



# Town of Wainwright LAND USE BYLAW

Bylaw No. 2022-04



**Town of Wainwright**

# **Land Use Bylaw**

**Bylaw No. 2022-04**

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**TOWN OF WAINWRIGHT  
BYLAW 2022 - 04**

A Bylaw of the Town of Wainwright in the Province of Alberta to regulate the use, conservation and development of land, habitat, buildings, districts and signs in pursuit of the objectives of the Town of Wainwright's statutory plans.

WHEREAS the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 provides that a Council of a municipality has the power to enact for the enforcement of bylaws including the imposition of fines and penalties;

NOW THEREFORE the Council of the Town of Wainwright in the Province of Alberta duly assembled enacts as follows:

**1. GENERAL**

- 1.1 This bylaw shall be known as the Land Use Bylaw.
- 1.2 That the Land Use Bylaw shall include the report prepared by ISL Engineering and Land Services, and subsequently revised by the Town of Wainwright.
- 1.3 That in the event this bylaw conflicts with another existing bylaw, this bylaw shall take precedence.

**2. REPEALED**

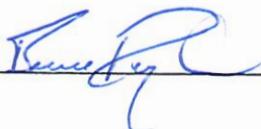
- 1.4 Bylaw 2021-15 is hereby repealed.
- 1.5 Further to MGA Section 692(6), changes made to Bylaw 2021-15 include clerical, technical, grammatical and typographical adjustments which do not materially affect the bylaw in principle or substance and therefore notice nor a public hearing were held.

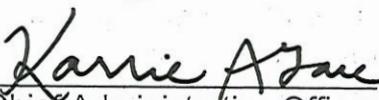
**3. GENERAL PROVISIONS AND APPLICATION**

- 3.1 This bylaw shall take effect on the date of the third and final reading.

READ a first time in Council this 19<sup>th</sup> day of July, 2022.

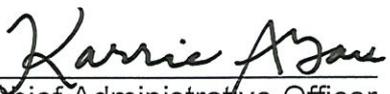
TOWN OF WAINWRIGHT

  
\_\_\_\_\_  
Mayor

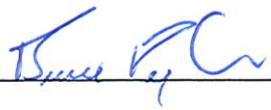
  
\_\_\_\_\_  
Chief Administrative Officer

READ a second time in Council this 19<sup>th</sup> day of July, 2022.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

READ a third time in Council and finally passed this 19<sup>th</sup> day of July, 2022.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

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# SECTION ONE

## Purpose

# 1

*This section introduces readers to the Land Use Bylaw, establishes jurisdiction, clarifies enforcement and penalties, and the process in place for amending the Bylaw.*

## Jurisdiction

### 1.1 TITLE

This Bylaw is entitled 'Town of Wainwright Land Use Bylaw No. 2022-04', hereinafter referred to as the "Bylaw".

### 1.2 PURPOSE

- a) The purpose of the Bylaw is to prohibit or regulate and control the use and development of land and buildings to achieve the orderly and economic development within the Town and promote harmony among residents and businesses. More specifically, but not exclusively, the purpose of the Bylaw is to:
- b) Divide the Town into separate Land Use Districts,
- c) Prescribe and regulate for each district the purposes for which land and buildings may be used,
- d) Establish controls on activities relating to the use of land,
- e) Establish a method of processing applications for Development Permits,
- f) Prescribe the method for notifying affected persons of a development, a land use redesignation, and/or the issuance of a Development Permit,
- g) Prescribe the method for appealing a decision relative to the Bylaw, and
- h) Establish a method of making decisions on applications for amending the Bylaw.

