

Rural Municipality of **Pipestone** Zoning By-Law



Lombard North Group (1984) Ltd.

Planners & Landscape Architects
505-93 Lombard Avenue, Winnipeg, MB. R3B 3B1
Phone: (204) 943-3896 Fax: (204) 947-5696

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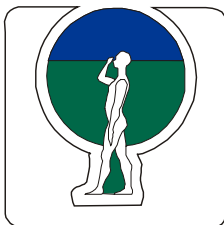
Pipestone

OFFICE CONSOLIDATION

**RURAL MUNICIPALITY
OF
PIPESTONE**

ZONING BY-LAW

BY-LAW NO. 2001/05



Prepared By:
Lombard North Group
Planners & Landscape Architects
505 – 93 Lombard Avenue
Winnipeg, MB R3B 3B1

THIS BY-LAW is hereby adopted and shall come into force on, from, and after the date on which it received third reading by the Council.

DONE AND PASSED in Council duly assembled at the Rural Municipality of Pipestone, in Reston, Manitoba this 9th of May, 2002 A.D.

"Melvin Watt"
Reeve

"June Greggor"
Chief Administrative Officer

Read a first time this 13th day of September, 2001

Read a second time this 14th day of March, 2002

Read a third time this 9th day of May, 2002

THE RURAL MUNICIPALITY OF PIPESTONE

BY-LAW NO. 2001/05

BEING A by-law of the RURAL MUNICIPALITY OF PIPESTONE to regulate the use and development of land.

WHEREAS, Section 39(1) of 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, pursuant to the provisions of Section 27(1) of The Planning Act, the Dennis County Planning District has, by by-law, adopted the Dennis County Planning District Development Plan;

AND WHEREAS, Section 32(2) of 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 PIPESTONE, in meeting duly assembled, enacts as follows:

Rural Municipality of Pipestone By-Laws

Amending the Rural Municipality of Pipestone Zoning By-law (Adopting By-Law 2001-5)

ADOPTIN G BY-LAW	CHANGES & AMENDMENTS	CONTENT AFFECTED		REMARKS
		TEXT	MAP	
2003/03	<ul style="list-style-type: none"> Rezoned Pt. SW 21-9-28 to MH and text amendment to TABLE 4-6 for petroleum facilities. 	x	x	Map 1
2003/09	<ul style="list-style-type: none"> Added funeral homes as a conditional use TABLE 4-3 of PART 4. 	x		
2005-02	<ul style="list-style-type: none"> TABLE 4-1 to provide for wind energy generation facilities as conditional use in AG 	x		
2005-09	<ul style="list-style-type: none"> Rezoned Pt. NW ¼ Sec. 16-9-28WPM from “AG” to “MH” (extension of existing “MH” Zone in – Tundra Facility at Cromer) 		x	Map 6
2008/08	<ul style="list-style-type: none"> Added “solid fuel fired heating appliances as an accessory use to the “AG” and “AL” and “MH” zones 	x		
2009/05	<ul style="list-style-type: none"> Rezoned Pt. 16-9-28WPM – Tundra facility at Cromer from “AG” to “MH” (extension of existing “MH” 		x	Map 1
2011/08	<ul style="list-style-type: none"> Deleted Maps 1 – 6 and replaced and added Map 7 plus text changes - deleted and replaced Sec. 2.14 and 2.16 of PART 2 and made minor wording alterations to Sec. 3.2 of PART 3. Repealed and replaced all of PART 4 and PART 5 (adding provisions dealing with newly siting or expanding livestock operations and wind turbines). Added footnote “(f)” to Section 6.12 of PART 6. Added footnote “(e)” to Sec. 7. 2 and Footnote “(f)” to Sec. 7.7 of PART 7. Added new definitions to Sec. 9.9 of PART 9. Deleted and replaced Schedule A - Zoning Maps 1 to and including Map 6 and added new Zoning Map 7 for the un-incorporated community of Scarth. 	x	x	Maps 1 to 6
2011/11	<ul style="list-style-type: none"> Pt. LS 9 of Pt. N.E. ¼ Sec. 8-9-28WPM lying north and east of CN rail line rezoned from “AML” Agricultural Moderately Limited Zone to “GD” General Development Zone. 		x	Map 1 & 5

2014-16	<ul style="list-style-type: none"> Part of the South-East Quarter 17, Township 9, Range 28WPM rezoned FROM: "AG" – Agriculture General TO "MH" – Heavy Industrial Zone. 		x	Map 1 & 6
2016-10	<ul style="list-style-type: none"> Re-zoned Parcel "A" Plan 24727 B.L.T.O. FROM : "UR" - Urban Residential Zone TO: "UN" - Urban Non-Residential Zone 		x	Map 2
2017-06	<ul style="list-style-type: none"> Rezoned Pt. N.E. ¼ Sec. 9-7-27WPM from Pt. "AL" to Pt: "UN" Urban Non-Residential Zone, Pt. "UR" – Urban Residential and Pt. "ML" – Light Industrial Zone and established the "ML" – Light Industrial Zone and set out permitted and conditional uses for this new zoning district. 	x	x	Map 1 & 2

February 2, 2022

Table of Contents

PART 1: SCOPE	1
PART 2: GENERAL REGULATIONS GOVERNING USES, BUILDINGS AND STRUCTURES	2
Existing Uses, Buildings and Structures.....	3
Existing Substandard Parcels of Land	4
Permitted Uses, Buildings and Structures.....	4
Conditional Uses.....	5
Accessory Uses	5
Zoning Designations	6
PART 3: GENERAL BULK REQUIREMENTS	7
Open Space along Rural Roadways.....	7
Corner Vision Triangles	7
Projections into Yards	8
Double Frontage Sites	9
[PART 4: USE AND BULK TABLES	10
PURPOSE OF ZONES.....	10
TABLE 4-1: "AG" AGRICULTURAL GENERAL ZONE - USE & BULK TABLE	12
TABLE 4-2: "AML" AGRICULTURAL MODERATELY LIMITED ZONE - USE & BULK TABLE	20
TABLE 4-3: "AL" AGRICULTURAL LIMITED ZONE - USE & BULK TABLE	28
TABLE 4-4: 'UR' URBAN RESIDENTIAL ZONE - USE & BULK TABLE	33
TABLE 4-5: 'UN' URBAN NON-RESIDENTIAL ZONE - USE & BULK TABLE	37
TABLE 4-6: "GD" GENERAL DEVELOPMENT ZONE - USE & BULK TABLE	41
TABLE 4-7: "MH" HEAVY INDUSTRIAL ZONE - USE & BULK TABLE	46

“TABLE 4-8: “ML” LIGHT INDUSTRIAL ZONE – USE & BULK REQUIREMENTS	47
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[PART 5: RULES FOR SPECIFIC USES 54

LIVESTOCK OPERATIONS	54
5.1 GENERAL PROVISIONS	54
TABLE 5-1: ANIMAL UNIT CONVERSION FACTORS	57
5.2 LIVESTOCK OPERATIONS IN THE “AG” AGRICULTURAL GENERAL ZONE	58
TABLE 5-2: “AG” AGRICULTURAL GENERAL ZONE - MINIMUM SETBACK DISTANCES FROM PROPERTY LINES.....	59
TABLE 5-3: “AG” AGRICULTURAL GENERAL ZONE - MINIMUM SEPARATION DISTANCE REQUIREMENTS FROM A SINGLE RESIDENCE	60
TABLE 5-4: “AG” AGRICULTURAL GENERAL ZONE – MINIMUM SEPARATION DISTANCE REQUIREMENTS FROM A DESIGNATED AREA	60
5.3 LIVESTOCK OPERATIONS IN THE ‘AML’ AGRICULTURAL MODERATELY LIMITED ZONE.....	61
TABLE 5-5: “AML” AGRICULTURAL MODERATELY LIMITED ZONE - MINIMUM SETBACK DISTANCES FROM PROPERTY LINES	62
TABLE 5-6: “AML” AGRICULTURAL MODERATELY LIMITED ZONE- MINIMUM SEPARATION DISTANCE REQUIREMENTS FROM A SINGLE RESIDENCE	63
TABLE 5-7: “AML” AGRICULTURAL MODERATELY LIMITED ZONE - MINIMUM SEPARATION DISTANCE REQUIREMENTS FROM A DESIGNATED AREA	63
5.4 LIVESTOCK OPERATIONS IN THE ‘AL’ AGRICULTURAL LIMITED ZONE	64
TABLE 5-8: “AL” AGRICULTURAL MODERATELY LIMITED ZONE - MINIMUM SETBACK DISTANCES FROM PROPERTY LINES	65
TABLE 5-9: “AL” AGRICULTURAL LIMITED ZONE- MINIMUM SEPARATION DISTANCE REQUIREMENTS FROM A SINGLE RESIDENCE	65
TABLE 5-10: “AL” AGRICULTURAL LIMITED ZONE – MINIMUM SEPARATION DISTANCE REQUIREMENTS FROM A DESIGNATED AREA	66
5.5 AGRICULTURAL IRRIGATION OPERATIONS	66
5.6 SPECIAL LIMITATIONS GOVERNING DEVELOPMENT OF BUILDINGS AND STRUCTURES INCLUDING DWELLINGS AND FARM BUILDINGS	67

5.7	HAZARDOUS AND DANGEROUS MATERIALS STORAGE ...	68
5.8	HOME-BASED BUSINESSES	68

PART 6: MISCELLANEOUS REGULATIONS 70

Land Subject to Flooding	70
High Water Table Areas.....	70
Site Reduced by Road Widening	70
Building Removal	71
Road Access.....	71
Service Connections	71
Public Monuments and Cairns	71
Signs	71
Temporary Buildings, Structures & Uses	72

PART 7: ADMINISTRATION 73

Administration and Enforcement.....	73
Development Permits.....	73
Development Officer	75
Application for Amendment.....	76
Applications for Variations and Conditional Uses.....	76

PART 8: ENFORCEMENT 78

Entry for Inspection and Other Purposes	78
Order to Remedy Contravention	78
Review by the Board.....	79

PART 9: INTERPRETATION 80

Zoning Boundaries.....	80
Groundwater Sensitivity Areas.....	80
Permitted Uses	80
Definitions	81

Schedule “A”

- [Map 1: Rural Municipality of Pipestone**
- Map 2: Reston**
- Map 3: Pipestone**
- Map 4: Sinclair**
- Map 5: Cromer**
- Map 6: Enbridge Pumping Station**
- Map 7: Scarth] BL 2011/08**

PART 1: SCOPE

- 1.1 This By-law shall be known as the Rural Municipality of Pipestone Zoning By-Law.
- 1.2 This By-law applies to all lands in the Rural Municipality of Pipestone.
- 1.3 This By-law regulates:
 - (a) the construction, erection, alteration, enlargement or placing of buildings and structures;
 - (b) the establishment, alteration or enlargement of uses of land, buildings and structures, and
 - (c) the placement, enlargement or alteration of mobile homes, which for the purposes of this By-law, shall be deemed to be buildings.
- 1.4 No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with this By-law, and only after all required permits have been obtained by the owner.
- 1.5 Whenever a provision of another by-law or of a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this By-law, or imposes contradictory regulations with respect to uses, buildings or structures, the most restrictive or highest standard shall prevail.
- 1.6 Nothing in this By-law, or in a development permit, approval of a conditional use, variation order or other approval issued under this by-law or under The Planning Act, shall be construed as authorization for the carrying out of any activity, which is a nuisance due to noise, odour, emission, vibration or other cause.

PART 2: GENERAL REGULATIONS GOVERNING USES, BUILDINGS AND STRUCTURES

- 2.1 No land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use which:
- (a) is listed in the Use and Bulk Tables which apply to such land, building or structure as:
 - (i) a permitted principal use;
 - (ii) a conditional use, subject to approval as such; or
 - (b) is an accessory use.
- 2.2 Where land or a building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. If there is a conflict, the higher or more stringent requirement shall apply.
- 2.3 There shall be a maximum of one dwelling unit per site or parcel of land, except for the following:
- (a) Dwelling units which are required for employees or family members, who in the opinion of Council, will be actively involved in an agricultural operation;
 - (b) Two-family dwellings or multiple-family dwellings as provided for in this By-law; and
 - (c) Communal farm dwellings for cultural groups such as Hutterite colonies.
- 2.4 This By-law shall be interpreted so as not to interfere with the construction, erection and location of the distribution facilities of a public utility. Office buildings, warehouse, maintenance or storage compounds, and telecommunications towers operated by a public utility shall be subject to the provisions of this By-law.
- 2.5 Oil and gas exploration and extraction, electric transmission lines and structures, and pipelines are deemed to be in compliance with this By-law if they are carried out, constructed and operated in accordance with federal and provincial law, except for oil field battery facilities and the Enbridge pumping station north of Cromer, which shall be subject to the provisions of this By-law.

Existing Uses, Buildings and Structures

- 2.6 An existing use, building or structure which is classified as a permitted use, building or structure in this By-law shall be allowed to continue to exist, and may be enlarged or expanded, may be changed to another permitted use, or may be replaced if destroyed.
- (a) All buildings and structures existing at the effective date of this By-law are deemed to conform to the bulk requirements of the zone in which the buildings or structures are situated.
 - (b) The enlargement, expansion, change in use, or replacement of an existing use, building or structure shall be subject to the issuance of a development permit, and shall conform to all requirements of this By-law.
- 2.7 An existing use, building or structure which is classified as a conditional use in this By-law shall be deemed to be an approved conditional use, building or structure and shall be allowed to continue to exist, may be changed to a permitted use, or may be replaced if destroyed, provided that the replacement does not increase the intensity of the previously existing use.
- (a) In these circumstances, the change in use or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this By-law; and
 - (b) Where an enlargement or expansion of such a use is proposed, it shall require the specific approval of Council, in accordance with Sections 7.21 to 7.27 of this By-law.
- 2.8 An existing use, building or structure which is not classified as a permitted or conditional use, building or structure in this By-law shall be considered as a non-conforming use, building or structure, and shall be subject to the provisions of The Planning Act governing non-conformities.
- (a) A non-conforming use, structure or building shall be allowed to continue to exist, and may be changed to a permitted use;
 - (b) A non-conforming use shall not be intensified, and shall not be changed to a different non-conforming use;

- (c) A non-conforming use shall not be re-established if it is discontinued for a period in excess of one year. A change in ownership or tenancy of a non-conforming use shall not affect the status of the non-conforming use;
- (d) A non-conforming building or structure shall not be re-established if it is removed or destroyed by more than 50 percent of its replacement value above the foundation; and
- (e) Other provisions of The Planning Act govern non-conforming uses, buildings and structures, including a provision, which enables Council to consider variation orders in situations where non-conformities are proposed to be enlarged or expanded.

Existing Substandard Parcels of Land

- 2.9 Any site or parcel of land which was in existence at the date of adoption of this By-law, and which does not comply with the minimum site area and/or site width requirements for any zone as provided for in this By-law, may be used or developed for any permitted or conditional use within the zone, provided that
- (a) The site or parcel of land did not form part of a larger contiguous land holding under the same ownership;
 - (b) All administrative requirements for the issuance of development permits and conditional use approvals are complied with; and
 - (c) All required yards and separation distances as required by this By-law are complied with.

Permitted Uses, Buildings and Structures

- 2.10 Where a use, building or structure is provided for as a permitted use by this By-law, the owner shall normally be entitled to establish, expand or enlarge the use, building or structure, subject to the issuance of a development permit as provided for in Sections 7.2 to 7.12, and provided that the use, building or structure complies with all requirements of this By-law.

Conditional Uses

- 2.11 The classification of uses as conditional uses is intended to provide for a special process of review and approval for certain types of development which, due to their inherent characteristics, may have potential adverse impacts on nearby properties or resources.
- 2.12 Where a use, building or structure is provided for as a conditional use by this By-law, the establishment, enlargement or expansion of the use, building or structure shall be subject to Sections 7.21 to 7.27 and the specific requirements of The Planning Act pertaining to conditional uses.

Accessory Uses

- 2.13 No accessory use shall be established, and no accessory building or structure shall be constructed or erected, prior to the establishment of the use of land, building or structure to which it is accessory except as provided in section 2.14.
- [2.14 (a) An accessory garage or storage building may be constructed or erected for the purpose of storage of materials and equipment for use during construction of the main building, provided that a development permit as required by Sections 7.2 to 7.12 has been obtained for the main building;
- (b) A temporary meteorological tower, used for wind and/or climatic research shall be allowed to be erected, subject to Council's approval and issuance of a temporary development permit, for a term not exceeding three (3) years and shall be subject to all other provisions of this By-law pertaining to the siting of Wind Energy Generation Stations (WTGS). If the meteorological tower is to remain in place after the maximum three (3) year period it shall become a part of a (WEGS) and be subject to the conditional use approval process required for a Wind Energy Generation Stations (WEGS) as provided for PART 4 of this By-law.] **BL 2011/08**
- 2.15 For the avoidance of doubt, an accessory use, building or structure may be accessory to an approved conditional use; however no accessory use or building shall be constructed or located on the site prior to review and approval by Council in accordance with Sections 7.21 to 7.27, if the accessory building or structure contributes significantly to an intensification or expansion of the conditional use.

Zoning Designations

[2.16 Uses of land in the municipality are regulated in accordance with the requirements of the following zoning districts:

- (a) "AG" Agricultural General Zone
- (b) "AML" Agricultural Moderately Limited Zone
- (c) "AL" Agricultural Limited Zone
- (d) "UR" Urban Residential Zone
- (e) "UN" Urban Non-Residential Zone
- (f) "GD" General Development Zone
- (g) "MH" Heavy Industrial Zone

And the limits of those zoning districts are established as shown on Maps 1 to 7 comprising Schedule "A" of this by-law.] **BL 2011/08**

2.17 The permitted and conditional uses prescribed for sites within each designation are those set out in the Use and Bulk Tables of this By-law.

PART 3: GENERAL BULK REQUIREMENTS

- 3.1 No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with the minimum site area, minimum site width and yard requirements prescribed for each zone and use in the Use and Bulk Tables and the other requirements of this By-law.

Open Space along Rural Roadways

- 3.2 Areas adjacent to rural roads shall be kept clear of features which would contribute to snow drifting problems on the roadway, or which would represent a safety hazard to motorists. Within [all Agricultural Zone(s)] **BL 2011/08**, the following provisions shall apply to any required front yard, side yard or rear yard which is adjacent to an improved government road allowance, highway or other municipal road:

- (a) No building or structure shall be constructed or located within the required yard, except for electric fences, barbed wire fences, chain link fences, wooden rail fences which are at least 75 percent open in character, signs less than 50 square feet in surface area, and small shelters for children at school bus stops;
- (b) No excavation such as a dugout or gravel pit shall be located within the required yard;
- (c) No substantial planting, such as a shelterbelt or hedge exceeding a height of 3 feet shall be located within the required yard; and
- (d) No substantial stockpiling of materials, such as soil, gravel, bales or cordwood shall be located within the required yard.

Corner Vision Triangles

- 3.3 In order to provide for a reasonable measure of traffic safety within the "GD" General Development Zones, "UR" Urban Residential Zones and "UN" Urban Non-Residential Zones, it is considered important to provide for good visibility conditions at street intersections, by establishing special open space requirements as follows:

- (a) No building, structure, vehicular parking space, shelterbelt, hedge or stockpiling of materials exceeding a height of 3 feet above grade shall be located within a triangular area of any site adjacent to an intersection of two public streets, with the sides of the triangular area being measured a distance of 10 feet along each property boundary from the point of intersection.

Projections into Yards

3.4 Within all zones, the required yards are intended to provide open spaces around buildings and structures for purposes of amenity, privacy, fire protection, and maintenance operations along the walls of buildings. Required yards shall be maintained as open space areas on all sites, except as follows:

- (a) Open, unenclosed stairs and landings may extend into any required front or rear yard to a maximum distance of 10 feet, and there shall be no limitation on the construction of unenclosed wheelchair ramps;
- (b) Other open, unenclosed projections of a building, including eaves, awnings, stairs, landings, wing-walls, raised decks and balconies, may extend into a required yard up to 50 percent of the required yard depth to a maximum projection of 5 feet, whichever is the lesser;
- (c) Enclosed projections of a building, including chimneys, alcoves, and bay windows may extend into a required yard up to 50 percent of the required yard depth to a maximum projection of 5 feet, whichever is the lesser, provided that no more than 10 square feet of area within any required yard is occupied by these types of projection;
- (d) Landscaping features such as driveways, sidewalks, and patios at grade level, ornamental plantings, fences and other decorative features are permitted within any required yard, provided that the maximum height of a fence in any required front yard shall be 3 feet, and the maximum height of a fence in any required side or rear yard shall be 6 feet; and
- (e) Portable buildings not exceeding 100 square feet in floor area for the storage of domestic equipment may be located within any required interior side yard or required rear yard, provided that a separation distance of 1 foot is maintained from the site line, and a separation distance of 3 feet is maintained from any dwelling.

