 ft.	10 ft.	C	C	C	C	NP	NP	NP	C
Specialized agriculture	(2 ac. GD, RCI & RS) (10 ac. R1, R2, R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	P	P	P	P	P	C	C	C
Stables & riding academies less than 10 A.U.	5 ac.	200 ft.	125 ft.	10 ft.	10 ft.	P	P	P	P	P	C	C	C
Storage compound	(2 ac. GD, RCI & RS) (80 ac. R3 & LR)	200 ft.	(30 ft. GD) (125 ft. R3, LR, RCI & RS)	10 ft.	10 ft.	NP	NP	C	C	P	P	C	P
Storage container, portable	(2 ac. GD, RCI & RS) (80 ac. R1, R2, R3 & LR)	200 ft.	125 ft.	5 ft.	5 ft.	Accessory Use				C	C	C	Accessory Use



Use	site area acres (ac.)	site width (ft.)	front yard (ft.)	side yard (ft.)	rear yard (ft.)	Rural Zone			Limited Rural Zone		General Development Zone (GD)	Rural - Seasonal Residential Zone (RS)	Rural Commercial / Industrial Zone (RCI)
						Zone 1 (R1)	Zone 2 (R2)	Zone 3 (R3)	Limited Rural (LR)	Limited Rural Buffer (LRB)			
Trailer, semi	(2 ac. GD, RCI & RS) (80 ac. R1, R2, R3 & LR)	200 ft.	125 ft.	5 ft.	5 ft.	Accessory Use			C	C	C	Accessory Use	
Transportation terminal	(2 ac. GD & RCI) (10 ac. R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	NP	NP	C	C	C	C	NP	P
Uses not otherwise listed	Determined by Council					C	C	C	C	C	C	C	C
Vacation farm operation	(2 ac. GD) (10 ac. R1, R2, R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	Accessory Use			C	C	NP	NP	
Warehouse sales & storage	(2 ac. GD, RCI & RS) (80 ac. R3 & LR)	200 ft.	125 ft.	10 ft.	10 ft.	Accessory Use Only			C	C	C	P	
Wind energy generation systems	80 ac.	600 ft.	125 ft.	25 ft.	25 ft.	C	C	C	C	NP	NP	NP	C

Accessory uses in the General Development zone include:

- a. a children's playhouse, flagpoles, clotheslines, garden house, private greenhouse, summer kitchen, private conservatory and private swimming pools, open or enclosed, when associated with a permitted residence;
- b. a private garage, carport, covered patio, tool house, shed or other similar building;
- c. the production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to a business and personal service and business occupancies if conducted by the same owner as the principal use;
- d. for all commercial and industrial uses, a dwelling unit or sleeping accommodation for a watchman or caretaker and his family if in Council's opinion it is demonstrated that his presence on the same zoning site as the principal use is essential and necessary;
- e. retail or commercial use which is incidental to a permitted or approved industrial use;
- f. buildings accessory to a permitted agricultural use;
- g. private communication utilities such as television and radio antennas, aerials or dishes and other private utilities;
- h. other uses as approved by Council;

Accessory uses in the Rural Zones may include all those permitted accessory uses listed in the “GD” zone, **AND**:

- a. buildings or structures for the operation and maintenance of an agricultural activity;
- b. storage of goods used in or produced by agricultural activities on the same site with such activities, unless such storage is excluded by the zone regulations;
- c. a private garage, carport, covered patio, tool house, shed, and other similar buildings for the storage of domestic equipment and supplies;
- d. incinerators, refuse/garbage storage areas and structures; subject to the authority having jurisdiction;
- e. a shelterbelt, fence, hedge or similar landscape feature;
- f. other uses as approved by Council;

**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 <sup>3</sup>		From designated areas <sup>1</sup>	
	To Earthen Manure Storage & Feedlot	To Buildings / Non-Earthen Manure Storage <sup>2</sup>	To Earthen Manure Storage & Feedlot	To Buildings / Non-Earthen Manure Storage <sup>2</sup>
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

<sup>1</sup>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*.

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

<sup>3</sup>Not including residence of the owner or operator of the livestock operation

\*Distance to be maintained between two uses, measured from the nearest points of any structure. Designated areas are measured from the area’s boundary to the nearest structure or manure storage facility 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 <sup>3</sup>		From designated areas <sup>1</sup>	
	To Earthen Manure Storage & Feedlot	To Buildings / Non-Earthen Manure Storage <sup>2</sup>	To Earthen Manure Storage & Feedlot	To Buildings / Non-Earthen Manure Storage <sup>2</sup>
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

<sup>1</sup>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*.

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

<sup>3</sup>Not including residence of the owner or operator of the livestock operation

\*Distance to be maintained between two uses, measured from the nearest points of any structure. Designated areas are measured from the area’s boundary to the nearest structure or manure storage facility of the livestock operation.

**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 <sup>3</sup>		From designated areas <sup>1</sup>	
	To Earthen Manure Storage & Feedlot	To Buildings / Non-Earthen Manure Storage <sup>2</sup>	To Earthen Manure Storage & Feedlot	To Buildings / Non-Earthen Manure Storage <sup>2</sup>
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

<sup>1</sup>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*.

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

<sup>3</sup>Not including residence of the owner or operator of the livestock operation.

\*Distance to be maintained between two uses, measured from the nearest points of any structure. Designated areas are measured from the area’s boundary to the nearest structure or manure storage facility of the livestock operation.

APPENDIX "B": Rural Municipality of Piney Zoning Map