### 1.3 LEGISLATIVE CONSISTENCY

#### **Municipal Government Act**

- a) The Bylaw is consistent with the *Municipal Government Act* (MGA), as amended. The MGA takes precedence in a case of dispute on the meanings of all words or clauses,

#### **Alberta Land Stewardship Act**

- b) The Bylaw is consistent with the *Alberta Land Stewardship Act* (ALSA), as amended,

#### **Alberta Interpretation Act**

- c) Timelines outlined within the Bylaw shall be complied with pursuant to the Alberta Interpretation Act, as amended,

#### **Alberta Building Code**

- d) In the case where the Bylaw conflicts with the Alberta Building Code, the Alberta Building Code shall prevail,

#### **Wainwright Municipal Development Plan**

- e) The Bylaw is consistent with the 'Town of Wainwright Municipal Development Plan (MDP), as amended, and

#### **Other Plans & Bylaws in Town**

- f) The Bylaw shall be used in conjunction with policies and procedures as adopted and amended by Council including, but not limited to any Area Structure Plans or Area Redevelopment Plans, the Subdivision and Appeal Board Bylaw and any Infrastructure Master Plans as they pertain to Transportation, Water, Sanitary and/or Stormwater Management.

### 1.4 REQUIREMENTS OF OTHER AUTHORITIES

- a) Development authorized under this Bylaw is subject to:
  - i. Federal and Provincial law (including orders by the Municipal Government Board),
  - ii. Other bylaws including the 'Joint Subdivision and Development Appeal Board (JSDAB) Bylaw (Bylaw 2019-03)', statutory plans (i.e. Area Structure Plans, Area Redevelopment Plans), and standing intermunicipal agreements,
  - iii. Minimum Design Standards and Infrastructure Master Plans as they pertain to Transportation, Water Sanitary and/or Stormwater Management, and
  - iv. Any easements, caveats, covenants, and other encumbrances on the title to the land in question, whether or not the Development Permit refers to these other requirements.

### 1.5 EFFECTIVE DATE & TRANSITION

- a) 'Land Use Bylaw 2021-15' and all amendments thereto, are rescinded upon this Bylaw passing and commencing into full force and effect,
- b) The 'Town of Wainwright Land Use Bylaw No. 2022-04', is passed and comes into force when it receives third reading and is signed pursuant to the MGA,
- c) All amendments to the Bylaw, any land use Redesignations, or Development Permit applications received on or after the effective date of the Bylaw shall be processed and considered upon the provisions outlined herein, and

## 1.6 FEES AND CHARGES

All fees and charges under and pursuant to the Bylaw, are established within the 'Fees and Charges Bylaw (Bylaw 2020-06)', as amended.

## 1.7 INTERPRETATION

- a) Words used in the singular include the plural and words used in the present tense include the other tenses and derivative forms,
- b) Words, phrases and terms not defined in the Glossary may be given their definition in the MGA or, in the absence of a definition in the MGA, the Alberta Building Code, as amended. Other words shall be given their usual and customary meaning,
- c) Compliance with the regulations in this Bylaw shall be interpreted and applied as follows:
  - i. "shall" means mandatory compliance except where a Variance has been granted pursuant to the MGA or the Bylaw,
  - ii. "should" means compliance in principle but is subject to the discretion of the Development Authority where compliance is impracticable or undesirable because of relevant planning principles or circumstances unique to a specific application,
  - iii. "may" means discretionary compliance or a choice in applying policy,
- d) Where a regulation involves two (2) or more conditions or provisions connected by a conjunction:
  - iv. "and" means all the connected items shall apply in combination,
  - v. "or" indicates that the connected items may apply singly or in combination,
  - vi. "and/or" indicates the items shall apply singly or in combination, at the discretion of the Development Authority,
- e) In the case of any conflict between the text of the Bylaw and any maps or drawings used to illustrate any aspect of the Bylaw, the text shall govern,
- f) Timelines outlined within the Bylaw shall be complied with pursuant to the Alberta Interpretation Act, and
- g) All references to measurement are in metric.

## 1.8 SEVERABILITY

Each provision of the Bylaw is independent of all other provisions, and if any provision of the Bylaw is declared invalid by a decision of a court of competent jurisdiction, all other provisions remain valid and enforceable.

## 1.9 DISTRICT GROUPS

- a) For the purposes of the Bylaw, Land Use Districts may be referred to collectively as:
  - i. **'Residential Districts'**, which include: Single Family (R1), Large Single Family (R1A), Single Family Small Lot (R1B), Two Family (R2), Multi-Family (R3), Mobile Home Subdivision (RMH1) and Mobile Home Park (RMH2)
  - ii. **'Commercial Districts'**, which include: Central (C1), Secondary (C2), Highway (C3) and Neighborhood (C4)
  - iii. **'Industrial Districts'**, which include: Light (M1) and Heavy (M2)
  - iv. **'Special Districts'**, which include: Institutional (I), Parks and Recreation (PR), Natural Open Space (NO) and Urban Reserve (UR)
- b) More information on Districts can be found in [Section 5 – Land Use Districts](#).