Double Frontage Sites

- 3.5 Within the "GD" General Development Zone, "UR" Urban Residential Zone and "UN" Urban Non-Residential Zone, where a site has frontage along two more or less parallel streets, the following provisions shall apply:
- (a) Where the site depth is greater than 200 feet, both site lines which abut these streets shall be considered to be front site lines, and the adjacent yards shall both be considered to be required front yards; and
 - (b) Where the site depth is 200 feet or less, only one site line shall be considered to be the front site line, and this determination shall be made by the development officer, based on the arrangement of existing buildings in the immediate area.

[PART 4: USE AND BULK TABLES

PURPOSE OF ZONES

The zoning districts established in this by-law are intended to provide sufficient land in suitable locations to meet the needs of the community and the provisions of the Dennis County Planning District Development Plan.

- 4.1 The **"AG" Agricultural General Zone** is hereby established in this zoning By-law and is intended to;
- (a) Support and strengthen the agricultural industry in the Rural Municipality of Pipestone by providing flexibility and opportunities for farm operators to engage in a full range of agricultural activities including livestock development and associated rural uses; and
 - (b) Protect the agricultural industry and its land resources in recognition of agriculture's contribution to the economy, lifestyle and character of the Rural Municipality of Pipestone.
- 4.2 The **"AML" Agricultural Moderately Limited Zone** is hereby established in this zoning by-law and is intended to accommodate general agricultural activities in a secondary area surrounding Reston and immediately adjacent to the unincorporated communities of Pipestone, Sinclair, Cromer and Scarth and provide for a moderate level of control over livestock operations in this zone by establishing a lower threshold for the size of livestock operations that shall be administered as a conditional use.
- 4.3 The **"AL" Agricultural Limited Zone** is hereby established in this zoning by-law and is intended to;
- (a) Accommodate continued limited agricultural use of undeveloped land within the area immediately adjacent to the community of Reston, in a manner compatible with the existing development in the community; and
 - (b) To provide a reserve of land for urban expansion adjacent to the community of Reston.
- 4.4 The **"UR" Urban Residential Zone** is hereby established in this by-law and is intended to provide for residential and related community development within the community of Reston, based upon the extension of municipal sewer and water services.

- 4.5 The **"UN" Urban Non-Residential Zone** is hereby established in this by-law and is intended to provide for commercial retail sales and services, manufacturing and industrial uses in the community of Reston, in keeping with the provisions of the Dennis County Planning District Development Plan.
- 4.6 The **"GD" General Development Zone** is hereby established in this by-law and is intended to provide for community development within the smaller communities of Pipestone, Sinclair and Cromer, in accordance with the provisions of the Dennis County Planning District Development Plan.
- 4.7 The **"MH" Heavy Industrial Zone** is intended to accommodate major industrial developments in the municipality, such as the Enbridge pumping facility at Cromer.
- 4.8 **"The "ML" Light Industrial Zone** is hereby established in this by-law and is intended to provide for the development of warehousing and other low impact light industrial uses that are reasonably compatible with nearby residential and/or commercial uses. Industrial uses are may be allowed which carry on their operations in such a manner that no nuisance factor is created or emitted. Contained or screened outside storage may also be allowed in this zone." **[BL 2017-06]**

TABLE 4-1: “AG” AGRICULTURAL GENERAL ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS (a)		
	Site Area (Acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet) (b)	Rear Yard (feet) (b)
PERMITTED PRINCIPAL USES					
Agricultural Activities, General	80	1,000	125	25	25
Agricultural Activities, Specialized (c)	2	200	125	25	25
Livestock Operations between 10 and 250 animal units (cumulative across species) in the “AG” zone (d). See also PART 5 herein.	80 (e)	1,000	125	25	25
Market Gardens, Nurseries or Greenhouses (k)	2	200	125	25	25
Telecommunications Towers (private for profit) (k) (n)	4(g)	300	125	125	125
CONDITIONAL USES					
Advertising signs, over 50 sq. ft. in area (k)	-	-	Determined by Council		
Agricultural Irrigation Operations (See Sections 5.12 to 5.14)	80	1,000	125	25	25
Aircraft Landing Areas (k)	10	200	125	25	25
Auction Marts (k)	2(g)	200	125	25	25
Automobile or Farm Implement Salvage or Wrecking Establishments (k)	2(g)	200	125	25	25
Campgrounds (k)	2(g)	200	125	25	25
Cemeteries (k)	2(g)	200	125	25	25
Community Halls (f) (k)	2(g)	200	125	25	25
Earth Moving Contractors (k)	2(g)	200	125	25	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration (f) (j) (k)	2	200	125	25	25
Establishments for the sales, storage, service or distribution of agricultural supplies, equipment or structures (f) (j) (k)	2(g)	200	125(i)	25(i)	25(l)
Establishments related to the harvesting of natural resources, such as oil and gas (k)	2(g)	200	125	25	25
Exhibition Grounds (k)	2	200	125	25	25
Fuel Sales and Storage Establishments (j) (k)	2(g)	200	125	25	25
Fur Farms (k)	2(g)	200	125	25	25

TABLE 4-1: “AG” AGRICULTURAL GENERAL ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS (a)		
	Site Area (Acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet) (b)	Rear Yard (feet) (b)
Kennels (k)	2(g)	200	125	25	25
Livestock Operations with 251 animal units or more (cumulative across species) in the “AG” zone. (d) (k) See also PART 5 herein.	80(e)	1,000	125	25	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments (f) (k)	2(g)	200	125	25	25
Motor Vehicle or Agricultural Equipment Body Shops, Salvage or Wrecking Operations (k)	2(g)	200	125	25	25
Museums or Historic Sites (k)	2(g)	200	125	25	25
Non-Farm Dwellings (k) (m)	2(g)	200	125	25	25
Oil Field Battery Facilities (h) (k)	2(g)	200	125	25	25
Public Works Compounds and Maintenance Buildings (k)	2(g)	200	125	25	25
Recreation Facilities (f) (k)	2 (g)	200	125	25	25
Religious Institutions (f) (k)	2(g)	200	125	25	25
Riding Academies and Stables (k) (m)	2	200	125	25	25
Rural Convenience Stores & Restaurants (k)	2 (g)	200	125	25	25
Sewage Lagoons (k)	2	200	125	25	25
Surface Mining Operations, including gravel pits (k)	2	200	125	25	25
Trucking Establishments (f) (k)	2(g)	200	125	25	25
Veterinary Clinics (k)	2(g)	200	125	25	25
Waste Disposal Sites (k)	2	200	125	25	25
Wind Energy Generation Stations (o) See also PART 2, Section 2.14 (b).	7	550	125 (p)	125(p)	125 (p)
ACCESSORY USES, BUILDINGS, AND STRUCTURES (l) (q)	-	-	125	25	25

The following footnotes form part of this **TABLE 4-1**:

- (a) In the case of sites which abut roads under the jurisdiction of the Highway Traffic Board or Manitoba Transportation and Government Services, the

setback requirements of the highway authority shall take the place of the minimum front, side or rear yard requirement, as the case may be.

- (b) Where a side or rear site line is adjacent to a government road allowance or other municipal road, the minimum required side yard or rear yard shall be 125 feet.
- (c) Apiaries shall be considered as a conditional use when proposed to be located within 1 mile of a residential or cottage area.
- (d) The minimum front, side and rear yard setback requirements set out in **Table 4-1 of this PART** apply only to the residence and its accessory buildings located on the same site as the livestock operation. Information concerning minimum property line setback information for livestock-related facilities is set out in **Table 5-2 of PART 5** herein.
- (e) Notwithstanding the minimum site area requirement specified in **Table 4-1 of this PART**, all newly siting or expanding livestock operations shall have access to (either by direct ownership or lease) and use of sufficient lands to accept the application of all of the livestock manure generated by the operation in a sustainable manner on an annual basis in accordance with the provisions of the Livestock, Manure & Mortalities Management Regulation 42/98 as amended and the Nutrient Management Regulation 62/2008, as amended.
- (f) These types of uses may be allowed in the '**AG' AGRICULTURAL GENERAL ZONE** only if Council is satisfied that no suitable site is available in a community, in accordance with the provisions of the Dennis County Planning District Development Plan.
- (g) The maximum site area shall be 10 acres, unless physical features of the site, such as natural drains, shelterbelts, etc. indicate that a slightly larger site would be appropriate.
- (h) Oil field battery facilities shall be considered as a conditional use only when they are proposed to be located or expanded within one half mile of any dwelling or other habitable building; otherwise they shall be considered as a permitted use.
- (i) Anhydrous ammonia storage facilities shall be set back 330 feet from any public roadway, and shall be separated by a distance of 1,000 feet from any individual residence and shall be separated by a distance of 2,640 feet from any residential or cottage area.

- (j) Section **5.7 of PART 5** of this By-law describes special limitations for hazardous and dangerous materials storage, including agricultural chemical supply warehouses, inland grain terminals, bulk fuel or fertilizer storage, and anhydrous ammonia facilities, in proximity to habitable buildings and other zones.
- (k) Where the site of a proposed development is located within 1,000 feet of a Provincial Trunk Highway, or within 1/2 mile of a highway intersection, the proposal shall be referred to Manitoba Transportation and Government services for review and comment.
- (l) Accessory buildings, structures and uses shall include the following, when located on the same site or parcel of land as a permitted use or a conditionally approved agricultural use:
 - i) farm dwellings or mobile homes occupied by members of the farm family or employees associated with the agricultural operation,
 - ii) accessory agricultural buildings and structures, including grain storage structures, machinery storage structures, and livestock confinement facilities, provided that such livestock confinement facilities are not specifically provided for as a conditional use in this By-law,
 - iii) accessory domestic structures such as private garages and swimming pools, and
 - iv) home-based businesses as provided for in **Section 5.8 of PART 5** of this By-law.
- (m) Animal housing facilities located on conditionally approved small rural land holdings such as a “riding academy and stables” or a “non-farm dwelling” site shall be allowed as a permitted accessory use. In such circumstances, each site shall be allowed to accommodate a maximum of up to nine (9) animal units (cumulative across species) as calculated from **Table 5-1 of PART 5** herein and shall not exceed one animal unit per acre of site area and shall be subject to the following additional requirements:
 - i. The animal housing facility and any manure stored onsite shall be separated a minimum distance of five hundred (500) feet from the limits of “UR” Urban Residential Zones, “UN” Urban Non-Residential Zones, General Development Zones, Rural Residential Zones and/or Seasonal Recreation Zones and three hundred and twenty-eight (328) feet away from all residences other than the owner’s residence located on the same site as the animal housing facility and any manure stored onsite, adjacent motels, restaurants and community buildings. In addition, all animal housing facilities and any manure stored onsite shall be setback a minimum of 125 feet from all public roads, and 100 feet from the limits of the property on which they are sited.

- ii. Notwithstanding the nine (9) animal unit cap (cumulative across species) referred to in this section, where a conditionally approved riding academy and stables or non-farm dwelling site proposes to keep ten (10) or more animal units (cumulative across species), they shall be deemed to be a “livestock operation” as defined in **PART 9** herein and shall be required to satisfy the use and bulk requirements for a “livestock operation” in the “**AG**” **Agricultural General Zone** as set out in as set out in **PART 4, Table 4-1** this by-law as well as having to satisfy other provisions of **PART 5** of the by-law.
- (n) In addition to satisfying the requirements of **Table 4-1 of this PART**, telecommunications towers (private for profit) shall be setback a minimum of 1.1 times the total height of the tower (measured from the ground to the highest point of the structure) from all existing dwellings and this setback distance shall also **mutually apply** to newly siting dwellings in the vicinity of existing telecommunications towers (private for profit). The sole exception to this mutual separation requirement between a residence and a telecommunications tower shall be where a landowner sites a personal telecommunications tower for his sole personal use on his own property adjacent to his principal residence.
- i. A personal telecommunications tower used to support ancillary devices such as but not limited to citizens band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved single private agricultural activity or private residential activity shall be treated as a permitted accessory structure. All such personal telecommunications tower structures shall be set back from all property lines a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.
 - ii. Proponents of a telecommunications tower (private for profit) are responsible for obtaining any required Federal and/or Provincial permits or approvals from agencies such as but not limited to Transport Canada, NAV Canada, Manitoba Hydro, Manitoba Transportation and Government Services, and Manitoba Conservation, prior to the issuance of a development permit and any required building permits.”
- (o) Additional Requirements for Siting Wind Energy Generation Stations:
In addition to satisfying the minimum requirements of **Table 4-1 of PART 4** herein, the following additional requirements shall also apply to the development of wind energy generation stations (WEGS).

- i. In addition to the requirements of **Table 4-1 of PART 4** herein, each wind energy generation station (WEGS) facility shall be dedicated only to the location of the wind energy generation station tower and/or the associated accessory buildings and infrastructure. The wind turbine tower is the principal use of the (WEGS) site but the land within the (WEGS) site that is not used for the facility may be used for compatible agricultural activities provided all other provisions of this by-law are satisfied.
- ii. No portion of a (WEGS) tower, including its blade assembly shall extend beyond the limits of the site on which it is located unless the adjacent affected property owner has provided written authorization to the WEGS developer and Development Officer.
- iii. All accessory buildings and structures associated with and located on the same site as a Wind Energy Generation Station (WEGS) tower shall be set back a minimum of 125 feet from all site lines of the site on which the (WEGS) is located. Where the site is located adjacent to a Provincial Trunk Highways (PTH) or Provincial Road (PR) the setback requirements, and changes thereto, of the provincial authority having jurisdiction shall apply.
- iv. A (WESG) project involving more than one site and/or parcel of land may be processed at the same time. However, separate conditional use applications and any resulting conditional use orders shall be issued for each separate site containing one or more wind energy generation station tower.
- v. Proponents of a wind energy generation station (WEGS) development shall submit to the Development Officer a detailed site plan showing the location of all wind turbine towers, electrical lines (above or below ground), on-site roads and driveways providing access to the public road system and setback information to adjacent development as part of the conditional use application.
- vi. Proponents of a (WEGS) development are responsible for obtaining any required Federal and/or Provincial permits or approvals from agencies such as but not limited to Transport Canada, NAV Canada, Manitoba Hydro, Manitoba Transportation and Government Services, The Mines Branch, The Petroleum Branch and Manitoba Conservation, prior to the issuance of a development permit and any required building permits.

- vii. When locating a proposed wind energy generation station tower in the vicinity of an airport all Transport Canada regulations regarding lighting, height and location of buildings and structures shall be satisfied.
- viii. A development permit and building permit (if required) shall be obtained prior to the commencement of construction.
- ix. All signage affixed to a commercial Wind Energy Generation Station (WEGS) towers shall be subject to the approval of Council. Any illumination of the facility shall be arranged so that it does not create glare at any nearby property or public roadway.
- x. A private wind energy generation station (WEGS) located on the same site and in direct support of either a permitted or conditionally approved single private agricultural activity or private residential activity shall be treated as an accessory structure. This structure shall be set back from all property lines a minimum distance equal to its total height, measured from the ground to the uppermost point of extension of its rotors.
- xi. The total height of all (WEGS) towers shall be the distance measured from the ground to the uppermost point of the extension of any rotor blade.

(p) Minimum Separation Distances Between Wind Energy Generation Stations and Adjacent Development:

In addition to satisfying the minimum requirements of **Table 4-1 of PART 4** herein, the following additional **mutual** separation distances set out below shall also apply to both land uses cited in each clause).

- i. Except as provided for in clause ii of this footnote (below), all (WEGS) tower bases, shall be separated a minimum distance of 1,640 feet (500 m) from all dwellings or other habitable buildings (e.g. motels) located on all lands;
- ii. All (WEGS) tower bases shall be separated a minimum distance of one and one half (1.5) times the total height of the tower plus rotor from employee accommodation buildings built and owned by the wind tower company on associated owned or leased lands;
- iii. All (WEGS) towers shall be separated a minimum of 1.1 times their total height from any other titled property including the boundary of a railway right-of-way, government road allowance or provincial road or provincial trunk highway. Where a (WEGS) is proposed within the control area of a provincial road

or provincial trunk highway, they shall be subject to the approval of the provincial authority having jurisdiction.

- iv. All (WEGS) tower bases shall be setback a minimum two hundred (200 feet) from the ordinary high water level of a lake or water course.
 - v. All WEGS) tower bases shall be setback a minimum of one half mile (2640 feet) from all zoned “UR” Urban Residential, “UN” Urban Non-Residential, “GD” General Development, “RR” Rural Residential and “SR” Seasonal Recreation zones.
 - vi. The facility shall be separated by a distance of one mile (5,280) feet of any area which has been designated as a provincial park, wildlife management area, ecological reserve, or lands identified as containing sensitive ecological habitat by the Province of Manitoba.
- (q) Solid fuel fired heating appliances, designed to be external to the building that they heat, shall be considered as a permitted accessory building in the “AG”, Agriculture General, zone provided it is located at least 1/2 (half) a mile from any designated area or residential building that is not associated with the appliance. If the appliance is to be located within 1/2 (half) a mile of a designated area or an unrelated residential building the appliance will be considered a conditional use.

TABLE 4-2: “AML” AGRICULTURAL MODERATELY LIMITED ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS (a)		
	Site Area (Acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet) (b)	Rear Yard (feet) (b)
PERMITTED PRINCIPAL USES					
Agricultural Activities, General	80	1,000	125	25	25
Agricultural Activities, Specialized (c)	2	200	125	25	25
Livestock Operations between 10 and 150 animal units (cumulative across species) in the “AML” zone (d). See also PART 5 herein.	80 (e)	1,000	125	25	25
Market Gardens, Nurseries or Greenhouses (k)	2	200	125	25	25
Telecommunications Towers (private for profit) (k) (n)	4(g)	300	125	125	125
CONDITIONAL USES					
Advertising signs, over 50 sq. ft. in area (k)	-	-	Determined by Council		
Agricultural Irrigation Operations (See Sections 5.12 to 5.14)	80	1,000	125	25	25
Aircraft Landing Areas (k)	10	200	125	25	25
Auction Marts (k)	2(g)	200	125	25	25
Automobile or Farm Implement Salvage or Wrecking Establishments (k)	2(g)	200	125	25	25
Campgrounds (k)	2(g)	200	125	25	25
Cemeteries (k)	2(g)	200	125	25	25
Community Halls (f) (k)	2(g)	200	125	25	25
Earth Moving Contractors (k)	2(g)	200	125	25	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration (f) (j) (k)	2	200	125	25	25
Establishments for the sales, storage, service or distribution of agricultural supplies, equipment or structures (f) (j) (k)	2(g)	200	125(i)	25(i)	25(l)
Establishments related to the harvesting of natural resources, such	2(g)	200	125	25	25

TABLE 4-2: “AML” AGRICULTURAL MODERATELY LIMITED ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS (a)		
	Site Area (Acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet) (b)	Rear Yard (feet) (b)
as oil and gas (k)					
Exhibition Grounds (k)	2	200	125	25	25
Fuel Sales and Storage Establishments (j) (k)	2(g)	200	125	25	25
Fur Farms (k)	2(g)	200	125	25	25
Kennels (k)	2(g)	200	125	25	25
Livestock Operations with 151 animal units or more (cumulative across species) in the “AML” zone. (d) (k) See also PART 5 herein.	80 (e)	1,000	125	25	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments (f) (k)	2(g)	200	125	25	25
Motor Vehicle or Agricultural Equipment Body Shops, Salvage or Wrecking Operations (k)	2(g)	200	125	25	25
Museums or Historic Sites (k)	2(g)	200	125	25	25
Non-Farm Dwellings (k) (m)	2(g)	200	125	25	25
Oil Field Battery Facilities (h) (k)	2(g)	200	125	25	25
Public Works Compounds and Maintenance Buildings (k)	2(g)	200	125	25	25
Recreation Facilities (f) (k)	2 (g)	200	125	25	25
Religious Institutions (f) (k)	2(g)	200	125	25	25
Riding Academies and Stables (k) (m)	2	200	125	25	25
Rural Convenience Stores & Restaurants (k)	2 (g)	200	125	25	25
Sewage Lagoons (k)	2	200	125	25	25
Surface Mining Operations, including gravel pits (k)	2	200	125	25	25
Trucking Establishments (f) (k)	2(g)	200	125	25	25
Veterinary Clinics (k)	2(g)	200	125	25	25
Waste Disposal Sites (k)	2	200	125	25	25
Wind Energy Generation Stations (o)	7	550	125 (p)	125(p)	125(p)

TABLE 4-2: “AML” AGRICULTURAL MODERATELY LIMITED ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS (a)		
	Site Area (Acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet) (b)	Rear Yard (feet) (b)
See also PART 2, Section 2.14 (b).					
ACCESSORY USES, BUILDINGS, AND STRUCTURES (l) (q)	-	-	125	25	25

The following footnotes form part of this **TABLE 4-2**:

- (a) In the case of sites which abut roads under the jurisdiction of the Highway Traffic Board or Manitoba Transportation and Government Services, the setback requirements of the highway authority shall take the place of the minimum front, side or rear yard requirement, as the case may be.
- (b) Where a side or rear site line is adjacent to a government road allowance or other municipal road, the minimum required side yard or rear yard shall be 125 feet.
- (c) Apiaries shall be considered as a conditional use when proposed to be located within 1 mile of a residential or cottage area.
- (d) The minimum front, side and rear yard setback requirements set out in **Table 4-2 of this PART** apply only to the residence and its accessory buildings located on the same site as the livestock operation. Information concerning minimum property line setback information for livestock-related facilities is set out in **Table 5-5 of PART 5** herein.
- (e) Notwithstanding the minimum site area requirement specified in **Table 4-2 of this PART**, all newly siting or expanding livestock operations shall have access to (either by direct ownership or lease) and use of sufficient lands to accept the application of all of the livestock manure generated by the operation in a sustainable manner on an annual basis in accordance with the provisions of the Livestock, Manure & Mortalities Management Regulation 42/98 as amended and the Nutrient Management Regulation 62/2008, as amended.