# Enforcement

## 1.10 ENFORCING THE LAND USE BYLAW

- a) The Development Authority or a Bylaw Officer may enforce the provisions of the Bylaw, or the conditions of a Development Permit pursuant to the MGA and the *Provincial Offences Procedure Act* (POPA), as amended,
- b) Enforcement may be by violation ticket pursuant to POPA, notice of violation or any other authorized action to ensure compliance,
- c) The enforcement powers granted to the Development Authority under the Bylaw are in addition to any enforcement powers that the Town or any of its Designated Officers may have under POPA, and
- d) The Development Authority may exercise all such powers concurrently.

## 1.11 BYLAW CONTRAVENTION

- a) Any person who contravenes, causes or permits a contravention of the Bylaw commits an offence,
- b) It is an offence for any person to commence or continue development when:
  - i. A Development Permit is required but has not been issued,
  - ii. A Development Permit has expired,
  - iii. A Development Permit has been revoked or suspended, or when
  - iv. A condition of a Development Permit has been contravened, and
- c) It is an offence for a person to prevent or obstruct a Bylaw Officer from carrying out any official duty under this Bylaw or the MGA.

## 1.12 STOP ORDER

- a) Pursuant to Section 645 of the MGA where an offense under the Bylaw occurs, the Development Authority may by written notice, order the owner or the person in possession of the land or buildings, or the person responsible for the contravention to:
  - i. Stop the development or use of the land or buildings in whole or in part as directed by the notice, or
  - ii. Demolish, remove or replace the development, or
  - iii. Carry out any other actions required by the notice so that the development or use complies with the Bylaw, and
- b) The Development Authority or a Bylaw Officer shall advise the recipient of a Stop Order as to where the appeal lays.

## 1.13 STOP ORDER CAVEATS

- a) The Town may register a caveat under the *Land Titles Act* against the certificate of title for the land that is the subject to a Stop Order, and
- b) The Town must discharge the caveat when the order has been complied with.

### 1.14 ENTRY AND INSPECTION

- a) Pursuant to Section 542 of the MGA, a Designated Officer may, after giving reasonable notice to the owner or occupier of land or the structure to be entered:
  - i. Enter on that land or structure at any reasonable time, and carry out any inspection, enforcement or action required to assess or enforce compliance with this Bylaw,
  - ii. Request anything to be produced to assist in the inspection, remedy, enforcement or action, and
  - iii. Make copies of anything related to the inspection, remedy, enforcement or action,
- b) The Development Authority shall be a Designated Officer for the purposes of Section 542 of the MGA.

### 1.15 SPECIFIED PENALTIES

- a) Contravention of this bylaw is an offence and is subject to a fine,
- b) Pursuant to POPA the following fine amounts are established for use on notices of violation and violation tickets:

**Table 1 – Minimum Specified Penalties**

Offence	First Offence	Second Offence	Third Offence
Failure to obtain a Development Permit	\$200	\$400	\$800
Failure to comply with Development Permit Conditions	\$200	\$400	\$800
Failure to comply with District Regulations	\$500	\$1000	\$1500
Failure to comply with any other condition of the Bylaw	\$200	\$400	\$800

- c) Noted fines for additional offences are for when the offence has occurred within a twelve (12) month period of the previous offence, and
- d) Payment of a fine does not release the offender from the requirement to comply with the requirements of this Bylaw.

### 1.16 VACANT BUILDINGS

If a building becomes vacant, owners must immediately secure the building from unauthorized trespass and remove signs and continue to ensure the building and lands are secure, safe, and tidy, which includes maintaining the grass and snow removal.

### 1.17 SIGN MAINTENANCE & REMOVAL

Signs must be maintained in a neat and safe manner. Signs that, at the discretion of the Development Authority, are considered damaged, illegible, unsafe or no longer relevant must be repaired or removed, as the case may be.

# Amendments

## 1.18 AMENDING THE BYLAW

- a) Any person may apply to have the Bylaw amended,
- b) Council may, on its own initiative and in accordance with the MGA, direct administration to initiate an amendment to the Bylaw, but prior to first reading shall refer the proposed Amending Bylaw to the Development Authority; and

## 1.19 APPLICATION TO AMEND THE BYLAW

- a) A person making an application to amend the Bylaw shall do so using the **appropriate form available at the Town office and on the Town Website** and shall include the following:
  - i. An application fee as set within the 'Fees and Charges Bylaw (Bylaw 2020-06)', as amended,
  - ii. A certificate of title of the land affected or other documents satisfactory to the development authority, including the applicant's interest in the said land,
  - iii. Any drawings specified by the development authority, such drawings to be on standard material and fully dimensioned, accurately figured, explicit, and complete, and
  - iv. Where required, a document authorizing the right of entry by a Designated Officer of Council to such lands or buildings as may be required for investigation of the proposed amendment.

## 1.20 AMENDMENT DUTIES OF THE DEVELOPMENT AUTHORITY

- a) Upon receipt of a completed application requesting an amendment to the Bylaw, the Development Authority shall:
  - i. Prepare an Amending Bylaw for First Reading by Council,
  - ii. Prepare a background report, including plans and other relevant material, and submit same to Council for their review prior to First Reading, and
  - iii. Provide a minimum of two (2) weeks' notice of any public hearing to all Adjacent Registered Owners.

## 1.21 DECISIONS ON BYLAW AMENDMENTS

- a) Council may, in reviewing a proposed amendment to the Bylaw:
  - i. Approve the proposed Amending Bylaw as it is, or
  - ii. Make any changes it considers necessary to the proposed Amending Bylaw and proceed to approve it without further advertisement or hearing, or
  - iii. Refer the proposed Amending Bylaw back to administration for more information or further review and changes, then reschedule the application for further consideration, or
  - iv. Refuse the proposed Bylaw Amendment as it is.

## 1.22 RECONSIDERATION

If a proposed Amending Bylaw has been refused by Council, the same application shall not be resubmitted for at least six (6) months after the date of refusal, unless, in the opinion of the Development Authority, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

# SECTION TWO

# Development Process

# 2

*This section identifies the Development Authority and outlines their roles, and the procedures and responsibilities related to the Town's Development Permit Process.*

## Authorities and Duties

### 2.1 DEVELOPMENT AUTHORITY

- a) The Development Authority is established herein pursuant to the MGA and is a person or body who is authorized to exercise development powers and duties on behalf of the Town,
- b) The Development Authority shall include one or more of the following:
  - i. A Development Officer, and/or
  - ii. The Municipal Planning Commission (MPC),

### 2.2 DUTIES OF THE DEVELOPMENT AUTHORITY

- a) The Development Authority shall:
  - i. Receive, process and make decisions on all Development Permit applications,
  - ii. Keep, and maintain for inspection during regular municipal office hours, a copy of the Bylaw as amended, and ensure that an online version is made available on the Town's website and hard copies are available to the public for a fee,
  - iii. Keep a register of all Development Permit applications, and the decisions rendered on them, for a minimum of seven (7) years, and
  - iv. Make decisions on Development Permit applications, and
- b) The Development Authority may:
  - i. Refer a Development Permit application, in whole or in part, to any outside agency or local authority they deem necessary for comment,

- ii. Provide a written Time Extension Agreement, in alignment with the Bylaw,
  - iii. Allow a Variance, , in alignment with the Bylaw, provided it complies with the requirements of the Alberta Building Code,
  - iv. Refer a decision of a Development Permit to another Development Authority, or
  - v. Refuse a Development Permit application and provide the Applicant with notice stating the decision of refusal and the reasoning for it.
- c) Notwithstanding subsection a)i), the MPC, shall make decisions on Development Permit applications for Discretionary Uses and Permitted Uses with a Variance greater than 20%, in accordance with Table #3,
  - d) Notwithstanding subsection a)i), the Development Officer, shall make decisions on Development Permit applications for Permitted Uses with Variances 20% or less, in accordance with Table #3.