- (f) These types of uses may be allowed in the "**AML**" **AGRICULTURAL MODERATELY LIMITED ZONE** only if Council is satisfied that no suitable site is available in a community, in accordance with the provisions of the Dennis County Planning District Development Plan.
- (g) The maximum site area shall be 10 acres, unless physical features of the site, such as natural drains, shelterbelts, etc. indicate that a slightly larger site would be appropriate.
- (h) Oil field battery facilities shall be considered as a conditional use only when they are proposed to be located or expanded within one half mile of any dwelling or other habitable building; otherwise they shall be considered as a permitted use.
- (i) Anhydrous ammonia storage facilities shall be set back 330 feet from any public roadway, and shall be separated by a distance of 1,000 feet from any individual residence and shall be separated by a distance of 2,640 feet from any residential or cottage area.
- (j) Section **5.7 of PART 5** of this by-law describes special limitations for hazardous and dangerous materials storage, including agricultural chemical supply warehouses, inland grain terminals, bulk fuel or fertilizer storage, and anhydrous ammonia facilities, in proximity to habitable buildings and other zones.
- (k) Where the site of a proposed development is located within 1,000 feet of a Provincial Trunk Highway, or within 1/2 mile of a highway intersection, the proposal shall be referred to Manitoba Transportation and Government services for review and comment.
- (l) Accessory buildings, structures and uses shall include the following, when located on the same site or parcel of land as a permitted use or a conditionally approved agricultural use:
 - i. farm dwellings or mobile homes occupied by members of the farm family or employees associated with the agricultural operation,
 - ii. accessory agricultural buildings and structures, including grain storage structures, machinery storage structures, and livestock confinement facilities, provided that such livestock confinement facilities are not specifically provided for as a conditional use in this By-law,
 - iii. accessory domestic structures such as private garages and swimming pools, and
 - iv. home-based businesses as provided for in **Section 5.8 of PART 5** of this By-law.

- (m) Animal housing facilities located on conditionally approved small rural land holdings such as a “riding academy and stables” or a “non-farm dwelling” site shall be allowed as a permitted accessory use. In such circumstances, each site shall be allowed to accommodate a maximum of up to nine (9) animal units (cumulative across species) as calculated from **Table 5-1 of PART 5** herein and shall not exceed one animal unit per acre of site area and shall be subject to the following additional requirements:
- i. The animal housing facility and any manure stored onsite shall be separated a minimum distance of five hundred (500) feet from the limits of “UR” Urban Residential Zones, “UN” Urban Non-Residential Zones, General Development Zones, Rural Residential Zones and/or Seasonal Recreation Zones and three hundred and twenty-eight (328) feet away from all residences other than the owner’s residence located on the same site as the animal housing facility and any manure stored onsite, adjacent motels, restaurants and community buildings. In addition, all animal housing facilities and any manure stored onsite shall be setback a minimum of 125 feet from all public roads, and 100 feet from the limits of the property on which they are sited.
 - ii. Notwithstanding the nine (9) animal unit cap (cumulative across species) referred to in this section, where a conditionally approved riding academy and stables or non-farm dwelling site proposes to keep ten (10) or more animal units (cumulative across species), they shall be deemed to be a “livestock operation” as defined in **PART 9** herein and shall be required to satisfy the use and bulk requirements for a “livestock operation” in the “**AML**” **Agricultural Moderately Limited Zone** as set out in as set out in **PART 4, Table 4-2** this by-law as well as having to satisfy other provisions of **PART 5** of the by-law.
- (n) In addition to satisfying the requirements of **Table 4-2 of this PART**, telecommunications towers (private for profit) shall be setback a minimum of 1.1 times the total height of the tower (measured from the ground to the highest point of the structure) from all existing dwellings and this setback distance shall also **mutually apply** to newly siting dwellings in the vicinity of existing telecommunications towers (private for profit). The sole exception to this mutual separation requirement between a residence and a telecommunications tower shall be where a landowner sites a personal telecommunications tower for his sole personal use on his own property adjacent to his principal residence.
- i. A personal telecommunications tower used to support ancillary devices such as but not limited to citizens band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved single private agricultural activity

or private residential activity shall be treated as a permitted accessory structure. All such personal telecommunications tower structures shall be set back from all property lines a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.

- ii. Proponents of a telecommunications tower (private for profit) are responsible for obtaining any required Federal and/or Provincial permits or approvals from agencies such as but not limited to Transport Canada, NAV Canada, Manitoba Hydro, Manitoba Transportation and Government Services, and Manitoba Conservation, prior to the issuance of a development permit and any required building permits.

(o) Additional Requirements for Siting Wind Energy Generation Stations:

In addition to satisfying the minimum requirements of **Table 4-2 of PART 4** herein, the following additional requirements shall also apply to the development of wind energy generation stations (WEGS).

- i. In addition to the requirements of **Table 4-2 of PART 4** herein, each wind energy generation station (WEGS) facility shall be dedicated only to the location of the wind energy generation station tower and/or the associated accessory buildings and infrastructure. The wind turbine tower is the principal use of the (WEGS) site but the land within the (WEGS) site that is not used for the facility may be used for compatible agricultural activities provided all other provisions of this by-law are satisfied.
- ii. No portion of a (WEGS) tower, including its blade assembly shall extend beyond the limits of the site on which it is located unless the adjacent affected property owner has provided written authorization to the WEGS developer and Development Officer.
- iii. All accessory buildings and structures associated with and located on the same site as a Wind Energy Generation Station (WEGS) tower shall be set back a minimum of 125 feet from all site lines of the site on which the (WEGS) is located. Where the site is located adjacent to a Provincial Trunk Highways (PTH) or Provincial Road (PR) the setback requirements, and changes thereto, of the provincial authority having jurisdiction shall apply.
- iv. A (WESG) project involving more than one site and/or parcel of land may be processed at the same time. However, separate conditional use applications and any resulting conditional use orders shall be issued for each separate site containing one or more wind energy generation station tower.

- v. Proponents of a wind energy generation station (WEGS) development shall submit to the Development Officer a detailed site plan showing the location of all wind turbine towers, electrical lines (above or below ground), on-site roads and driveways providing access to the public road system and setback information to adjacent development as part of the conditional use application.
- vi. Proponents of a (WEGS) development are responsible for obtaining any required Federal and/or Provincial permits or approvals from agencies such as but not limited to Transport Canada, NAV Canada, Manitoba Hydro, Manitoba Transportation and Government Services, The Mines Branch, The Petroleum Branch and Manitoba Conservation, prior to the issuance of a development permit and any required building permits.
- vii. When locating a proposed wind energy generation station tower in the vicinity of an airport all Transport Canada regulations regarding lighting, height and location of buildings and structures shall be satisfied.
- viii. A development permit and building permit (if required) shall be obtained prior to the commencement of construction.
- ix. All signage affixed to a commercial Wind Energy Generation Station (WEGS) towers shall be subject to the approval of Council. Any illumination of the facility shall be arranged so that it does not create glare at any nearby property or public roadway.
- x. A private wind energy generation station (WEGS) located on the same site and in direct support of either a permitted or conditionally approved single private agricultural activity or private residential activity shall be treated as an accessory structure. This structure shall be set back from all property lines a minimum distance equal to its total height, measured from the ground to the uppermost point of extension of its rotors.
- xi. The total height of all (WEGS) towers shall be the distance measured from the ground to the uppermost point of the extension of any rotor blade.

(p) Minimum Separation Distances Between Wind Energy Generation Stations and Adjacent Development:

In addition to satisfying the minimum requirements of **Table 4-2 of PART 4** herein, the following additional **mutual** separation distances set out below shall also apply to both land uses cited in each clause).

- i. Except as provided for in clause ii of this footnote (below), all (WEGS) tower bases, shall be separated a minimum distance of 1,640 feet (500 m) from all dwellings or other habitable buildings (e.g. motels) located on all lands;
 - ii. All (WEGS) tower bases shall be separated a minimum distance of one and one half (1.5) times the total height of the tower plus rotor from employee accommodation buildings built and owned by the wind tower company on associated owned or leased lands;
 - iii. All (WEGS) towers shall be separated a minimum of 1.1 times their total height from any other titled property including the boundary of a railway right-of-way, government road allowance or provincial road or provincial trunk highway. Where a (WEGS) is proposed within the control area of a provincial road or provincial trunk highway, they shall be subject to the approval of the provincial authority having jurisdiction.
 - iv. All (WEGS) tower bases shall be setback a minimum two hundred (200 feet) from the ordinary high water level of a lake or water course.
 - v. All (WEGS) tower bases shall be setback a minimum of one half mile (2640 feet) from all zoned "UR" Urban Residential, "UN" Urban Non-Residential, "GD" General Development, "RR" Rural Residential and "SR" Seasonal Recreation zones.
 - vi. The facility shall be separated by a distance of one mile (5,280) feet of any area which has been designated as a provincial park, wildlife management area, ecological reserve, or lands identified as containing sensitive ecological habitat by the Province of Manitoba.
- (q) Solid fuel fired heating appliances, designed to be external to the building that they heat, shall be prohibited as accessory buildings in the "AML", Agricultural Moderately Limited Zone.

TABLE 4-3: “AL” AGRICULTURAL LIMITED ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS (a)		
	Site Area (Acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet) (b)	Rear Yard (feet) (b)
PERMITTED PRINCIPAL USES					
Agricultural Activities, General (c)	80	1,000	125	25	25
Agricultural Activities, Specialized	2	200	125	25	25
Community Halls (d) (g)	2 (e)	200	125	25	25
Exhibition Grounds (g)	2	200	125	25	25
Livestock Operations between 10 and 75 animal units (cumulative across species) in the “AL” zone (i). See also PART 5 herein.	80 (j)	1,000	125	25	25
Market Gardens, Nurseries or Greenhouses (g)	2	200	125	25	25
Telecommunications Towers (private for profit) (g) (k)	4(e)	300	125	125	125
CONDITIONAL USES					
Advertising signs over 50 sq. ft. in area (g)	-	-	As determined by Council		
Auction Marts (g)	2(e)	200	50	25	25
Automobile or Farm Implement Salvage or Wrecking Establishments, or Body Repairs (g)	2(e)	200	125	25	25
Campgrounds (g)	2(e)	200	50	25	25
Community Halls (d) (g)	2(e)	200	125	25	25
Earth Moving Contractors (g)	2(e)	200	50	25	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration (d) (f) (g)	2	200	50	25	25
Establishments for the sales, storage, service or distribution of agricultural supplies, equipment or structures (d) (f) (g)	2(e)	200	50	25(f)	25(f)
Establishments related to the harvesting of natural resources, such as oil and gas (g)	2(e)	200	50	25	25
Fuel Sales and Storage Establishments (f) (g)	2(e)	200	50	25	25
Kennels (g)	2(e)	200	50	25	25

TABLE 4-3: “AL” AGRICULTURAL LIMITED ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS (a)		
	Site Area (Acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet) (b)	Rear Yard (feet) (b)
Livestock Operations with 76 animal units or more (cumulative across species) in the “AL” zone. (g) (i) See also PART 5 herein.	80 (j)	1,000	125	25	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments (d) (g)	2(e)	200	50	25	25
Motor Vehicle or Agricultural Equipment Body Shops, Salvage or Wrecking Operations (g)	2(e)	200	50	25	25
Museums or Historic Sites (g)	2(e)	200	50	25	25
Non-Farm Dwellings (c) (g)	2(e)	200	50	25	25
Public Works Compounds and Maintenance Buildings (g)	2(e)	200	50	25	25
Recreation Facilities (d) (g)	2 (e)	200	125	25	25
Religious Institutions (d) (g)	2(e)	200	50	25	25
Riding Academies and Stables (c) (g)	2	200	50	25	25
Sewage Lagoons (g)	2	200	50	25	25
Trucking Establishments (d) (g)	2(e)	200	50	25	25
Veterinary Clinics (g)	2(e)	200	50	25	25
ACCESSORY USES, BUILDINGS & STRUCTURES (h) (l)	-	-	50	25	25

The following footnotes form part of this **TABLE 4-3**:

- (a) In the case of sites which abut roads under the jurisdiction of the Highway Traffic Board or Manitoba Transportation and Government Services, the setback requirements of the highway authority shall take the place of the minimum front, side or rear yard requirement, as the case may be.
- (b) Where a side site line or rear site line is adjacent to a government road allowance or other municipal road, the minimum required side yard or rear yard requirement shall be 50 feet.

- (c) Animal housing facilities located on conditionally approved small rural land holdings such as a “riding academy and stables” or a “non-farm dwelling” site shall be allowed as a permitted accessory use. In such circumstances, each site shall be allowed to accommodate a maximum of up to nine (9) animal units (cumulative across species) as calculated from **Table 5-1 of PART 5** herein and shall not exceed one animal unit per acre of site area and shall be subject to the following additional requirements:
- i. The animal housing facility and any manure stored onsite shall be separated a minimum distance of five hundred (500) feet from the limits of “UR” Urban Residential Zones, “UN” Urban Non-Residential Zones, General Development Zones, Rural Residential Zones and/or Seasonal Recreation Zones and three hundred and twenty-eight (328) feet away from all residences other than the owner’s residence located on the same site as the animal housing facility and any manure stored onsite, adjacent motels, restaurants and community buildings. In addition, all animal housing facilities and any manure stored onsite shall be setback a minimum of 125 feet from all public roads, and 100 feet from the limits of the property on which they are sited.
 - ii. Notwithstanding the nine (9) animal unit cap (cumulative across species) referred to in this section, where a conditionally approved riding academy and stables or non-farm dwelling site proposes to keep ten (10) or more animal units (cumulative across species), they shall be deemed to be a “livestock operation” as defined in **PART 9** herein and shall be required to satisfy the use and bulk requirements for a “livestock operation” in the “**AL**” **Agricultural Limited Zone** as set out in as set out in **PART 4, Table 4-3** this by-law as well as having to satisfy other provisions of **PART 5** of the by-law.”
- (d) These types of uses may be allowed in the “**AL**” **AGRICULTURAL LIMITED ZONE** only if no suitable site is available in the “UN” Urban Non-Residential Zone, in accordance with the provisions of the Dennis County Planning District Development Plan.
- (e) The maximum site area shall be 10 acres, unless physical features of the site, such as natural drains, shelterbelts, etc. indicate that a slightly larger site would be appropriate.
- (f) Section **5.7 of PART 5** of this By-law describes special limitations for hazardous and dangerous materials storage, including agricultural chemical supply warehouses, inland grain terminals, bulk fuel or fertilizer storage, and anhydrous ammonia facilities, in proximity to habitable buildings and other zones.

- (g) Where the site of a proposed development is located within 1,000 feet of a Provincial Trunk Highway, or within 1/2 mile of a highway intersection, the proposal shall be referred to Manitoba Transportation and Government services for review and comment.
- (h) Accessory buildings, structures and uses shall include the following, when located on the same site or parcel of land as a permitted use or a conditionally approved agricultural use:
- i. farm dwellings or mobile homes occupied by members of the farm family or employees associated with the agricultural operation,
 - ii. accessory agricultural buildings and structures, including grain storage structures, machinery storage structures, and livestock confinement facilities, provided that such livestock confinement facilities are not specifically provided for as a conditional use in this By-law,
 - iii. accessory domestic structures such as private garages and swimming pools, and
 - iv. home-based businesses as provided for in **Section 5.8 of PART 5** of this By-law.
- (i) The minimum front, side and rear yard setback requirements set out in **Table 4-3 of this PART** apply only to the residence and its accessory buildings located on the same site as the livestock operation. Information concerning minimum property line setback information for livestock-related facilities is set out in **Table 5-8 of PART 5** herein.
- (j) Notwithstanding the minimum site area requirement specified in **Table 4-3 of this PART**, all newly siting or expanding livestock operations shall have access to (either by direct ownership or lease) and use of sufficient lands to accept the application of all of the livestock manure generated by the operation in a sustainable manner on an annual basis in accordance with the provisions of the Livestock, Manure & Mortalities Management Regulation 42/98 as amended and the Nutrient Management Regulation 62/2008, as amended.
- (k) In addition to satisfying the requirements of **Table 4-3 of this PART**, telecommunications towers (private for profit) shall be setback a minimum of 1.1 times the total height of the tower (measured from the ground to the highest point of the structure) from all existing dwellings and this setback distance shall also **mutually apply** to newly siting dwellings in the vicinity of existing telecommunications towers (private for profit). The sole exception to this mutual separation requirement between a residence and a telecommunications tower shall be where a landowner sites a personal telecommunications tower for his sole personal use on his own property adjacent to his principal residence.

- i) A personal telecommunications tower used to support ancillary devices such as but not limited to citizens band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved single private agricultural activity or private residential activity shall be treated as a permitted accessory structure. All such personal telecommunications tower structures shall be set back from all property lines a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.
 - ii) Proponents of a telecommunications tower (private for profit) are responsible for obtaining any required Federal and/or Provincial permits or approvals from agencies such as but not limited to Transport Canada, NAV Canada, Manitoba Hydro, Manitoba Transportation and Government Services, and Manitoba Conservation, prior to the issuance of a development permit and any required building permits.”
- (l) Solid fuel fired heating appliances, designed to be external to the building that they heat, shall be prohibited as accessory buildings in the “AL”, Agricultural Limited Zone.