### **2.3 SUBDIVISION AUTHORITY**

- a) The Subdivision Authority is established pursuant to the ‘Subdivision Authority By-Law (No. 95-17),’ as amended, and
- b) The Subdivision Authority shall perform such duties as are specified in the ‘Subdivision Authority By-Law (No. 95-17),’ as amended.

### **2.4 JOINT SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

- a) The JSDAB is established pursuant to the ‘Joint Subdivision and Development Appeal Board (JSDAB) Bylaw (Bylaw 2019-03),’ as amended, and
- b) The JSDAB shall perform such duties as specified in this Bylaw and the ‘Joint Subdivision and Development Appeal Board (JSDAB) Bylaw (Bylaw 2019-03),’ as amended.

## **Requirements**

### **2.5 DEVELOPMENT PERMITS REQUIRED**

- a) Except as provided in Section 2.6 ‘DEVELOPMENT PERMITS NOT REQUIRED,’ no person shall commence or allow to be commenced any development unless a Development Permit has been issued.
- b) All development shall proceed in accordance with the terms and conditions of the Development Permit.

### **2.6 DEVELOPMENT PERMITS NOT REQUIRED**

The following development does not require a development permit provided the development complies with all the applicable regulations. If the development requires a Variance, a development permit must be obtained authorizing the development and Variance.

**Table 2 – Development Not Requiring a Development Permit**

<b>Development</b>	<b>Permit Not Required</b>
Accessory Building/Structure	The placement or construction of a single Accessory Building/Structure with a footprint less than 11.5 m <sup>2</sup> and a maximum height less than 3.05 m.
Deck	Less than 0.6 metres in height.
Decorations	Seasonal or holiday decorations.
Driveways	Hard Surfaced, so long as it does not impact existing site grades.
Fences and Gates	Less than 2.0 metre in height in a rear or side yard and/or 1.0 metre in a front yard.
Flag Poles and Other Poles	Less than 4.5 metres in height.
Government Services	The installation, maintenance or and repair of public works, Government Services facilities and/or utilities carried out by or on behalf of federal, provincial, or local authorities.
Landscaping	General landscaping, not including excavation or stripping, where the proposed grades will not adversely affect the subject or adjacent parcel.
Maintenance	Routine maintenance to any building or structure, provided that such work: <ul style="list-style-type: none"> <li>a) complies with the requirements of the Alberta Building Code;</li> <li>b) does not constitute structural alterations; and</li> <li>c) does not change the use or intensity of the use of the building or structure.</li> </ul>
Retaining walls	Less than 1.0 metres in height. If a fence is placed on top of a retaining wall, the height of the retaining wall factors into the total height of the fence.
Satellite Dishes	Less than 1.0 metres in diameter directly attached to a roof, side wall or Balcony.
Signs	As specified Section 3.38 'SIGNS NOT REQUIRING A DEVELOPMENT PERMIT'
Special Events	Provided the appropriate 'Special Event Permit' has been issued.
Temporary Outdoor Events	Temporary Outdoor Events are permitted in all Districts provided the appropriate Special Event Permit has been issued.

**2.7 NON-CONFORMING DEVELOPMENT**

Development rendered non-conforming, as a result of the passage of this Bylaw, shall be considered to be permitted until such time as redevelopment of the subject parcel for a different use or higher intensity occurs.

**2.8 LEGALLY NON-CONFORMING BUILDINGS AND USES**

- a) Development rendered legally non-conforming as a result of the passage of this Bylaw shall be permitted to remain in accordance with the MGA,
- b) A non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building shall conform with the provisions of the Land Use Bylaw then in effect,
- c) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the Bylaw,
- d) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy, or occupancy of the land or building,
- e) The Development Authority may issue a Variance permitting a non-conforming building to be enlarged, added-to or rebuilt where:
  - i. The proposed development is consistent with the purpose and intent of the applicable Land Use District,
  - ii. The proposed development will not result in any additional non-compliance with the requirements of this Bylaw, and

- iii. There is, in the opinion of the Development Authority, no significant change to the land use or an increase in the intensity of use, and
- f) The Development Authority may consider a Variance in any District if the non-conforming use complies with the uses authorized in the applicable District and it complies with the Variance criteria for a permitted or discretionary use as set out in in this Bylaw.

## 2.9 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

- a) A Development Permit shall do so using the **appropriate form available at the Town office and on the Town Website** and shall include the following:
  - i. An application fee as set within the ‘Fees and Charges Bylaw (Bylaw 2020-06)’, as amended,
  - ii. Current copy of the Certificate of Title (within 30 days of submission) for the affected lands,
  - iii. Current copies of any restrictive covenants or easements (within 30 days of submission),
  - iv. A copy of the Site Plan showing:
    - legal description of the site with north arrow and scale,
    - site area and dimensions of the front, rear and side yards if any,
    - site drainage including any watercourses, finished lot grades, road grades and slopes greater than 15%,
    - locations and distances of on-site existing or proposed water and sewer connections, septic tanks, disposal fields, water wells, culverts and crossings,
    - existing and proposed access and egress to and from the site,
    - where applicable, the identification of trees to be cut down or removed,
    - the height, dimensions and setbacks of all existing and proposed buildings and structures,
    - any rights-of-way and setbacks, and
  - v. When required by the Development Authority:
    - building floor plans, elevation drawings and a description of exterior finishing materials, and
    - Any supporting studies, plans or other information deemed necessary, and
  - vi. Any other additional information required for a Specific Use or Activity, as outlined in **Section 4 – Specific Uses and Activities**.

# Receive and Review

## 2.10 RECEIVED APPLICATIONS

A Development Permit application shall not be received by the Town until such time that the ‘Development Permit Application Requirements’ (s.2.9) are met to the satisfaction of the Development Authority.

## 2.11 DETERMINATION OF COMPLETENESS

- a) The Development Authority shall determine the completeness of a received application within twenty (20) days of receipt, in accordance with the MGA
- b) In reviewing an application for completeness, the Development Authority may:
  - i. Determine that the application is complete and provide an ‘Acknowledgment of Completeness’ to the applicant, or

- ii. Determine that the application is incomplete; provide a ‘Notice of Incompleteness’ and request outstanding information from the applicant, along with a time period within which the outstanding information is required, and
- c) An ‘Acknowledgement of Completeness’ or ‘Notice of Incompleteness’ shall be provided to the applicant via email.

**2.12 REVIEW PERIOD**

- a) The Development Authority must make a decision on a Development Permit Application within forty (40) days from when the Applicant is provided a ‘Notice of Completeness’,
- b) Notwithstanding a), a decision on a Development Permit Application can be extended within a written ‘Time Extension Agreement’ (s.2.13).

**2.13 TIME EXTENSION AGREEMENT**

- a) The Development Authority may request up to a three (3) month extension of the review period of a Development Permit application from the applicant,
- b) The Development Authority may grant up to a three (3) month extension of the review period of a Development Permit Application at the request of the applicant, and
- c) A ‘Time Extension Agreements’ shall be agreed to by both parties in writing.

**2.14 REVIEWING DEVELOPMENT PERMIT APPLICATIONS**

- a) In reviewing a Development Permit Application the Development Authority shall have regard to:
  - i. The purpose and intent of the applicable District,
  - ii. The purpose and intent of any Statutory Plan adopted by the Town,
  - iii. The purpose and intent of any other plan and pertinent policy adopted by the Town, and
  - iv. The circumstances and merits of the application, and
- b) Notwithstanding the provisions of the Bylaw, the Development Authority may impose more stringent development regulations or standards on a Development Permit for a Discretionary Use in order to ensure that the Development is compatible with and complementary to surrounding land use and other planning considerations.

**2.15 PUBLIC NOTICE AND CONSULTATION REQUIREMENTS**

- a) The Development Authority shall provide the following notice(s) of a Development Permit Application:

**Table 3 – Public Consultation Requirements**

Approval of a:	Type of Public Consultation Required				
	Notice sent to surrounding landowners prior to decision	Notice published on Town website prior to decision	MPC meeting required	Notice sent to surrounding landowners after decision	Notice published on Town website after decision
Permitted Use	No	No	No	No	No
Permitted Use w. Variance < 20%	No	Yes	No	No	Yes
Permitted Use w. Variance > 20%	Yes	Yes	Yes	Yes	Yes
Discretionary Use	Yes	Yes	Yes	Yes	Yes

# Conditions

## 2.16 CONDITIONS OF APPROVAL

- a) The Development Authority, in imposing conditions on a Development Permit may:
  - i. For a Permitted Use, impose conditions only to ensure compliance with this Bylaw, or
  - ii. For a Discretionary Use, impose conditions as deemed appropriate, so long as they serve a legitimate planning objective and do not sub-delegate the Development Authority's discretionary powers.