TABLE 4-4: 'UR' URBAN RESIDENTIAL ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED PRINCIPAL USES					
Bed and Breakfast establishments, with a maximum of 4 suites	7,500	75	25	5(b)	25
Boarding or Rooming Houses, with a maximum of 4 suites	7,500	75	25	5(b)	25
Day Care Facilities, accommodating up to 8 children	7,500	75	25	5(b)	25
Dwellings, single-family	5,000(c)	50 (c)	25	5(b)	25
Dwellings, two-family (e) (f)	7,500	75	25	5(b)	25
Dwellings, multiple-family, up to 4 dwelling units (e) (f)	(g)	100	25	5(b)	25
Existing Uses at the date of adoption of this By-law	5,000	50	25	5(b)	25
Parks or Playgrounds	1,000	20	-	-	-
Public Utilities	5,000(h)	50(h)	25(h)	5(h)	25(h)
Religious Institutions	5,000 (c)	50	25	5(b)	25
Residential Care Facilities, providing service for up to 4 persons	7,500	75	25	5(b)	25
CONDITIONAL USES					
Boarding or Rooming Houses, with more than 4 suites	7,500	50	25	5(b)	25
Clubs, Private or Public	5,000	50	25	5(b)	25
Cultural Facilities, including auditoriums, community clubs, libraries, museums, theatres, and historic sites	5,000	50	25	5(b)	25
Day Care Facilities accommodating 9 or more children	7,500	75	25	5(b)	25
Dwellings, mobile and modular homes	5,000	50	25	5(b)(d)	10
Dwellings, multiple-family, over 4 dwelling units (f)	(g)	100	25	5(b)	25
Funeral Homes	7,500	75	25	5(b)	25
Institutional Buildings, including hospitals, schools, personal care homes and senior citizen homes	20,000	100	25	15	25
Recreation Facilities	5,000	50	25	5(b)	25
Residential Care Facilities, providing	7,500	75	25	5(b)	25

TABLE 4-4: 'UR' URBAN RESIDENTIAL ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
service to 5 persons or more					
ACCESSORY USES, BUILDINGS & STRUCTURES (l) (m) (n) (o)	-	-	25(l)	5(i)(k)	5(j)(k)

The following footnotes form part of this **TABLE 4-4**:

- (a) In addition to the minimum requirements of this TABLE, the following requirements shall also apply:
 - (i) Maximum allowable height for all principal buildings and structures shall be 30 feet;
 - (ii) Maximum allowable height for all accessory buildings and structures shall be 12 feet; and
 - (iii) Minimum dwelling unit area shall be 1,000 square feet.
- (b) The minimum required side yard shall be adjusted as follows:
 - (i) When located on a corner site, the minimum required side yard on the street side of the site for all principal and accessory buildings and structures shall be 15 percent of the actual site width, to a maximum of 15 feet;
 - (ii) Where the height of the building is in excess of 20 feet above average grade, the required side yard shall be half the height of the building, to a maximum of 15 feet; and
 - (iii) Where the side wall of the building contains any window in excess of 20 square feet in area; the minimum required interior side yard shall be 15 feet.
- (c) Where new residential lots are being created in residential expansion areas at the periphery of the community, the minimum site area requirement shall be 7,500 square feet and the minimum site width requirement shall be 75 feet.
- (d) For mobile home sites, there shall be an open space at least 20 ft. by 50 ft. adjacent to the side of the mobile home containing either the entrance or the main living room window, to be utilized for household exterior recreational use.

- (e) In the case of two-family dwellings, each unit may occupy a separate site, in which case the minimum site area requirement shall be 3,500 sq. ft., the minimum site width requirement shall be 35 ft. and the minimum side yard requirement along the party wall shall be 0 ft.
- (f) Where dwellings are to be developed in accordance with a bare land condominium concept, the minimum required site area, minimum required site width, and minimum required yards shall not apply to individual condominium units; however, the front and rear walls of the condominium structure shall be set back a minimum distance of 25 ft. from the front and rear boundaries of the condominium lot, and the side wall shall be set back a minimum distance of 5 ft. from the side boundary, unless the wall is a party wall, in which case the minimum required side yard shall be 0 ft..
- (g) The minimum required site area for the first 3 dwelling units shall be 9,000 square feet, and the minimum required site area shall increase by an additional 1,000 square feet for each additional dwelling unit above 3 units.
- (h) Where the proposed development consists of a building or structure less than 100 square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of 7 feet is maintained from all site lines.
- (i) When located entirely to the rear of the principal building, the minimum required interior side yard for accessory buildings and structures shall be 3 feet.
- (j) Where the rear site line is not adjacent to a public lane, the minimum required rear yard for accessory buildings and structures shall be 3 feet.
- (k) Where an accessory building is used for the storage of a motor vehicle, the wall which contains the vehicular access door shall be set back a minimum distance of 10 feet from a public lane or public street.
- (l) The maximum allowable height for a fence in a required front yard shall be 3 feet above grade.
- (m) The keeping of livestock and/or the construction of buildings or other structures or enclosures for the purposes of keeping livestock shall not be permitted within the "UR" Urban Residential Zone.
- (n) Home-based businesses shall be subject to the requirements of **Section 5.8 of PART 5** of this By-law.

- (o) Solid fuel fired heating appliances, designed to be external to the building that they heat, shall be prohibited as accessory buildings in the “UR” Urban Residential Zone.

TABLE 4-5: 'UN' URBAN NON-RESIDENTIAL ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS (b)		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED PRINCIPAL USES					
Accommodation Facilities, including Hotels and Motels	10,000	100	25(c)	25(d)	25(d)
Automobile Service Stations or Sales Establishments	10,000	100	25(c)	25(c)	25(c)
Bakeries	5,000	50	25(c)	10(c)	25(c)
Campgrounds	20,000	100	25	25	25
Clubs, Private or Public	5,000	50	25(c)	10(c)	25(c)
Cultural Facilities, including auditoriums, community clubs and halls, libraries, museums, theatres, and historic sites	5,000	50	25(c)	10(c)	25(c)
Emergency Services, including police and fire stations	5,000	50	25(c)	10(c)	25(c)
Establishments for the provision of personal services, including offices, financial institutions, clinics, salons, day care facilities and funeral homes	5,000	50	25(c)	10(c)	25(c)
Establishments for the sale of goods or services, provided that all storage is within a fully enclosed building	5,000	50	25(c)	10(c)	25(c)
Exhibition Grounds	20,000	100	25	15	25
Food or Beverage Service Establishments	5,000	50	25(c)	10(c)	25(c)
Institutional Buildings, including hospitals, schools, personal care homes and senior citizen homes	20,000	100	25	15	25
Nurseries or Greenhouses	5,000	50	25(c)	10(c)	25(c)
Parks or Playgrounds	1,000	20	-	-	-
Printing or Publishing Establishments	5,000	50	25(c)	10(c)	25(c)
Public Parking Areas	5,000	50	-	-	-
Public Utilities	5,000(e)	50(e)	25(c) (e)	10(c) (e)	25(c) (e)
Recreation Facilities	5,000	50	25(c)	10(c)	25(c)
Religious Institutions	5,000	50	25(c)	10(c)	25(c)

TABLE 4-5: 'UN' URBAN NON-RESIDENTIAL ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS (b)		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Storage Buildings and Warehouses for Non-Hazardous Materials	5,000	50	25(c)	10(c)	25(c)
CONDITIONAL USES					
Advertising Signs over 50 sq. ft.	-	-	As determined by Council		
Automobile Body Repair Shops	10,000	100	25(c)	10(c)	25(c)
Conversion of Commercial Buildings or Uses to Residential	5,000	50	25 (c)	10 (c)	25 (c)
Drive-Through Facilities or Businesses	5,000	50	25	10(c)	25(c)
Earth Moving Contractors and Ready-Mix Concrete Suppliers	10,000	100	25	15	25
Establishments for the storage, handling or processing of agricultural produce, for remuneration (g)	10,000	100	25	15(f)	25(f)
Establishments for the sales, storage, service or distribution of agricultural supplies, equipment or structures (g)	10,000	100	25(c)	15(c) (f)	25(c)(f)
Establishments for the sale of goods and services, where there is exterior storage of products	10,000	100	25(c)	15(c)	25(c)
Fuel Sales and Storage Establishments (g)	5,000	50	25(c)	10(c)	25(c)
Manufacturing, Fabricating, Machining, Processing or Repair Establishments, not described elsewhere in this TABLE	5,000	50	25(c)	10(c) (f)	25(c) (f)
Public Works Compounds and Maintenance Buildings	5,000	50	25(c)	10(c)	25(c)
Storage Facilities and Compounds, Exterior, for non-hazardous materials	5,000	50	25(c)	10(c)	25(c)
Trucking Establishments	10,000	100	25	15	25
Veterinary Clinics	10,000	100	25	15	25

TABLE 4-5: 'UN' URBAN NON-RESIDENTIAL ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS (b)		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
ACCESSORY USES, BUILDINGS AND STRUCTURES (h) (j) (k)	-	-	25(c)(i)	5(i)	5(i)

The following footnotes form part of this **TABLE 4-5**:

- (a) In addition to the minimum requirements of this TABLE, the maximum allowable height for all principal buildings and structures shall be 30 feet, and the maximum allowable height for all accessory buildings and structures shall be 18 feet, with the exception of grain storage structures, fuel and fertilizer storage tanks, church steeples and telecommunications towers.
- (b) In the case of sites which abut roads under the jurisdiction of the Highway Traffic Board or Manitoba Transportation and Government Services, the setback requirements of the highway authority shall take the place of the minimum front, side or rear yard requirement, as the case may be.
- (c) When located in the central business area of the community, as illustrated on Zoning Map 2, the minimum required yard shall be 5 feet.
- (d) Where the exterior wall does not contain any exterior windows or entrances to individual suites, and where there is sufficient parking provided elsewhere, the minimum required yard shall be 5 feet.
- (e) Where the proposed development consists of a building or structure less than 100 square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of 7 feet is maintained from all site lines.
- (f) Where the side or rear site line of a site coincides with the boundary of a railway right-of-way, the minimum required yard shall be 0 ft. for those structures which require railway service for loading or unloading.
- (g) Section 5.7 of PART 5 of this By-law describes special limitations for hazardous and dangerous materials storage, including agricultural chemical supply warehouses, inland grain terminals, bulk fuel or fertilizer storage, and anhydrous ammonia facilities, in proximity to habitable buildings and other zones.
- (h) Accessory residential suites are permitted within the second storey or rear portion of the first storey of any commercial building.

- (i) Where an accessory building is used for the storage of a motor vehicle, the wall which contains the vehicular access door shall be set back a minimum distance of 10 feet from a public lane or street.
- (j) The keeping of livestock and/or the construction of buildings or other structures or enclosures for the purposes of keeping livestock shall not be permitted within the "UN" Urban Non-Residential Zone.
- (k) Solid fuel fired heating appliances, designed to be external to the building that they heat, shall be prohibited as accessory buildings in the "UN" Urban Non-Residential Zone.

TABLE 4-6: “GD” GENERAL DEVELOPMENT ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS (b)		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED PRINCIPAL USES					
Accommodation Facilities, including Hotels and Motels	15,000	100	25(d)	15	25
Bakeries	15,000(c)	100(c)	25(d)	15(c)	25
Bed and Breakfast Establishments, with a maximum of 4 suites	15,000(c)	100(c)	25	15(c)	25
Boarding or Rooming Houses, with a maximum of 4 suites	15,000(c)	100(c)	25	15(c)	25
Campgrounds	20,000	100	25	15	25
Clubs, Private or Public	15,000(c)	100(c)	25(d)	15(c)	25
Cultural Facilities, including auditoriums, community clubs and halls, libraries, museums, theatres, and historic sites	15,000(c)	100(c)	25(d)	15(c)	25
Day care Facilities, accommodating up to 8 children	15,000(c)	100(c)	25(d)	15(c)	25
Dwellings, single-family	15,000(c)	100(c)	25	15(c)	25
Dwellings, mobile home (e)	15,000(c)	100(c)	25	15(c)	25
Dwellings, two-family	15,000	100	25	15	25
Dwellings, multiple-family	(f)	100	25	15	25
Emergency Services, including police and fire stations	15,000(c)	100(c)	25(d)	15(c)	25
Establishments for the provision of personal services, including offices, financial institutions, clinics, salons, day care facilities for up to 8 children, and funeral homes	15,000(c)	100(c)	25(d)	15(c)	25
Establishments for the sale of goods or services, provided that all storage is within a fully enclosed building	15,000(c)	100(c)	25(d)	15(c)	25
Exhibition Grounds	20,000	100	25	15	25
Food or Beverage Service Establishments	15,000(c)	100(c)	25(d)	15(c)	25

TABLE 4-6: “GD” GENERAL DEVELOPMENT ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS (b)		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Institutional Buildings, including hospitals, schools, personal care homes and senior citizen homes	20,000	100	25	15	25
Nurseries or Greenhouses	15,000	100	25	15	25
Parks or Playgrounds	1,000	20	-	-	-
Public Parking Areas	5,000	50	-	-	-
Public Utilities	15,000(c)(g)	100(c)(g)	25(d)(g)	15(c)(g)	25(g)
Recreation Facilities	15,000(c)	100(c)	25(d)	15(c)	25
Religious Institutions	15,000(c)	100(c)	25(d)	15(c)	25
Residential care facilities, providing service to up to 4 persons	15,000 (c)	100 (c)	25	15(c)	25
Storage Buildings and Warehouses, for non-hazardous materials	15,000(c)	100(c)	25(d)	15(c)	25
CONDITIONAL USES					
Advertising Signs in excess of 50 sq. ft.	-	-	As determined by Council		
Automobile Service Stations, Sales Establishments or Body Repairs	15,000	100	25(d)	15	25
Boarding or Rooming Houses, with more than 4 suites	15,000	100	25	15	25
Day Care Facilities, accommodating 9 children or more	15,000	100	25	15	25
Earth Moving Contractors and Ready-Mix Concrete Suppliers	15,000	100	25	15	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration (h)	15,000	100	25	15(i)	25(i)
Establishments for the sales, storage, service or distribution of agricultural supplies, equipment or structures (h)	15,000	100	25(d)	15(i)	25(i)
Establishments for the sale of goods and services, where there is exterior storage of products	15,000	100(c)	25(d)	15(c)	25

TABLE 4-6: “GD” GENERAL DEVELOPMENT ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS (b)		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Fuel Sales & Storage Establishments (h)	15,000	100	25	15	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments	15,000	100(c)	25(d)	15(c)	25
Public Works Compounds and Maintenance Buildings	15,000	100	25	15	25
Residential care facilities, providing service to 5 persons or more	15,000	100	25	15	25
Storage Facilities and Compounds, Exterior, non-hazardous materials	15,000	100	25	15	25
Sewage Lagoons	15,000	100	25	15	25
Trucking Establishments	15,000	100	25	15	25
Veterinary Clinics	15,000	100	25	15	25
ACCESSORY USES, BUILDINGS AND STRUCTURES (m) (n) (o)	-	-	(j)(k)	5 (l)	5(l)

The following footnotes form part of this **TABLE 4-6**:

- (a) In addition to the minimum requirements of this TABLE, the following requirements shall also apply:
 - (i) Maximum allowable height for all principal buildings and structures shall be 30 feet, except for grain storage structures, fuel and fertilizer storage tanks and church steeples.
 - (ii) Maximum allowable height for all accessory buildings and structures shall be 12 feet, if accessory to a residence, and 18 feet if accessory to a non-residential use, except for grain storage structures, fuel and fertilizer storage tanks, and private telecommunications towers.
 - (iii) Minimum dwelling unit area shall be 600 square feet for a residential building, and 400 square feet for an accessory residential suite within a commercial building.

- (b) In the case of sites which abut roads under the jurisdiction of the Highway Traffic Board or Manitoba Transportation and Government Services, the setback requirements of the highway authority shall take the place of the minimum front, side or rear yard requirement, as the case may be.
- (c) Where the site is serviced by a municipal sewer system or a private holding tank approved by provincial authorities, the minimum bulk requirements shall be as follows:
 - (i) Minimum required site area - 7,500 square feet
 - (ii) Minimum required site width - 75 feet
 - (iii) Minimum required side yard - 10 feet, except for the street side of a corner site, in which case the minimum required side yard shall be 15 percent of the actual site width to a maximum of 15 feet, or where the side wall contains a window with an area in excess of 20 square feet, or where the height of the building exceeds 20 feet, in which case the minimum required side yard shall be 15 feet.
- (d) When located in the central business area of the community, as determined by Council, the minimum required front yard shall be 5 feet.
- (e) For mobile home sites, there shall be an open space at least 20 ft. by 50 ft. adjacent to the side of the mobile home containing either the entrance or the main living room window, to be utilized for household exterior recreational use.
- (f) The minimum required site area for the first 3 dwelling units shall be 9,000 square feet, and the minimum required site area shall increase by an additional 1,000 square feet for each additional dwelling unit above 3 units.
- (g) Where the proposed development consists of a building or structure less than 100 square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of 7 feet is maintained from all site lines.
- (h) **Section 5.7 of PART 5** of this By-law describes special limitations for hazardous and dangerous materials storage, including agricultural chemical supply warehouses, inland grain terminals, bulk fuel or fertilizer storage, and anhydrous ammonia facilities, in proximity to habitable buildings and other zones.
- (i) Where the side or rear site line of a site coincides with the boundary of a railway right-of-way, the required yard shall be 0 ft. for those structures which require railway service for loading or unloading.
- (j) The maximum allowable height for a fence in a required front yard shall be 3 feet above grade.

- (k) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site.
- (l) In the case of buildings or structures, which are accessory to residential uses, when located entirely to the rear of the principal building, the minimum required interior side yard and rear yard for accessory buildings and structures shall be 3 feet. Where an accessory building is used for the storage of a motor vehicle, the wall which contains the vehicular access door shall be set back a minimum distance of 10 feet from a public lane or public street.
- (m) The keeping of livestock and/or the construction of buildings or other structures or enclosures for the purposes of keeping livestock shall not be permitted within the "GD" General Development Zone.
- (n) Home-based businesses shall be subject to the requirements of **Section 5.8 of PART 5** of this By-law.
- (o) Solid fuel fired heating appliances, designed to be external to the building that they heat, shall be prohibited as accessory buildings in the "GD" General Development Zone.