## 2.17 VARIANCES

- a) Unless a specific provision of the Bylaw provides otherwise, the Development Authority may allow a variance as a condition of a Development Permit Variances may be issued where:
  - i. the proposed development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
  - ii. the proposed development conforms with the use prescribed for that land or building in the land use bylaw.
- b) The Development Authority shall require a supporting rationale from the applicant in support of a Variance,
- c) Individual variances are restricted to 20% of the stated requirement and can be approved by the Development Officer,
- d) Notwithstanding c), Variances greater than 20% can be reviewed by the MPC, and
- e) In the event that a Variance is granted, the Development Authority shall specify the nature of the approved variance in the Development Permit approval.

## 2.18 ENCROACHMENT AGREEMENTS

If an applicant applies for a Development Permit for a building or structure that encroaches on property owned by the Town, the Development Authority may as a condition of approval require the applicant to enter into an Encroachment Agreement with the Town.

## 2.19 DEVELOPMENT AGREEMENTS

- a) As a condition of approval, the Development Authority may require the applicant to enter into a 'Development Agreement' with the Town, in accordance with the MGA, and may require the applicant to:
  - i. Construct, install or pay for any improvements and utilities that are needed to serve the development or access to it, or
  - ii. Pay a Security or Levy an Offsite Levy or redevelopment levy, or
  - iii. Repair or reinstate to original or improved condition any street furniture, curbing, sidewalk, boulevard landscaping or trees, which may be damaged, destroyed or otherwise harmed by development or building operations upon the site, and/or
  - iv. Attend to all other matters the Development Authority considers appropriate.

## 2.20 DEVELOPMENT AGREEMENT CAVEATS

- a) To ensure compliance with a Development Agreement, the Town may register a caveat in respect of the Development Agreement against the title of a property being developed which shall be discharged upon the terms of the Development Agreement being met, and
- b) Notwithstanding a), this requirement does not apply to development under any Federal, Provincial or local authority.

## 2.21 SECURITIES

- a) To ensure compliance with a Development Agreement the Town may require the applicant to provide an Irrevocable Letter of Credit, or any other acceptable form of security, to the Town to guarantee performance of obligations imposed in a Development Agreement,
- b) The amount required as security shall be based on the estimated cost of construction of on-site and off-site infrastructure unless provided otherwise in the Development Agreement, and
- c) Cost estimates are subject to review and verification by the Development Authority, and quoted costs shall be valid for the required work.
- d) The Town may draw upon Securities in the event that the required works are not completed, in accordance with the conditions a Development Agreement.

# Decisions

## 2.22 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS

- a) The Development Authority, in making a decision on a Development Permit Application for:

### **A Permitted Use:**

- i. Shall approve the application for a Permitted Use, with or without conditions, if the proposed development conforms with the Bylaw, or
- ii. May approve the application for a Permitted Use, with or without conditions, if the proposed development does not conform with the Bylaw, subject to the approval of any required Variances,

### **A Discretionary Use:**

- iii. May approve the application for a Discretionary Use, with or without conditions, if the proposed development conforms with the Bylaw,
- iv. May approve the application for a Discretionary Use, with or without conditions, if the proposed development does not conform with the Bylaw, subject to the approval of any required Variances, or
- v. May refuse the application for a Discretionary Use even though it meets the requirements of the Bylaw, and

### **A Discretionary Use in a Direct Control District:**

- vi. May consider and approve the application for a discretionary use in a Direct Control District providing it meets the direction set out by Council, where Council has delegated the decision to the Development Authority.