TABLE 4-7: "MH" HEAVY INDUSTRIAL ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS (b)		
	Site Area (acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED PRINCIPAL USES					
Pumping facilities for major pipelines	20	1,000	125	50	50
Petroleum Storage Facilities	5	300	125	50	50
Truck Terminals for Petroleum Facilities	5	300	125	50	50
CONDITIONAL USES					
Processing facilities for petroleum products, including refineries	20	1,000	125	50	50
ACCESSORY USES, BUILDINGS AND STRUCTURES (c) (d)	-	-	125	50	50

The following footnotes form part of this **TABLE 4-7**:

- (a) In addition to the minimum requirements of this TABLE, the maximum height for all buildings shall be 30 feet.
- (b) In the case of sites which abut roads under the jurisdiction of the Highway Traffic Board or Manitoba Transportation and Government Services, the setback requirements of the highway authority shall take the place of the minimum front, side or rear yard requirement, as the case may be.
- (c) The keeping of livestock and/or the construction of buildings or other structures or enclosures for the purposes of keeping livestock shall not be permitted within the "MH" Heavy Industrial Zone.
- (d) Solid fuel fired heating appliances, designed to be external to the building that they heat, shall be considered as a conditional accessory building in the "MH" Heavy Industrial Zone.] **BL 2011/08**

“TABLE 4-8: “ML” LIGHT INDUSTRIAL ZONE – USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (a) (b) (e) (i) (j)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet) (d)	Side Yard (feet) (h)	Rear Yard (feet) (h)
PERMITTED USES					
Advertising Signs up to 50 sq/ft	-	-	(f)	10	10
Agricultural Machinery and Equipment Sales and Distribution with Minor Assembly, Parts, Service and Repair	12,000	100	20	15	20
Assembly, Storage, Sales, Service and/or Distribution of Farm Buildings and Structures, agricultural supplies and /or agricultural equipment (g)	20,000	100	30	20	30
Auction Marts, excluding livestock	12,000	100	20	15	20
Automotive, Motorcycle, Bicycle, Snowmobile, Marine, Aircraft, ATV Trailer and House Trailer and other Vehicle Parts, Sales, Storage, Repair, Service and rental of new and used vehicles	6,000	50	30	10	20
Automobile Service Stations (gas stations) and Garages	6,000	50	30	10	20
Contractors’ establishments, including sales and storage of building and landscaping material and equipment including electrical, insulation, drywall, eavestroughing, painting, decorating, roofing, stuccoing, HVAC, windows and like uses	12,000	100	20	15	20

“TABLE 4-8: “ML” LIGHT INDUSTRIAL ZONE – USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (a) (b) (e) (i) (j)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet) (d)	Side Yard (feet) (h)	Rear Yard (feet) (h)
Establishments for the storage, handling or processing of agricultural produce, for remuneration (g)	12,000	100	20	15	20
Garden Supplies, Sales, Distribution, Storage (indoor and outdoor) and Manufacturing providing it is conducted within a completely enclosed building	6,000	50	20	10	20
Government administrative buildings and offices	6,000	50	25	10	25
Nurseries or Greenhouses	6,000	50	25	10	25
Office Equipment and Furniture, Sales, Service and manufacturing providing it is conducted within a completely enclosed building	6,000	50	25	10	25
Printing or Publishing establishments	6,000	50	25	10	25
Public Utilities	5,000	50	25	10	20
Public Works Compounds and Maintenance Buildings (d)	6,000	50	25	10	20
Storage Facilities and Compounds (exterior) for Non-hazardous materials including lumber, building supplies, and contractors equipment (d)	6,000	50	25	10	20
Taxi or Courier Services	6,000	50	25	10	20
Tire Shops	6,000	50	25	10	20
Warehouse and Storage for Non-Hazardous, Non-Flammable and Non-Toxic Materials	12,000	100	20	15	20

“TABLE 4-8: “ML” LIGHT INDUSTRIAL ZONE – USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (a) (b) (e) (i) (j)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet) (d)	Side Yard (feet) (h)	Rear Yard (feet) (h)
Wholesale Establishments including Sales, Showrooms and Related Storage	12,000	100	20	15	20
CONDITIONAL USES					
Accommodation Facilities including Hotels and Motels	12,000	100	20	15	20
Advertising Signs greater than 50 sq/ft	-	-	(f)	15	15
Agricultural Machinery and Equipment Manufacturing	12,000	100	20	15	20
Agricultural Feed Manufacturing and Processing, Sales, Distribution and Storage, including flour mills, grain elevators and terminals, Seed Cleaning and Drying Plants	20,000	100	20	15	20
Automobile Body Repair Shops	6,000	50	30	10	20
Automotive, Motorcycle, Bicycle, Snowmobile, Marine, Aircraft, ATV Trailer and House Trailer and other Vehicle Manufacturing	12,000	100	25	15	20
Bulk Fuel Sales, Including Card-Lock Facilities, Coal and Coke Sales Storage and Distribution	20,000	100	30	15	25
Cafes, Coffee Shops, Food and Beverage Establishments, Banquet Halls	7,500	75	30	10	20
Earth Moving Contractors and Ready-Mix Concrete Suppliers	20,000	100	30	15	25
Emergency Services including police, fire and ambulance stations	15,000	150	30	20	15

“TABLE 4-8: “ML” LIGHT INDUSTRIAL ZONE – USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (a) (b) (e) (i) (j)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet) (d)	Side Yard (feet) (h)	Rear Yard (feet) (h)
Establishments for the sale and storage (indoor or outdoor) and distribution of building materials including lumber yards (outdoor)	12,000	100	20	15	20
Establishments for the provision of personal services, including offices, financial institutions, clinics, salons, and funeral homes	6,000	50	30	10	20
Food or Beverage Service Establishments	6,000	50	30	10	20
Kennels, including Pounds and Shelters, Boarding, Care and Training Facilities	6,000	50	20	10	20
Light manufacturing not otherwise identified in this Table producing negligible noise, dust, odour, emission or any other nuisance factor	6,000	50	20	10	20
Public Parking Areas	6,000	50	20	10	20
Sand and Gravel Sales and Stockpiling (excluding any onsite mining and/or extraction) and related Aggregate Hauling when located on the same site	20,000	100	30	15	25
Trucking Establishments	40,000	200	30	15	30
Veterinary Clinics	6,000	50	20	10	25
ACCESSORY BUILDINGS, STRUCTURES AND USES					
	-	-	(f)	10	5

The following footnotes for the “ML” Light Industrial Zoning District form part of TABLE 4-8:

(a) **Maximum Height and Building Area Requirements**

- i) In addition to the minimum requirements of **Table 4-8:**, the maximum allowable height for all principal buildings and structures shall be forty five (45) feet, and accessory buildings and structures shall not exceed the height of the principal building or structure, with the exception of grain storage structures, fuel and fertilizer storage tanks, church steeples and telecommunications towers which are accessory to a permitted or conditional use.
 - ii) The maximum height of accessory buildings and structures shall not exceed the height of the principal building or structure.
 - iii) Accessory dwelling units are only permitted when they are located within or are accessory to an industrial building where there is industrial activity conducted in the front portion of the ground floor. Accessory dwelling unit(s) within or accessory to an industrial building shall be located in the rear portion of the ground floor and/or or on the 2nd or 3rd floor(s) or in the case of a detached accessory dwelling unit, located to the rear of the principal building on the zoning site to which it is accessory. In all cases, said accessory dwelling units are intended for occupancy by the owner of the industrial business located on the same zoning site, the operator of the industrial enterprise, a watchman or caretaker and his/her family.
 - iv) The minimum dwelling unit area for an accessory dwelling unit located within or accessory to an industrial building shall be 400 sq/ft.
- (b) All manufacturing activities shall be conducted entirely within an enclosed building unless otherwise noted in **Table 4-8: of this PART.**
- (c) Where **Table 4-8: of this PART,** indicates outdoor storage of goods and materials is supported, said outdoor storage of goods and materials shall conform to the following requirements:
- (i) All outdoor storage of goods and materials shall be located to the rear of a line adjacent to and parallel with the front wall of the

principal building on the zoning site on which the materials will be stored;

- (ii) the storage area shall be totally enclosed by a wall or fence with a minimum height of six (6) feet, maintained in good condition and repair; and
 - (iii) the goods and materials stored shall not project above the height of the enclosing wall or fence.
- (d) Notwithstanding the requirements of **Table 4-8: of this PART**, the minimum front yard requirement for a zoning site, where there are existing buildings on the adjacent sites on both sides of the site, or on one side for a corner site, shall not vary more than ten (10) percent from the average existing front yards for the said adjacent buildings, provided said distance is less than the minimum bulk requirements. The minimum front yard requirements noted herein may be used to determine the front yard requirement for a building that was destroyed and is being rebuilt, or where an existing building is to have an addition made to it, or where a new building is to be constructed in an infilling situation.
- (e) For a group of principal buildings located on one zoning site, the yards on the boundary of the site shall not be less than those required in the zone in which the site is located, nor shall the distance between buildings within the site be less than the sum of two of these required yards.
- (f) The minimum required front yard for an accessory use, building or structure shall be the same as is required for the principal use on that zoning site.
- (g) Front yards shall include landscaped green space adjacent to the street right-of-way, at least ten (10) feet in depth as measured from the front property line;
- (h) Where a site is adjacent to a residential zone, a side and/or rear yard of twenty (20) feet shall be provided.

- (i) Under authority of The Highways Protection Act and the Highways and Transportation Act where any structure or development is proposed under, below or at ground level within the control areas of the provincial highway system, permits must be obtained from the Highway Traffic Board and/or Manitoba Infrastructure.

- (j) The keeping of livestock and/or the construction of buildings or other structures or enclosures for the purposes of keeping livestock shall not be permitted within the “ML” Light Industrial Zone.” **[BL 2017-06]**

[PART 5: RULES FOR SPECIFIC USES

LIVESTOCK OPERATIONS

The provisions of Section 5.1 shall apply to the establishment or enlargement of livestock operations in the “AG” Agricultural General Zone, “AML” Agricultural Moderately Limited Zone and the “AL” Agricultural Limited Zone.

5.1 GENERAL PROVISIONS

5.1.1 The provisions of **Section(s) 5.1 to 5.4 of this PART** do not apply to grazing areas.

5.1.2 All existing lawfully established livestock operations which have a capacity of 300 or more animal units (cumulative across species) are deemed to be a legally existing conditional use. Where such existing operations are proposed to be enlarged or expanded, the enlargement or expansion shall be subject to the conditional use process as specified in the Planning Act. If a conditional use permit and any required variations (if required) are approved by Council, the proponent will be required to obtain a Development Permit from the Dennis County Planning District prior to the commencement of construction.

5.1.3 Any conditional use order or variation of a requirement for siting and development of a livestock operation or a farm or non-farm residential site or rural residential or seasonal recreation area approved under the existing or any previous zoning by-law will continue to be in full force and effect.

5.1.4 Where two or more existing or proposed livestock operations involving the production of the same species of livestock are either:

(a) located within ½ mile of one another and are owned by the same individual, corporation, partnership or other entity, or

(b) located within ½ mile of one another and share a common manure storage facility (regardless of ownership)

they are deemed to be a single livestock operation, and the total number of existing or proposed animal units in each operation shall be added together for the purposes of interpreting the requirements of this by-law.

5.1.5 Requirements for separation distances, as provided for in this By-law, shall be measured from the closest point of the feedlot, animal housing facility or manure storage facility to a residence, or the zoning boundary of any designated area whichever is closer.

- 5.1.6 No newly siting or expanding livestock operation or part thereof including an animal housing facility, feedlot or manure storage facility, shall be established or expanded in an area which is subject to flooding, as determined by Manitoba Water Stewardship, unless appropriate mitigative measures are taken to the satisfaction of Provincial authorities to prevent flood water from entering the operation or facility. Council and/or the Provincial authority may require that these mitigative measures be designed and certified by a professional engineer.
- 5.1.7 No newly siting or expanding livestock operation or part thereof including an animal housing facility, feedlot or manure storage facility, shall be established or expanded on soils determined by detailed soil survey acceptable to the Province, with a scale of 1:50,000 or better, to have an agricultural capability of Class 6, Class 7, or unimproved organic soils, as described under the Canada Land Inventory. If detailed soil survey information is not available for the area of the proposed development, the applicant may be required to provide a detailed soils survey for the site acceptable to the Province at a scale of 1:50,000 or better. Where a proponent is required to provide this detailed soils information, it may be possible to demonstrate that the soils are not Canada Land Inventory (CLI) Class 6, 7 or unimproved organic soils and may be suitable to support a livestock operation.
- 5.1.8 All newly siting or expanding livestock operations (including feedlots, animal housing and/or manure storage facilities) being proposed in the Rural Municipality of Pipestone, which are 300 animal units (AU) or larger in size (cumulative across species) shall, regardless of their location, be subject to the conditional use approval process as detailed in the *Planning Act*, as amended.
- 5.1.9 Notwithstanding the minimum site area requirement specified in **Tables 4-1 to 4-3 of PART 4 herein**, all newly siting or expanding livestock operations shall have access to (either by direct ownership or lease) and use of sufficient lands to accept the application of all of the livestock manure generated by the operation in a sustainable manner on an annual basis in accordance with the provisions of the Livestock, Manure & Mortalities Management Regulation 42/98 and the Nutrient Management Regulation 62/2008, each of which may be amended from time to time without requiring an amendment to this by-law.
- 5.1.10 All newly siting or expanding livestock operations (including feedlots, animal housing and/or manure storage facilities) that are 300 animal units or greater in size (cumulative across species) will be subject to a provincial technical review report which will be completed and provided to Council in accordance with the requirements of the Planning Act, as amended. This requirement may be altered from time to time by provincial authorities, without requiring an amendment to this By-law.
- 5.1.11 All newly siting or expanding livestock operations (including feedlots, animal housing and/or manure storage facilities) that are 300 animal units or greater in size (not cumulative across species) and all newly siting or expanding pig operations

regardless of their size, will be required to file an annual manure management plan with the Province in accordance with the requirements of MB Reg. 42/98, as amended. This requirement may be altered from time to time by provincial authorities, without requiring an amendment to this By-law.

5.1.12 For the purposes of determining the size of livestock operations, the system of “animal units” as adopted by the Province of Manitoba shall be used. The conversion factors for animal units are provided for general reference in **Table 5-1** (below), and may be altered from time to time by provincial authorities, without requiring an amendment to this By-law.

TABLE 5-1: ANIMAL UNIT CONVERSION FACTORS

Animal	Type	A.U. Produced by One Livestock	Livestock Producing One A.U.
Dairy	Milking Cows, including associated livestock	2.000	0.5
Beef	Beef Cows, including associated livestock	1.250	0.8
	Backgrounder	0.500	2
	Summer pasture /replacement heifers	0.625	1.6
	Feeder cattle	0.769	1.3
Hogs	Sows, farrow to finish	1.250	0.8
	Sows, farrow to weanling	0.250	4.0
	Sows, farrow to nursery	0.313	3.2
	Weanlings	0.033	30
	Growers/finishers	0.143	7
	Boars (artificial insemination operations)	0.200	5
Chickens	Broilers	0.0050	200
	Roasters	0.0100	100
	Layers	0.0083	120
	Pullets	0.0033	300
	Broiler Breeder Pullets	0.0033	300
	Broiler Breeder Hens	0.0100	100
Turkeys	Broilers	0.010	100
	Heavy Toms	0.020	50
	Heavy Hens	0.010	100
Horses	Mares, including associated livestock	1.333	0.75
Sheep	Ewes, including associated livestock	0.200	5
	Feeder Lambs	0.063	16

The calculation of animal units for a species of livestock not mentioned in this Table is to be determined by officials at Manitoba Department of Agriculture, Food and Rural Initiatives.

NOTE: To calculate the number of animal units (AU) of a particular type, multiply the AU produced by one livestock by the number of animals. For example, 200 animal beef cows including associated livestock equals $1.25 \times 200 = 250$ Aus.

5.2 LIVESTOCK OPERATIONS IN THE “AG” AGRICULTURAL GENERAL ZONE

In addition to satisfying the requirements of **PART 4 and PART 5, Section 5.1** of this by-law which identify general requirements applicable to livestock operations in all agricultural zone(s) in the Rural Municipality of Pipestone, the following additional requirements shall apply to newly siting or expanding livestock operations located in areas which are zoned “**AG**” **Agricultural General Zone** as identified on **Zoning Map 1** of this By-law.

- 5.2.1 **Subject to Section 5.2.4 of this PART**, a proposal to establish or expand a livestock operation or any part thereof including a feedlot, animal housing facility or manure storage facility with a capacity between **10 to 250 Animal Units** (cumulative across species) shall be allowed as a **permitted use** providing it is developed in conformance with the requirements of the *Planning Act* and all of the other provisions of this By-law.
- 5.2.2 **Subject to Section 5.2.4 of this PART**, a proposal to establish or expand a livestock operation or any part thereof (including a feedlot, animal housing facility or manure storage facility) with a capacity of **251 Animal Units or more** (cumulative across species) shall be deemed to be a **conditional use** and shall be developed in accordance with requirements of *The Planning Act* and all other provisions of this by-law including the provisions of **PART 7, Sections 7.21 to 7.27** herein which deals with applications for conditional uses, variances and development agreements.
- 5.2.3 No **newly siting** livestock operation or any part thereof (including a feedlot, animal housing or manure storage facility) shall be established or expanded:
- (a) within a distance of 328 feet of the ordinary high water mark of any surface watercourse, sinkhole, spring or well which extends beyond the boundaries of the operation; nor,
 - (b) within 1,000 feet of the ordinary high water mark of either Pipestone or Gopher Creek(s).
- 5.2.4 **Existing** livestock operations or any part thereof (including a feedlot or high density seasonal feeding area, animal housing or manure storage facility) located within 1,000 feet of the ordinary high water mark of either Pipestone or Gopher Creek(s) may be expanded **to a maximum of 100 animal units** (cumulative across species) **as a permitted use**, provided that a minimum setback of 328 feet is maintained between the facilities of the livestock operation and the creek. Any proposal involving the expansion or enlargement of a livestock operation as described herein within 1,000 feet of the ordinary high water mark of either Pipestone or Gopher Creek(s) consisting of **101 or more animal units** (cumulative across species) shall be deemed to be a **conditional use**, and shall be required to maintain a minimum setback of 328 feet between the facilities of the livestock operation and either creek and shall be developed in accordance with requirements of *The Planning Act* and

all other provisions of this by-law including the provisions of **PART 7, Sections 7.21 to 7.27** herein which deals with applications for conditional uses, variances and development agreements.

5.2.5 The minimum separation distance requirements set out in **Table 5-2 of this PART** (below) shall apply to newly siting or expanding livestock operations or any part thereof (including a feedlot, animal housing facility, or manure storage facility) in relation to the property lines of a given livestock operation. Where an existing feedlot or animal housing or manure storage facility does not comply with the setback requirements of **Table 5-2 of this PART**, it may be expanded or enlarged through a variation order, provided said expansion or enlargement substantially occurs in a direction away from the property boundary and complies with all other provisions of this by-law.

TABLE 5-2: “AG” AGRICULTURAL GENERAL ZONE - MINIMUM SETBACK DISTANCES FROM PROPERTY LINES

Type of Livestock Facility	Minimum Setback Distance from any Property Boundary in Feet
Feedlots, seasonal feeding areas and manure storage facilities	328
Barns and other similar animal housing facilities	164
Grazing Areas	0

NOTE: Where a parcel of land containing a “livestock operation” as defined in PART 9 of this By-law is being subdivided, all newly created parcels shall be of such a size and configuration so as to maintain a minimum 100 meter (328 feet) separation between any existing or proposed livestock confinement areas and manure storage facilities and all newly created property lines.

5.2.6 The minimum separation distance requirements of **Tables 5-3 and Table 5-4 of PART 5** (below) shall mutually apply to the establishment or expansion of any livestock operation or any part thereof (including a feedlot, animal housing facility, and/or manure storage facility) and any newly siting or expanding non-farm dwelling (excluding residences located on the same site and associated with a livestock operation) and/or any designated area in the **“AG” – Agricultural General Zone**.

TABLE 5-3: “AG” AGRICULTURAL GENERAL ZONE - MINIMUM SEPARATION DISTANCE REQUIREMENTS FROM A SINGLE RESIDENCE

Size of Livestock Operation In Animal Units (AU)	Minimum Separation Distance from Single Residence (a) (feet)	
	To a Feedlot and/or an Earthen Manure Storage Facility	To an Animal Housing Facility (including seasonal feeding areas) and/or Non-Earthen Manure Storage Facility
10 to 100	1,312	656
101 to 200	1,968	984
201 to 300	2,624	1,312
301 to 400	2,952	1,476
401 to 800	3,280	1,640
801 to 1,600	3,936	1,968
1,601 to 3,200	4,594	2,296
3,201 to 6,400	5,250	2,624
6,401 to 12,800	5,906	2,952
Over 12,801	6,562	3,280

(a) Does not include any residence associated with and located on the same site as the livestock facility.

TABLE 5-4: “AG” AGRICULTURAL GENERAL ZONE – MINIMUM SEPARATION DISTANCE REQUIREMENTS FROM A DESIGNATED AREA

Size of Livestock Operation In Animal Units (AU)	Minimum Separation Distance from Designated Areas (a) (feet)	
	To a Feedlot and/or an Earthen Manure Storage Facility	To an Animal Housing Facility (including seasonal feeding areas) and/or Non-Earthen Manure Storage Facility
10 to 100	3,938	2,609
101 to 200	5,906	3,938
201 to 300	7,874	5,267
301 to 400	8,859	5,906
401 to 800	9,842	6,546
801 to 1,600	11,811	7,874
1,601 to 3,200	13,779	9,203
3,201 to 6,400	15,749	10,482
6,401 to 12,800	17,717	11,811
Over 12,801	19,685	13,140

(a) “Designated Area” means any area that is designated as an Urban Policy Area, Seasonal Recreation Development Area or Rural Residential Area.

5.3 LIVESTOCK OPERATIONS IN THE 'AML' AGRICULTURAL MODERATELY LIMITED ZONE

In addition to satisfying the requirements of **PART 4 and PART 5, Section 5.1** of this by-law which identify general requirements applicable to livestock operations in all agricultural zone(s) in the Rural Municipality of Pipestone, the following additional requirements shall apply to newly siting or expanding livestock operations located in areas which are zoned "**AML**" **Agricultural Moderately Limited Zone** as identified on **Zoning Map 1** of this By-law.

- 5.3.1 **Subject to Section 5.2.4 of this PART**, a proposal to establish or expand a livestock operation or any part thereof (including a feedlot, animal housing facility or manure storage facility) with a capacity between **10 to 150 Animal Units** (cumulative across species) shall be allowed as a **permitted use** providing it is developed in conformance with the requirements of the *Planning Act* and all of the other provisions of this By-law.
- 5.3.2 **Subject to Section 5.2.4 of this PART**, a proposal to establish or expand a livestock operation or any part thereof (including a feedlot, animal housing facility or manure storage facility) with a capacity of **151 Animal Units or more** (cumulative across species) shall be deemed to be a **conditional use** and shall be developed in accordance with requirements of *The Planning Act* and all other provisions of this by-law including the provisions of **PART 7, Sections 7.21 to 7.27** herein which deals with applications for conditional uses, variances and development agreements.
- 5.3.3 No **newly siting** livestock operation or part thereof (including a feedlot, animal housing or manure storage facility) shall be established or expanded:
- (a) within a distance of 328 feet of the ordinary high water mark of any surface watercourse, sinkhole, spring or well which extends beyond the boundaries of the operation; nor,
 - (b) within 1,000 feet of the ordinary high water mark of either Pipestone or Gopher Creek(s).
- 5.3.4 **Existing** livestock operations or any part thereof (including a feedlot or high density seasonal feeding area, animal housing or manure storage facility) located within 1,000 feet of the ordinary high water mark of either Pipestone or Gopher Creek(s) may be expanded **to a maximum of 100 animal units** (cumulative across species) as a **permitted use**, provided that a minimum setback of 328 feet is maintained between the facilities of the livestock operation and the creek. Any proposal involving the expansion or enlargement of a livestock operation as described herein within 1,000 feet of the ordinary high water mark of either Pipestone or Gopher Creek(s) consisting of **101 or more animal units** (cumulative across species) shall

be deemed to be a **conditional use**, and shall be required to maintain a minimum setback of 328 feet between the facilities of the livestock operation and either creek and shall be developed in accordance with requirements of The Planning Act and all other provisions of this by-law including the provisions of **PART 7, Sections 7.21 to 7.27** herein which deals with applications for conditional uses, variances and development agreements.

5.3.5 The minimum separation distance requirements set out in **Table 5-5 of this PART** (below) shall apply to newly siting or expanding livestock operations or any part thereof (including a feedlot, animal housing facility, or manure storage facility) in relation to the property lines of a given livestock operation. Where an existing feedlot or animal housing or manure storage facility does not comply with the setback requirements of **Table 5-5 of this PART**, it may be expanded or enlarged through a variation order, provided said expansion or enlargement substantially occurs in a direction away from the property boundary and complies with other all provisions of this by-law.

TABLE 5-5: “AML” AGRICULTURAL MODERATELY LIMITED ZONE - MINIMUM SETBACK DISTANCES FROM PROPERTY LINES

Type of Livestock Facility	Minimum Setback Distance from any Property Boundary in Feet
Feedlots, seasonal feeding areas and manure storage facilities	328
Barns and other similar animal housing facilities	164
Grazing Areas	0

NOTE: Where a parcel of land containing a “livestock operation” as defined in PART 9 of this By-law is being subdivided, all newly created parcels shall be of such a size and configuration so as to maintain a minimum 100 meter (328 feet) separation between any existing or proposed livestock confinement areas and manure storage facilities and all newly created property lines.

5.3.6 The minimum separation distance requirements of **Tables 5-6: and Table 5-7 of PART 5** (below) shall mutually apply to the establishment or expansion of any livestock operation or part thereof (including a feedlot, animal housing facility, and/or manure storage facility) and any newly siting or expanding non-farm dwelling (excluding residences located on the same site and associated with a livestock operation) and/or any designated area in the **“AML” – Agricultural Moderately Limited Zone**.

TABLE 5-6: “AML” AGRICULTURAL MODERATELY LIMITED ZONE-MINIMUM SEPARATION DISTANCE REQUIREMENTS FROM A SINGLE RESIDENCE

Size of Livestock Operation In Animal Units (AU)	Minimum Separation Distance from Single Residence (a) (feet)	
	To a Feedlot and/or an Earthen Manure Storage Facility	To an Animal Housing Facility(including seasonal feeding areas) and/or Non-Earthen Manure Storage Facility
10 to 100	1,312	656
101 to 200	1,968	984
201 to 300	2,624	1,312
301 to 400	2,952	1,476
401 to 800	3,280	1,640
801 to 1,600	3,936	1,968
1,601 to 3,200	4,594	2,296
3,201 to 6,400	5,250	2,624
6,401 to 12,800	5,906	2,952
Over 12,801	6,562	3,280

(a) Does not include any residence associated with and located on the same site as the livestock facility.

TABLE 5-7: “AML” AGRICULTURAL MODERATELY LIMITED ZONE - MINIMUM SEPARATION DISTANCE REQUIREMENTS FROM A DESIGNATED AREA

Size of Livestock Operation In Animal Units (AU)	Minimum Separation Distance from Designated Areas (a) (feet)	
	To a Feedlot and/or an Earthen Manure Storage Facility	To an Animal Housing Facility (including seasonal feeding areas) and/or Non-Earthen Manure Storage Facility
10 to 100	3,938	2,609
101 to 200	5,906	3,938
201 to 300	7,874	5,267
301 to 400	8,859	5,906
401 to 800	9,842	6,546
801 to 1,600	11,811	7,874
1,601 to 3,200	13,779	9,203
3,201 to 6,400	15,749	10,482
6,401 to 12,800	17,717	11,811
Over 12,801	19,685	13,140

(a) “Designated Area” means any area that is designated as an Urban Policy Area, Seasonal Recreation Development Area or Rural Residential Area.

5.4 LIVESTOCK OPERATIONS IN THE 'AL' AGRICULTURAL LIMITED ZONE

In addition to satisfying the requirements of **PART 4 and PART 5, Section 5.1** of this by-law which identify general requirements applicable to livestock operations in all agricultural zone(s) in the Rural Municipality of Pipestone, the following additional requirements shall apply to newly siting or expanding livestock operations located in areas which are zoned "**AL**" **Agricultural Limited Zone** as identified on **Zoning Map 1** of this By-law.

- 5.4.1 A proposal to establish or expand a livestock operation or any part thereof (including a feedlot, animal housing facility or manure storage facility) with a capacity between **10 to 75 Animal Units** (cumulative across species) shall be allowed as a **permitted use** providing it is developed in conformance with the requirements of the *Planning Act* and all of the other provisions of this By-law.
- 5.4.2 A proposal to establish or expand a livestock operation or any part thereof (including a feedlot, animal housing facility or manure storage facility) with a capacity **of 76 Animal Units or more** (cumulative across species) shall be deemed to be a **conditional use** and shall be developed in accordance with requirements of The *Planning Act* and all other provisions of this by-law including the provisions of **PART 7, Sections 7.21 to 7.27** herein which deals with applications for conditional uses, variances and development agreements.
- 5.4.3 No newly siting livestock operation or part thereof (including a feedlot, animal housing or manure storage facility) shall be established or expanded:
- (a) within a distance of 328 feet of the ordinary high water mark of any surface watercourse, sinkhole, spring or well which extends beyond the boundaries of the operation; nor,
 - (b) within 1,000 feet of the ordinary high water mark of either Pipestone or Gopher Creek(s).
- 5.4.4 The minimum separation distance requirements set out in **Table 5-8 of this PART** (below) shall apply to newly siting or expanding livestock operations or any part thereof (including a feedlot, animal housing facility, or manure storage facility) in relation to the property lines of a given livestock operation. Where an **existing** feedlot or animal housing or manure storage facility does not comply with the setback requirements of **Table 5-8 of this PART**, it may be expanded or enlarged through a variation order, provided said expansion or enlargement substantially occurs in a direction away from the property boundary and complies with other all provisions of this by-law.

TABLE 5-8: “AL” AGRICULTURAL MODERATELY LIMITED ZONE - MINIMUM SETBACK DISTANCES FROM PROPERTY LINES

Type of Livestock Facility	Minimum Setback Distance from any Property Boundary in Feet
Feedlots, seasonal feeding areas and manure storage facilities	328
Barns and other similar animal housing facilities	164
Grazing areas	0

NOTE: Where a parcel of land containing a “livestock operation” as defined in PART 9 of this By-law is being subdivided, all newly created parcels shall be of such a size and configuration so as to maintain a minimum 100 meter (328 feet) separation between any existing or proposed livestock confinement areas and manure storage facilities and all newly created property lines.

- 5.4.5 The minimum separation distance requirements of **Tables 5-9: and Table 5-10** of **PART 5** (below) **shall mutually apply** to the establishment or expansion of any livestock operation or part thereof (including a feedlot, animal housing facility, and/or manure storage facility) and any newly siting or expanding non-farm residence (excluding residences located on the same site and associated with a livestock operation) and/or any designated area in the “**AL**” – **Agricultural Limited Zone**.

TABLE 5-9: “AL” AGRICULTURAL LIMITED ZONE- MINIMUM SEPARATION DISTANCE REQUIREMENTS FROM A SINGLE RESIDENCE

Size of Livestock Operation In Animal Units (AU)	Minimum Separation Distance from Single Residence (a) (feet)	
	To a Feedlot and/or an Earthen Manure Storage Facility	To an Animal Housing Facility (including seasonal feeding areas) and/or Non-Earthen Manure Storage Facility
10 to 100	1,312	656
101 to 200	1,968	984
201 to 300	2,624	1,312
301 to 400	2,952	1,476
401 to 800	3,280	1,640
801 to 1,600	3,936	1,968
1,601 to 3,200	4,594	2,296
3,201 to 6,400	5,250	2,624
6,401 to 12,800	5,906	2,952
Over 12,801	6,562	3,280

(a) Does not include any residence associated with and located on the same site as the livestock facility.

TABLE 5-10: “AL” AGRICULTURAL LIMITED ZONE – MINIMUM SEPARATION DISTANCE REQUIREMENTS FROM A DESIGNATED AREA

Size of Livestock Operation In Animal Units (AU)	Minimum Separation Distance from Designated Areas (a) (feet)	
	To a Feedlot and/or an Earthen Manure Storage Facility	To an Animal Housing Facility (including seasonal feeding areas) and/or Non-Earthen Manure Storage Facility
10 to 100	3,938	2,609
101 to 200	5,906	3,938
201 to 300	7,874	5,267
301 to 400	8,859	5,906
401 to 800	9,842	6,546
801 to 1,600	11,811	7,874
1,601 to 3,200	13,779	9,203
3,201 to 6,400	15,749	10,482
6,401 to 12,800	17,717	11,811
Over 12,801	19,685	13,140

(a) “Designated Area” means any area that is designated as an Urban Policy Area, Seasonal Recreation Development Area and/or Rural Residential Area.

5.5 AGRICULTURAL IRRIGATION OPERATIONS

5.5.1 The establishment of agricultural irrigation operations shall be deemed to be a conditional use where the proposed location is in a groundwater sensitivity area as indicated on **Zoning Map 1**.

5.5.2 A proposal to establish an agricultural irrigation operation as a conditional use shall identify the following:

- (a) the specific location of the irrigation source;
- (b) the location of all fields to be irrigated from the source;
- (c) estimated daily water consumption.

5.5.3 In considering a proposal to establish an agricultural irrigation operation as a conditional use, Council may require information to be supplied by the owner and may specify conditions of approval with regard to the following matters:

- (a) an engineering and hydro-geological assessment of soils, surface and groundwater site features and capacity to sustain use;
- (b) a description of mitigative measures, as may be appropriate, to be undertaken to minimize the risk of soil and groundwater pollution;
- (c) the regular monitoring of soil and groundwater conditions on irrigated fields; and

- (d) evidence that the proponent has obtained all necessary permits, approvals and licenses required by the provincial authorities having jurisdiction prior to the commencement of development.

5.6 SPECIAL LIMITATIONS GOVERNING DEVELOPMENT OF BUILDINGS AND STRUCTURES INCLUDING DWELLINGS AND FARM BUILDINGS

- 5.6.1 No dwelling or mobile home or other habitable building shall be constructed or located within 1,500 feet of any municipal sewage lagoon or solid waste disposal site.
- 5.6.2 No dwelling or mobile home or other habitable building shall be constructed or located within 1,320 feet of an anhydrous ammonia storage tank or an agricultural bulk chemical supply facility.
- 5.6.3 No building, dwelling, mobile home or farm building or structure shall be located within 100 feet of the edge of the right-of-way of any pipeline regulated by The National Energy Board, unless specific approval has been granted by the National Energy Board.
- 5.6.4 No building, dwelling, mobile home or farm building or structure shall be located within 100 feet of the edge of the right-of-way of any railway, unless the structure is required for railway operations, or requires railway service.
- 5.6.5 No building, dwelling, mobile home or farm building or structure shall be constructed or located within an area which has been designated as a high or medium quality aggregate area by the Mines Branch, unless the site has been further reviewed by that Branch and a recommendation provided which would allow development to proceed. Where the proposed building is a dwelling or mobile home, a separation distance of 500 feet shall be provided between the building location and any active mining area.
- 5.6.6 Any proposal to establish any dwelling, mobile home or other habitable structure within a distance of one half mile of an existing oil field battery facility shall be deemed to be a conditional use, and shall be subject to the approval of Council.
- 5.6.7 Any proposal to establish any building, structure, mobile home or farm building or structure which exceeds a building height of 10 feet, or to establish a shelterbelt or similar obstruction within the flight approaches of any aircraft landing area for a distance of 1 mile, shall be deemed to be a conditional use, and shall be subject to the approval of Council.

5.7 HAZARDOUS AND DANGEROUS MATERIALS STORAGE

5.7.1 No new hazardous or dangerous materials storage including but not limited to agricultural chemical supply warehouses, inland grain terminals, bulk fuel or fertilizer storage facilities, and anhydrous ammonia storage facilities shall be located within:

- (a) 1,320 feet of a building used for human occupation;
- (b) 1/2 mile of an "UR" Urban Residential Zone, "UN" Urban Non-Residential Zone, "GD" General Development Zone, "RR" Rural Residential Zone or "SR" Seasonal Recreation Zone;
- (c) 330 feet of a municipal road or provincial highway.

5.7.2 Expansion of any existing facility which is located within the separation distances described in **Section 5.7.1 of this PART** shall be deemed to be a conditional use, and shall be subject to the approval of Council in accordance with requirements of The Planning Act and all other provisions of this by-law including the provisions of **PART 7, Sections 7.21 to 7.27 herein** which deals with applications for conditional uses and variances.

5.8 HOME-BASED BUSINESSES

5.8.1 Home-based businesses are governed by the following rules:

- (a) they shall be conducted by a person or persons residing in the dwelling;
- (b) persons employed or otherwise engaged on the same site as the business, who do not reside in the dwelling may not exceed:
 - (i) 5 persons in the "**AG**", **AML**" or "**AL**" zones, and
 - (ii) 2 persons in any other zone;
- (c) in all zones except the "**AG**", "**AML**" and "**AL**" zones, there can be no processing or outside storage of goods or materials, and in the "AG", "AML" and "AL" zones, the location of all exterior processing and storage shall be subject to Council approval;
- (d) not more than 1,000 square feet of floor area may be devoted to the business in the urban zones, and 3,000 square feet in the "**AG**", "**AML**" and "**AL**" zones;

- (e) one business sign, either freestanding or affixed to the wall of a principal or accessory building, is permitted, not exceeding
 - (i) in the rural zones, 32 square feet;
 - (ii) in the urban zones, 32 square feet in any location other than the required front yard, and 10 square feet in the required front yard;
- (f) they shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance; or if located in the vicinity of a provincial highway, should not impair the safe and efficient operation of the highway; and
- (g) in the urban zones, the residential character of the property shall be maintained.] **BL 2011/08**

PART 6: MISCELLANEOUS REGULATIONS

Land Subject to Flooding

- 6.1 No buildings or structures, except for barbed wire fences, shall be constructed or placed in the vicinity of creeks or streams which are subject to flooding by a one hundred year flood, unless the owner provides sufficient information prepared by a qualified consultant, which in the opinion of Council, is sufficient to demonstrate compliance with the provisions of the Dennis County Planning District Development Plan.
- 6.2 Where development is proposed on a site which is known to the Development Officer to be subject to ponding due to snowmelt or heavy rainfall events, the owner must provide additional measures, including sufficient fill around the building, which in the opinion of Council are necessary to provide a measure of protection from flood damage.
- 6.3 No permanent building shall be constructed or placed on land, which is subject to subsidence or erosion by water or is marshy or unstable, or is otherwise unsuitable or hazardous by virtue of its soil or topography, unless it is demonstrated to the satisfaction of Council that proper measures will be taken to deal with the unsuitability or hazard.

High Water Table Areas

- 6.4 Where development is proposed on a site which is known to the Development Officer to be subject to a high groundwater table, including sites within the groundwater sensitivity areas shade grey on Map 1, the owner must include measures in the design of the building which in the opinion of Council are adequate to protect basements from groundwater infiltration.

Site Reduced by Road Widening

- 6.5 Where the site area or site width of a parcel of land has been reduced as a result of land acquired for the establishment or widening of a public road or drain, or for any other public work, the land which has been acquired shall be deemed to part of the site for purposes of determining compliance with the minimum site area and site width requirements and required yards for existing buildings as specified by this By-law. However, where new buildings or structures are proposed, the required yards shall be determined by the location of actual site boundaries.

Building Removal

- 6.6 Upon completion of removal or demolition of a building from a site, any excavation shall be filled, the ground shall be levelled and the site shall be put in a safe condition to the satisfaction of the Development Officer. In the urban zones, the Council may require that the former foundation be removed to provide suitable conditions for the construction of a new building.

Road Access

- 6.7 No permanent building may be constructed or placed on a site, which does not have legal access to an improved public road.

Service Connections

- 6.8 Where a site is served by municipal piped sewer or water, no permanent principal building shall be constructed or placed unless it is connected to such services.

Public Monuments and Cairns

- 6.9 Nothing in this by-law shall be so interpreted as to interfere with the establishment of public monuments and cairns, provided that such structures do not create a hazard to nearby roadways or development, in the opinion of Council.

Signs

- 6.10 No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign or obstruct the view of any highway or street intersection or railroad crossing, and every sign shall conform with the requirements of the Provincial highway authority when located within the highway control areas adjacent to Provincial Trunk Highways and Provincial Roads.
- 6.11 All signs and their support structures shall be kept in good repair. Signs, which have become obsolete because of the discontinuance of the business service and have not been removed or relocated within 30 days following such condition may be removed by the municipality at the owner's expense.

Temporary Buildings, Structures & Uses

- 6.12 Temporary buildings, structures and uses of land are permitted on a site in connection with construction and development on that or a nearby site, subject to the issuance of a development permit and only for the following purposes:
- (a) offices for the contractor or developer or project supervisor;
 - (b) accommodation for a caretaker;
 - (c) storage of materials and equipment;
 - (d) temporary accommodations, field offices and temporary concrete or asphalt plants involved with road construction projects, provided that a minimum separation distance of 1,320 feet is provided between an asphalt or concrete plant and the nearest habitable building..
 - [(e) Temporary structures or buildings for monitoring or testing environmental, meteorological, geological or other natural conditions]. **(BL 2005-02)**
 - [(f) Temporary oil and gas work camps shall be permitted on sites only in the **“AG” Agricultural General Zone**, including living, cooking and eating, sleeping and parking facilities consisting of individual or communal dwelling units for oil and gas workers subject to satisfying all of the following requirements:
 - (i) The municipality makes arrangements for the disposal of all solid and liquid wastes generated by the temporary oil and gas work camp;
 - (ii) The proponent obtains all permits, approvals and/or licenses as may be required from the provincial authorities having jurisdiction in respect of matters such as but not necessarily limited to sourcing an adequate quality and quantity of potable water and the disposal of all wastewater generated by the development;
 - (iii) All newly siting or expanding temporary oil and gas work camps shall be setback a minimum of 1,320 feet from the nearest unrelated habitable building;
 - (iv) Notwithstanding section 6.13 of this PART, a temporary oil and gas work camp may be authorized through the issuance of a building permit and a development permit for an initial period of up to two years and may thereafter be renewed for not more than two successive one year periods.] **BL 2011/08**
- 6.13 A development permit for a temporary building or structure or use shall be valid for 6 months and may not be renewed for more than 2 successive 6-month periods.
- 6.14 A wheelchair ramp may extend into the required yard of a residence for as long as is required by an occupant of the residence, subject to the issuance of a development permit.

PART 7: ADMINISTRATION

Administration and Enforcement

- 7.1 In the administration and enforcement of this by-law the municipality authorizes and directs the board of the Dennis County Planning District to proceed under Part 8.

Development Permits

- 7.2 A development permit is required for any the following:
- (a) the erection, construction, enlargement, structural alteration or placing of a building or structure, other than those described in Section 7.4;
 - (b) the establishment of a use of land or a building or structure;
 - (c) the change of a use of land or a building or structure;
 - (d) the alteration or enlargement of an approved conditional use.
 - [(e) The construction, installation or expansion of any feedlot, manure storage facility or animal housing facility, including board corrals, except for livestock enclosures established by wire fencing with an animal unit capacity up to 250 animal units (cumulative across species).] BL 2011/08**
- 7.3 Every owner shall be required to obtain a development permit prior to the commencement of development, including the commencement of construction or relocation of any building or structure, except as provided herein. The issuance of a development permit in respect of a building or structure does not affect the obligation to obtain a building permit or other permit where they are required under the building by-law for such a building or structure, nor does it relieve the owner from the responsibility of obtaining any other permit or approval that may be required by any other administrative body, including business licences, environmental approvals, highway access and structure location approval (wherever necessary), and similar approvals.
- 7.4 A development permit is not required for the following:
- (a) the erection, construction, enlargement, structural alteration or placing of any accessory agricultural building up to 1,000 square feet in floor area;
 - (b) the erection, construction, enlargement, structural alteration or placing of the following as accessory structures:
 - (i) fences,
 - (ii) signs (not including advertising signs where they are conditional uses),
 - (iii) lighting,
 - (iv) flagpoles,

- (v) sheds and buildings for the storage of domestic equipment and supplies, which are less than 100 square feet in floor area,
 - (vi) private communications aerials or antennas,
 - (vii) garden houses or children's playhouses,
 - (viii) water supply wells and private sewage disposal systems,
 - (ix) unenclosed patios and other landscaping features,
 - (x) temporary signs and notices, including real estate signs;
- (c) The maintenance, replacement or restoration of building components and finishes, provided that the size of the building or structure is not materially increased, or the structural load carrying capacity of any component is not reduced; and
- (d) Oil wells and related apparatus, excluding oil field battery facilities.
- 7.5 Despite not requiring a development permit, all things listed in Section 7.4 shall be subject to the requirements of this By-law, and to the requirements of any government department, including the highway control areas adjacent to Provincial Trunk Highways and Provincial Roads.
- 7.6 An application for a development permit shall be made by the owner or owners of the site in question, or by a person authorized in writing by them.
- 7.7 An application for a development permit shall be accompanied by plans drawn to scale showing the following:
- (a) the shape and dimensions of the site to be used or built on;
 - (b) the location and dimensions of existing buildings and structures;
 - (c) the location and dimensions of the proposed building, structure, enlargement or alteration, including separation distances from site boundaries;
 - (d) the use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;
 - (e) vehicular access and utility connections, that may be required to service the building;
 - [(f) An application for approval of a development permit and/or a conditional use and/or variation order for a livestock operation or any part thereof (including a feedlot, animal housing facility or manure storage facility) shall be accompanied by a site plan showing the following information:
 - (i) the size and location of all existing and/or proposed feedlots, animal housing and/or manure storage facilities;
 - (ii) distances to property boundaries from all existing and/or proposed feedlots, animal housing and/or manure storage facilities;
 - (iii) existing and/or proposed drainage and water supply features (such as wells) in the vicinity of these facilities; and

- (iv) written information describing the type(s) and number of existing and proposed livestock involved in the operation and estimated distances to the nearest 2 dwellings to the facility, other than dwellings associated with and located on the same site as the livestock operation.] **BL 2011/08**

and shall include any other information required by the development officer to determine compliance with, and to provide for enforcement of, this By-law.

- 7.8 An application for a development permit shall be accompanied by the fee prescribed by the board of the Dennis County Planning District.
- 7.9 Despite apparent compliance with this by-law, the development officer may refuse to issue a development permit where the proposed building, structure or use does not, to the development officer's knowledge, comply with the building by-law or with any other law, subject to Sections 8.6 and 8.7.
- 7.10 No person shall use or occupy any land, building or structure, or erect, construct, enlarge, alter or place any building or structure, except in accordance with an approved development permit (where required), and with this By-law.
- 7.11 All proposed development shall be in accordance with the application and drawings submitted to and approved by the development officer. No work shall vary from the approved application and drawings without the prior written authorization of the Development Officer, and the owner shall ensure that all development is completed in accordance with the approved development permit.
- 7.12 The development officer may revoke a development permit:
 - (a) where any information accompanying the development application is incorrect or incomplete and an existing or proposed building, structure or use is thereafter found to be in contravention of this By-law, the building by-law, or any other law; or
 - (b) where the development permit was issued in error.

Development Officer

- 7.13 The development officer shall be the person appointed as such by the board of the Dennis County Planning District.
- 7.14 The development officer, on behalf of the municipality, shall issue development permits and otherwise administer and enforce the provisions of this By-law and The Planning Act, where applicable.

- 7.15 The development officer shall exercise the powers of remedy and enforcement set out in Part 8.
- 7.16 The development officer is authorized to grant or refuse, in his or her discretion, a minor variation not to exceed 10 percent of the required yard provisions.

Application for Amendment

- 7.17 An application for an amendment to this By-law, including a change to the maps, shall be made to the development officer by the owner or owners of the land in question, or by a person authorized in writing by them.
- 7.18 An application for amendment shall be accompanied by plans drawn to scale showing the following:
- (a) the shape and dimensions of the land affected;
 - (b) the location and dimensions of existing buildings and structures;
 - (c) the location and dimensions of any proposed building, structure, enlargement or alteration;
 - (d) the use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;

and shall include any other information required by the development officer to determine compliance with, and to provide for enforcement of this By-law.

- 7.19 An application for an amendment shall be accompanied by the fee prescribed by Council.
- 7.20 Following such consultation, review and report (if any) as the Council deems necessary, the application shall be submitted to Council, which shall decide whether or not to start the procedures for enactment of an amendment.

Applications for Variations and Conditional Uses

- 7.21 An application for a variation or approval of a conditional use shall be made to the development officer by the owner or owners of the site, or by a person authorized in writing by them.
- 7.22 An application for a variation or approval of a conditional use shall be accompanied by the plans and information described in Section 7.7, and in the case of a livestock production operation or an agricultural irrigation operation, by the information described in Sections 5.10 and 5.11 or 5.21.
- 7.23 An application for a variation or a conditional use shall be accompanied by the fee prescribed by Council.

- 7.24 Where an application for a variation or conditional use has been submitted, a public hearing shall be held by the Council, to receive representations from any person with respect to the proposal, and notice of the public hearing shall be given as required by The Planning Act.
- 7.25 On receipt of an application for a variation or approval of a conditional use in proper form, the municipality may, prior to the hearing date prescribed under The Planning Act, refer the application to any government department or authority for its review and comment.
- 7.26 Council shall either approve or deny the variation or conditional use, and may establish conditions of approval appropriate to the circumstances, in accordance with the provisions of The Planning Act.
- 7.27 Council may subsequently revoke any approved conditional use as a consequence of any violation of conditions specified at the time of approval.

PART 8: ENFORCEMENT

Entry for Inspection and Other Purposes

- 8.1 The development officer may, after giving reasonable notice to the owner or occupier of land or a building or other structure to be entered:
- (a) enter the land, building or structure at any reasonable time for the purpose of inspection, enforcement and or action authorized by this By-law or The Planning Act;
 - (b) request that anything be produced to assist in inspection, remedy, enforcement or authorized action; and
 - (c) make copies of anything related to the inspection, remedy, enforcement or authorized action.
- 8.2 The development officer must display or produce on request identification showing his or her official capacity.
- 8.3 In an emergency or in extraordinary circumstances, the development officer need not give reasonable notice or enter at a reasonable time and may do the things referred to in 8.1(a) and (c) without the consent of the owner or occupant.

Order to Remedy Contravention

- 8.4 If the development officer finds that a person is contravening this By-law or The Planning Act, the development officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the development officer, the circumstances so require.
- 8.5 The order may:
- (a) direct a person to stop doing something, or to change the way in which the person is doing it;
 - (b) direct a person to take any action necessary to remedy the contravention, including the removal or demolition of a building or structure, or portion thereof, that has been constructed, erected or placed in contravention and, if necessary to prevent a reoccurrence of the contravention;
 - (c) state a time within which the person must comply with the directions; and
 - (d) state that if the person does not comply with the directions within the time stated, the municipality will take the action or measure at the expense of the person.

Review by the Board

- 8.6 A person who receives an order under Section 8.4 or who is refused a permit under Section 7.9 may request the board of the Dennis County Planning District to review the matter, by written notice given within 14 days after the date the order under Section 8.4 or decision under Section 7.9 is made.
- 8.7 After giving the person a reasonable opportunity to be heard, the board may confirm, vary, substitute or cancel the order or decision.

PART 9: INTERPRETATION

Zoning Boundaries

- 9.1 The following rules of interpretation shall apply to the boundaries of the zoning designations shown on the maps comprising Schedule A:
- a) boundaries indicated as approximately following municipal boundaries shall be construed to follow such boundaries;
 - (b) boundaries indicated as approximately following the centre-lines of streets, lanes, highways, rivers, or railway or public utility lines or rights-of-way shall be construed to follow such centre-lines;
 - (c) boundaries indicated as approximately following site limits as shown on a registered plan or by reference to the Dominion Government Survey shall be construed to follow such site limits.
- 9.2 If a street, lane or government road allowance is lawfully closed, then the land formerly comprising the street, lane or government road allowance shall be included within the zone of the land, which surrounds it. If the said street lane or government road allowance was a zone boundary between two or more different zones, then the new zone boundary shall be the former centreline of the closed street, lane or government road allowance.

Groundwater Sensitivity Areas

- 9.3 The shaded areas on Map 1 representing groundwater sensitivity areas are derived from information provided by Manitoba Water Resources Branch, and are believed to be reasonably accurate. Where there is some question as to whether or not a specific proposal is located in an area which is considered to be a groundwater sensitivity area, the provisions of this By-law related to groundwater sensitivity may be disregarded only if the owner can provide sufficient information, obtained through on-site investigations including test drilling, which indicates that groundwater sensitivity conditions do not exist at the specific location.

Permitted Uses

- 9.4 Where a use appears in the Use and Bulk Tables as a permitted use, it shall not be construed to include any use, which appears as a conditional use for the same zoning designation.

Definitions

9.5 Terms not defined in this by-law which are defined in The Planning Act, have the meaning provided in that Act.

9.6 Where the following terms appear in this By-law they have the meaning provided as follows:

accessory - where used to describe a use, building or structure, means that the use, building or structure is naturally and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the use, building or structure to which it is accessory, but a use shown as a conditional use in the Use and Bulk Tables cannot be accessory to a use shown as a permitted use for the same zoning designation. Where an accessory building or structure is attached to a principal building or structure by means of a foundation, wall or roof, it shall be deemed to part of the principal building or structure.

advertising sign - means a sign directing attention to a business, commodity, service, entertainment or other matter, not conducted, sold, offered or carried out on the same site (or on an adjacent site under the same ownership) where the sign is maintained.

aircraft landing area - includes all open spaces, buildings and structures used in connection with the landing or take-off of aircraft.

[animal housing facility - means a barn or an outdoor, non-grazing area where livestock are confined by fences or other structures, and includes seasonal feeding areas, but does not include feedlots or grazing areas.

animal unit - means the number of animals of a particular category of livestock that will excrete 73 kilograms of total nitrogen in a 12 month period as defined in the Livestock Manure and Mortalities Management Regulation - Manitoba Reg. 42/98, as amended.] **BL 2011/08**

building - has the meaning provided in The Planning Act, except that it does not include a well, pipeline, excavation, cut, fill or transmission line.

building, height of - means the vertical distance measured from grade to the highest point of the roof surface of a flat roof, to the deck of a mansard roof, and to the average height level between eaves and ridge for a gable, hip or gambrel roof.

bulk - means the size of buildings or structures (based on floor area and height), the site area and site width upon which a use, building or structure is located, the location of exterior walls of a building in relation to site lines, and all open spaces required along site lines;

club - refers to a building owned or leased by a non-profit corporation or association, the use of which is restricted to members and their guests.

communal farm dwelling - means a residence in connection with a farm operation carried out on the same or an adjacent site by a religious colony or other association by or on behalf of the occupants of the residence, and includes all associated cooking, eating, living, sleeping and sanitary facilities.

drive-through facility - means a facility designed to provide goods or services to the persons in standing (as opposed to parked) motor vehicles, including but not limited to a drive-through restaurant or bank.

dwelling unit - means one or more rooms used or intended to be used as a single housekeeping unit with cooking, sleeping and sanitary facilities.

dwelling, single-family - means a detached building designed for and used by only one family.

dwelling, two-family - means a detached or semi-detached building designed for and used by 2 families, with each family having exclusive occupancy of a dwelling unit.

dwelling, multiple-family - means a building containing three or more dwelling units, with each unit designed for and used by one family, with each family having exclusive occupancy of a dwelling unit.

[dwelling, non-farm – means a single family dwelling, mobile or modular home on a site used for residential purposes, regardless of the owner’s occupation, and found in the “AG” Agricultural General Zone, “AML” Agricultural Moderately Limited Zone or the “AL” Agricultural Limited Zone.] **BL 2011/08**

family - means one or more persons related by blood, adoption, marriage or common-law marriage, or a group of no more than five persons which includes unrelated persons, living together as a single housekeeping unit.

farm building - means any building or structure used primarily for agricultural activities, but does not include a dwelling.

[feedlot - means a fenced area where livestock, while located in a livestock operation, are confined solely for the purpose of growing or finishing, and are sustained by means other than grazing.] **BL 2011/08**

[general agricultural activities - means a use of land for agricultural purposes, including the production of cereal crops, forage crops, and special crops such as oilseeds and legumes; and including accessory structures for storing or processing the agricultural commodities produced on the owner's property; but does not include the following:

- (a) livestock operations;
- (b) storage or processing of agricultural products for the general public in return for remuneration, or
- (c) sales or servicing for remuneration of agricultural equipment or agricultural buildings.

grazing area - means lands used for pasture or crop production on which livestock may be kept year-round or seasonally, and are fed primarily by direct consumption of plant material grown on the area, and where manure produced by those livestock does not accumulate such that mechanical removal is required.]

BL 2011/08

hundred-year flood - means a flood that can be expected to occur, on average, once in 100 years, or specifically a flood that has a one percent chance of being equalled or exceeded in any year.

kennel - means premises upon which more than 5 dogs or 10 cats, not including animals less than 4 months of age, are boarded, bred, trained or cared for in return for remuneration or are kept for the purpose of sale.

[livestock operation - mean a permanent or semi-permanent facility or non-grazing area where at least 10 animal units of livestock are kept or raised either indoors or outdoors, and includes all associated manure collection facilities, but does not include an auction mart, or publicly owned agricultural exhibition ground.

manure storage facility types

- a) **earthen manure storage facility** means a structure built primarily from earth, constructed by excavating or forming dikes, and used to retain livestock manure;
- b) **non-earthen manure storage facility** means a structure, molehill, tank or other facility not made out of earth for storing manure, and includes any permanent equipment or structures in or by which manure is moved to or from the storage facility, but does not include:
 - 1) a field storage site;
 - 2) a vehicle or other mobile equipment used to transport or dispose of manure;
 - 3) a gutter or concrete storage pit used to store liquid or semi-solid manure for less than 30 days;
 - 4) a collection basin;
 - 5) a composting site for manure or mortalities.] **BL 2011/08**

mobile home - means a portable dwelling unit which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted and which conforms to the Buildings and Mobile Homes Act.

public utility - means a system furnishing water, sewage collection, electricity, telecommunication services, gas or similar services to properties by means of pipes, lines and other equipment located on or under public roads and other rights-of-way.

residential care facility - means a building in which residential accommodation, plus supervision, care or treatment, is provided by a person or persons employed for that purpose.

[seasonal feeding area - means an outdoor non-grazing area where livestock are kept for the purpose of providing supplemental or total feed requirements on a seasonal basis, and where manure builds up such that mechanical removal and land application is required but does not include a feedlot.] **BL 2011/08**

site - means an area of land which:

- (a) is occupied or intended to be occupied by a principal use or by a use of a building or group of buildings, together with accessory buildings and structures as are provided for herein, along with required yards;
- (e) has frontage on a street which has a minimum right-of-way width of 50 feet, or has any lawful means of access satisfactory to Council, or as otherwise provided for herein; and
- (f) is of sufficient size to provide for the minimum requirements of this By-law for a permitted or conditional use in a zone where the use is located.

site area - means the computed area contained within the site lines.

site, corner - means a site situated at the intersection of 2 streets.

site depth - means the horizontal distance between the centre points in the front and rear site lines.

site, interior - means a site other than a corner site.

site lines -

front site line - means:

- (a) the boundary of a site along a street or highway;
- (b) for a corner site, the narrowest frontage, or the continuation of the front site line of the abutting interior site.

rear site line - means:

- (a) that boundary of a site, which is most nearly parallel to the front site line;
- (b) where the side site lines intersect, a line 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 it is not possible to determine site lines according to these definitions, the development officer shall determine them.

site width - means the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or at 40 feet from the front site lines, whichever is less.

specialized agricultural activities - means agricultural activities such as apiculture, floriculture, horticulture and activities of a like nature which do not require large acreages of land, and which in the opinion of Council, provide a major component of household income.

structure - means a thing constructed or erected with a fixed location on or below the ground or attached to something with such a fixed location, and includes but is not limited to buildings, walls, fences, signs, billboards, light standards and antennas.

[surface watercourse – means the channel in or bed on which surface water flows or stands, whether continuously or intermittently, but does not include a dugout reservoir, intermittent slough, drainage ditch or intermittent stream that is completely surrounded by private land controlled by the owner or operator of an agricultural operation and that has no outflow going beyond the private land. “

surface water – means any body of flowing or standing water, whether naturally or artificially created, including, but not limited to a lake, river, creek, spring, drainage ditch, roadside ditch, reservoir, swamp, wetland and marsh, including ice on any of them, but not including a dugout or reservoir on the property of an agricultural operation.] **BL 2011/08**

use - means any purpose for which a building, structure or site may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building, structure or on a site.

[wind energy generation station (WEGS) - means a site and facility that is comprised of, but not limited to, one or more wind energy generation station towers, and may include associated accessory operations and maintenance buildings, research or meteorological towers, collector grids, roads and substations that convert wind energy to electrical energy for use or sale by a private commercial

enterprise. It must have a collective nameplate rating of 0.75 megawatt or greater and be connected to the transmission or a local distribution grid. Each Wind Energy Generation Station (WEGS) can be comprised of either a leased or owned site.] **BL 2011/08**

yard - means an open area between the exterior wall of a building and the boundaries of the site on which it is located.

yard, required - means the yard measured from a front, rear or side site line towards the interior of the site within which no building or any part of a building or structure may be located, except as provided in this By-law.

SCHEDULE “A”

ZONING MAPS

Attached to

By-law No. 2001/05

of

**THE RURAL MUNICIPALITY
OF PIPESTONE**

Rural Municipality of Pipestone

Schedule "A"
Of By-law No. 2011/08
Replacing Zoning Map One
Of By-law No. 2001/05

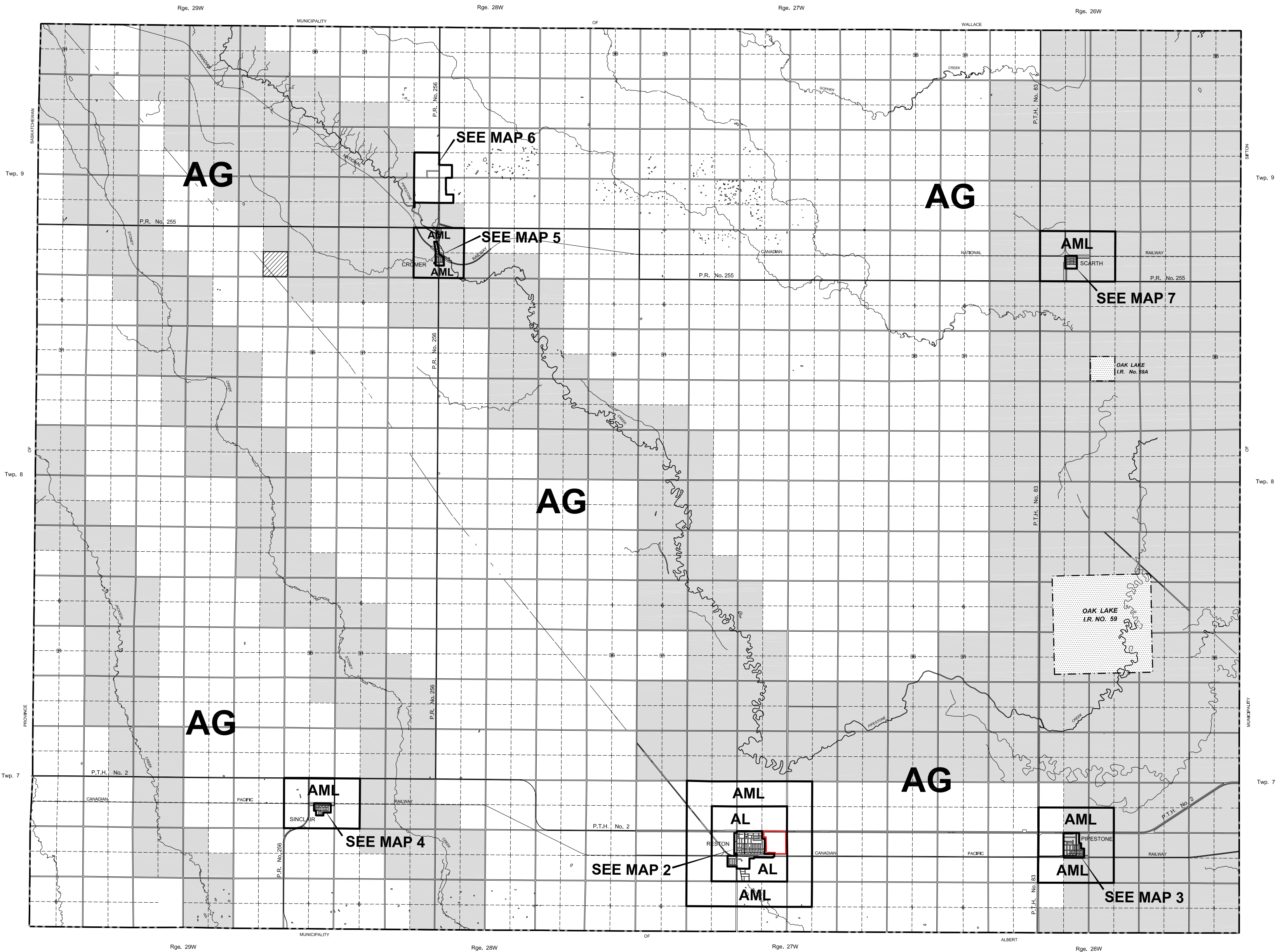
APPENDIX "A"

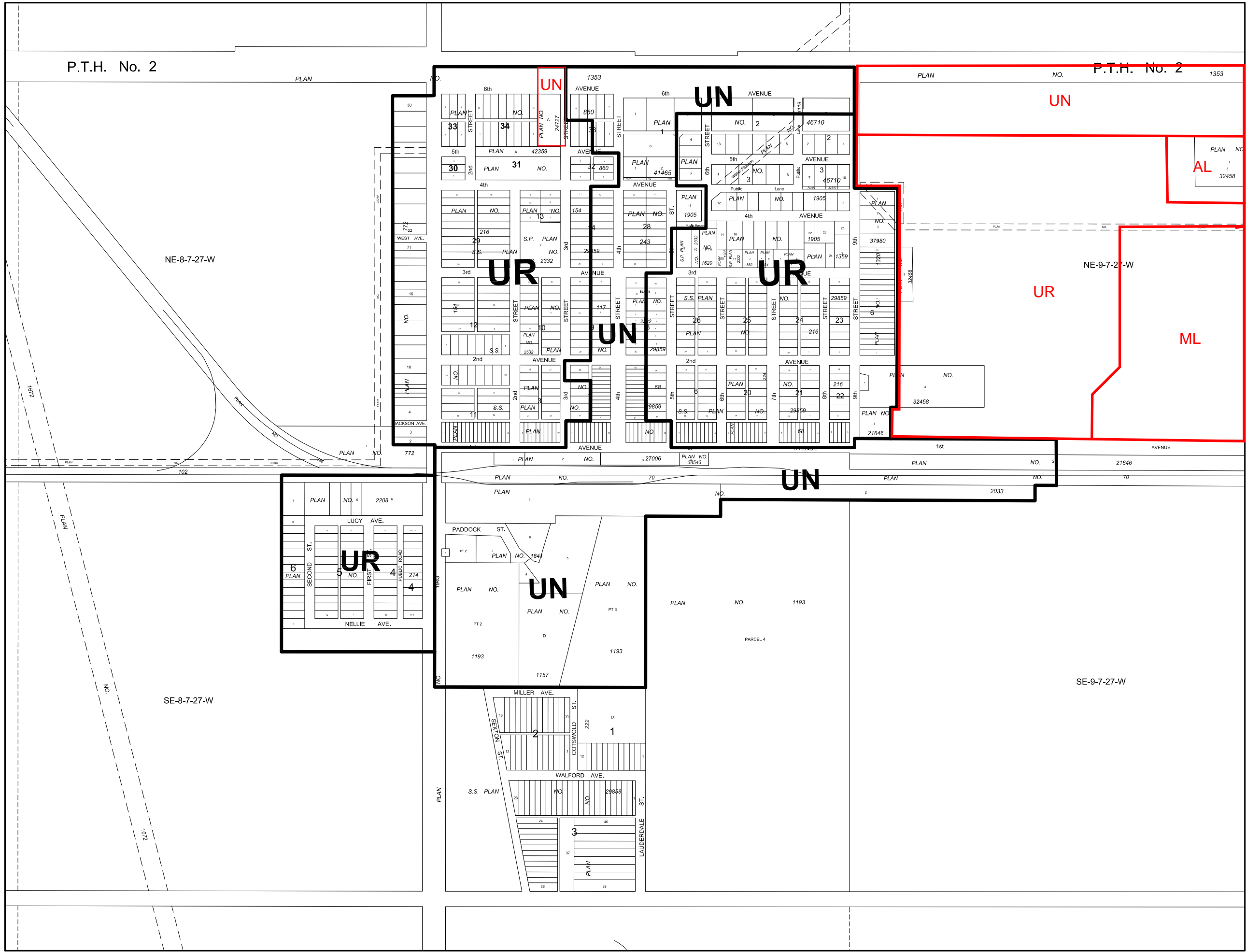
**Zoning Map One
Of By-law No. 2001/05**

LEGEND:

- "AG" GENERAL AGRICULTURAL ZONE
- "AML" AGRICULTURAL MODERATELY LIMITED ZONE
- "AL" AGRICULTURAL LIMITED ZONE
- ZONING LIMITS
- - - MUNICIPAL BOUNDARY
- GROUNDWATER SENSITIVITY AREA
- ▨ WILDLIFE MANAGEMENT AREA
- ▤ OAK LAKE I.R. NO 59 and 59A EXCLUDED

MAP 1





Rural Municipality of Pipestone

Schedule "A"
Of By-law No. 2011/08
Replacing Zoning Map Two
Of By-law No. 2001/05

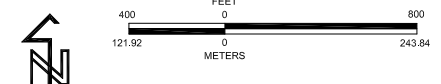
RESTON

APPENDIX "A"

**Zoning Map Two
Of By-law No. 2001/05**

- LEGEND:**
- "UR" URBAN RESIDENTIAL ZONE
 - "UN" URBAN NON-RESIDENTIAL ZONE
 - LIMITS OF THE ZONE

MAP 2

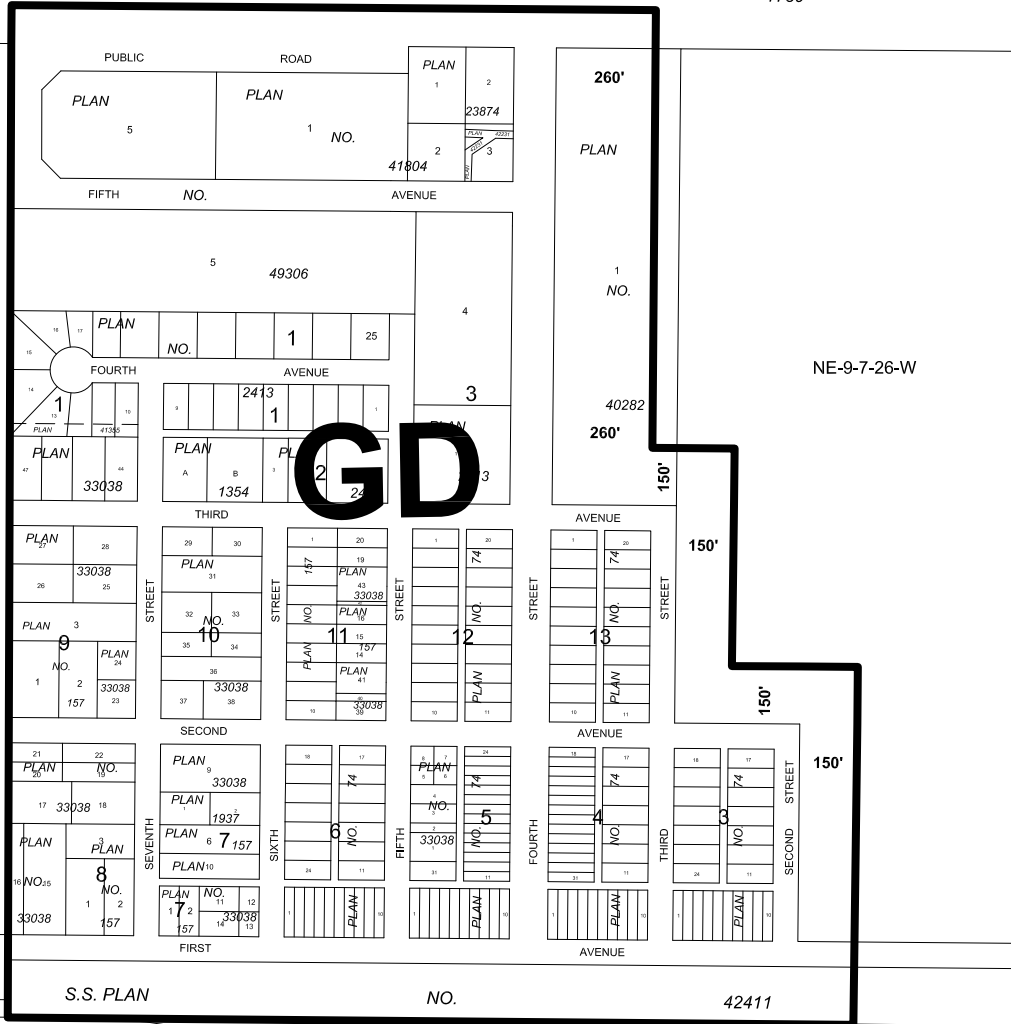


Local Government
Community Planning Services

P.T.H. No. 2

PLAN NO. 1759

NW-9-7-26-W



2433

42411

S.S. PLAN NO. 42411

SE-9-7-26-W

Rural Municipality of Pipestone

Schedule "A"
Of By-law No. 2011/08
Replacing Zoning Map Three
Of By-law No. 2001/05

PIPESTONE

APPENDIX "A"

Zoning Map Three Of By-law No. 2001/05

LEGEND:

"GD" GENERAL DEVELOPMENT ZONE

— LIMITS OF THE ZONE

MAP 3



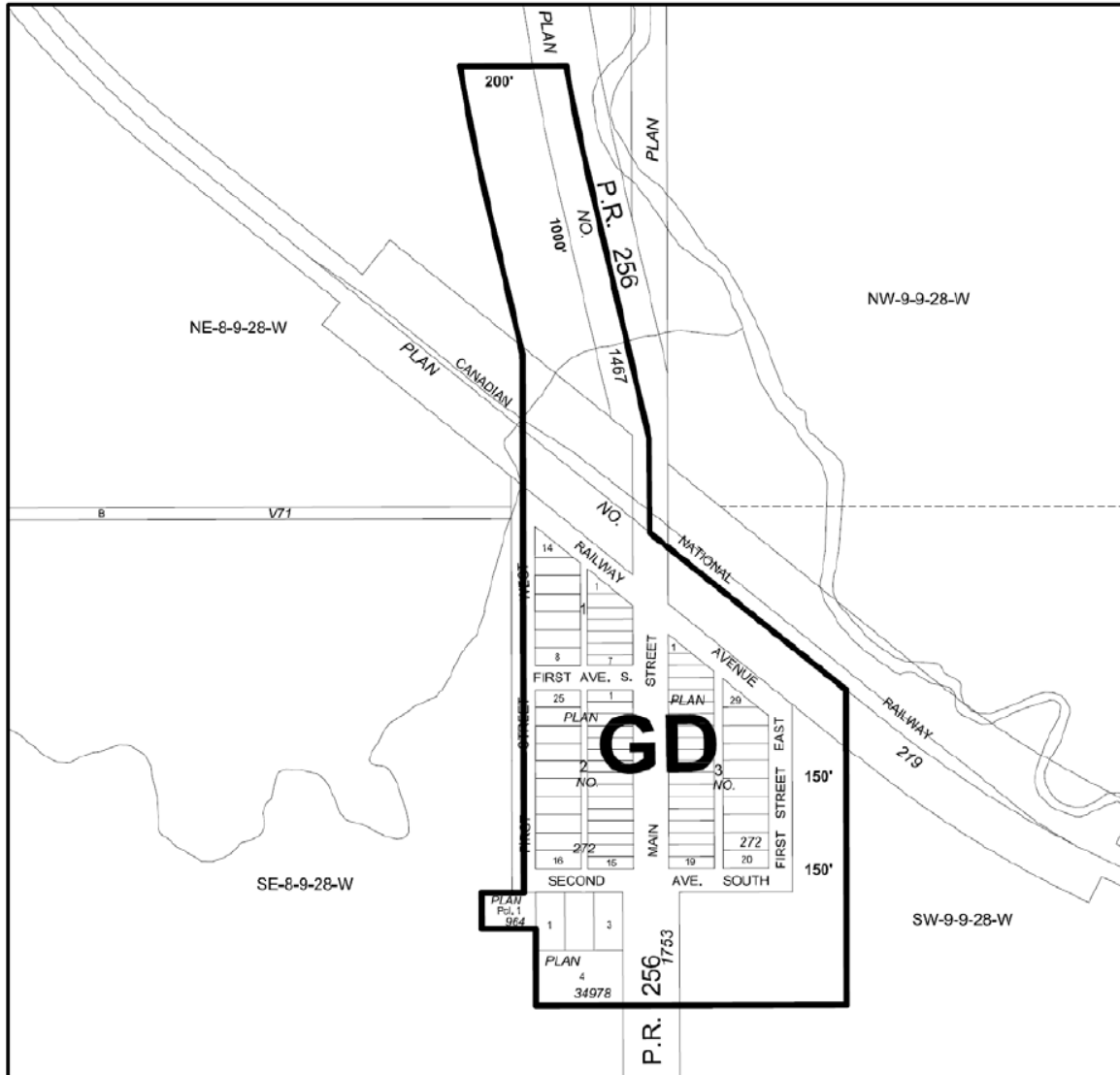
Local Government
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DATE May, 2011

DRAWING NO. Zbl Map 3

REVISED

DRAWING NO.



Rural Municipality of Pipestone

Schedule "A"
 Of By-law No. 2011/08
 Replacing Zoning Map Five
 Of By-law No. 2001/05

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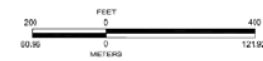
APPENDIX "A"

Zoning Map Five Of By-law No. 2001/05

LEGEND:

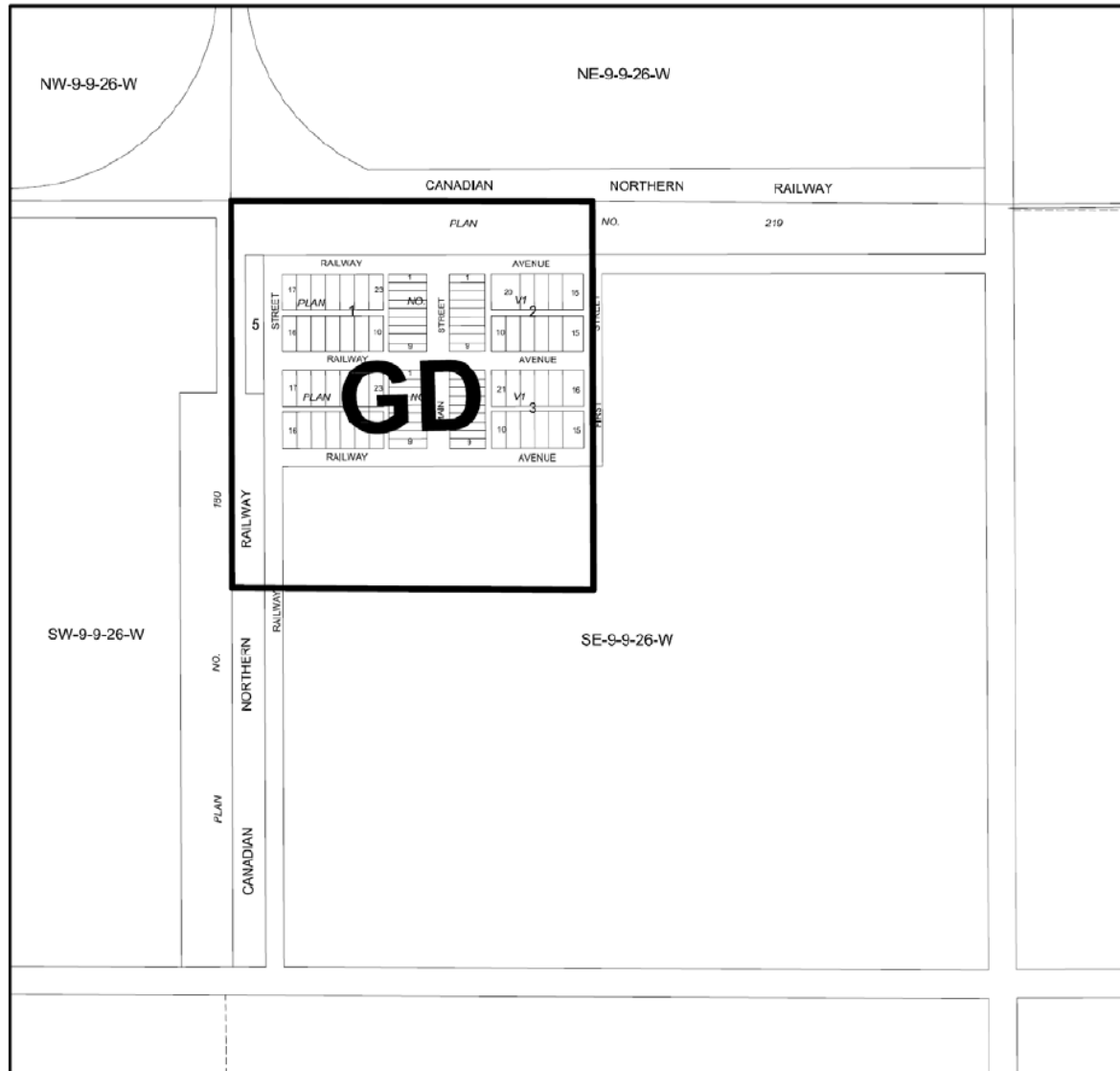
- "GD" GENERAL DEVELOPMENT ZONE
- LIMITS OF THE ZONE

MAP 5



Local Government
 Community Planning Services

DATE: May, 2011 DRAWING NO.: ZM-Map 5
 REVISED: DRAWING NO.:



Rural Municipality of Pipestone

Schedule "A"
 Of By-law No. 2011/08
 Creating Zoning Map Seven
 Of By-law No. 2001/05

SCARTH

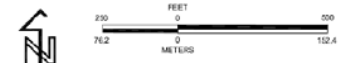
APPENDIX "A"

Zoning Map Seven
 Of By-law No. 2001/05

LEGEND:

- "GD" GENERAL DEVELOPMENT ZONE
- LIMITS OF THE ZONE

MAP 7



Local Government
 Community Planning Services