## 2.23 NOTICE OF DECISION

### **Notice to Applicant:**

- a) All decisions on Development Permit applications shall be given in writing to the applicant the same day the decision is made,
- b) If the Development Permit application is refused, or conditionally approved, the 'Notice of Decision' shall contain the conditions imposed or the reasons for the refusal or as part of the approval,

**Public Notice:**

- c) Public notice of approved Development Permit applications shall be circulated per Section 2.15 'PUBLIC NOTICE AND CONSULTATION REQUIREMENTS.' This notice shall include:
  - i. The location and use of the Parcel,
  - ii. The date the Development Permit was issued, and
  - iii. Notice that an appeal may be made by a person affected by the decision by serving written notice of the appeal to the JSDAB within twenty-one (21) days of the date of the decision on the application or the date of the deemed refusal.

**2.24 APPROVAL OF A SIMILAR USE**

- a) The Development Authority may approve a Development Permit, with or without conditions, for a use that is neither Permitted nor Discretionary in the District in which the development is to be located, provided that:
  - i. The proposed use is a similar use,
  - ii. The proposed use is not defined elsewhere in this Bylaw, and
  - iii. All public notices of the Development Permit approval specifically reference that the use was approved as a similar use.

**2.25 DEEMED REFUSALS**

An application for a Development Permit shall be deemed to be refused in the following circumstances:

- a) Outstanding information requested as part of the 'Determination of Completeness' (s.2.11) is not submitted by the Applicant, or
- b) The Development Authority does not make a decision on a Development Permit within the 40 day 'Review Period' (s.2.12), or
- c) The Development Authority does not make a decision on a Development Permit within the alternative review period stated within a written 'Time Extension Agreement' (s.2.13).

**2.26 EFFECTIVE DATE**

- a) A Development Permit for a Permitted Use where no Variance has been approved comes into effect on the date the Permit was issued.
- b) Barring an appeal to the JSDAB or MGB, a Development Permit does not come into effect until twenty-one (21) days from the date on which public notice was issued.

**2.27 DEVELOPMENT PERMIT EXTENSIONS**

- a) The Development Authority may grant time extensions on any approved Development Permit for a period of six (6) months to a maximum of two (2) extensions, and
- b) Time extensions are not permitted on approvals from the JSDAB or MGB.

# Completion and Cancellation

## 2.28 COMPLETE DEVELOPMENT

- a) A Development Permit shall lapse after twelve (12) months from the date of issuance unless development has commenced on the site, or as otherwise identified in the conditions of approval, and
- b) A Development shall be completed to the satisfaction of the Development Authority within twelve (12) months of the Development Permit approval or as otherwise identified in the conditions of approval.

## 2.29 CANCELLED OR SUSPENDED DEVELOPMENT PERMITS

- a) The Development Authority may cancel, suspend, or modify a Development Permit by written notice to the holder of the permit when, after a Development Permit has been issued, the Development Authority becomes aware of one the following circumstances:
  - i. The application contained a misrepresentation, or
  - ii. Facts concerning the application or the development were not disclosed which should have been disclosed at the time the application was considered, or
  - iii. Any condition under which the development permit was issued has been contravened; or
  - iv. The Development Permit was issued in error, or
  - v. The applicant has requested cancellation of the permit in writing, or
  - vi. The approved use or development is discontinued or abandoned for two (2) or more consecutive years, and
- b) An applicant whose Development Permit is cancelled, suspended, or modified may appeal to the SDAB.

## 2.30 RE-APPLICATION INTERVAL

- a) Where an application for a Development Permit is refused, the submission of a second application for the same or similar development on the same parcel, may not be made for a period of six (6) months from the date of issue of the refusal, except where waived by Council,
- b) If a second application is refused, a third application may not be made within one (1) year of the date of the second refusal, and
- c) The determination of what constitutes the same or similar development shall be made by the Development Authority.

# Appeals

## 2.31 APPEALING A DECISION

- a) Pursuant to the MGA and the 'Joint Subdivision and Development Appeal Board (JSDAB) Bylaw (Bylaw 2019-03),' as amended, any person affected by an order, decision or Development Permit made or issued by a Development Authority, including the applicant, may appeal the decision to the JSDAB,
- b) The Process followed by the JSDAB is articulated within the 'Joint Subdivision and Development Appeal Board (JSDAB) Bylaw (Bylaw 2019-03),' as amended.

## 2.32 APPEAL AUTHORITY DECISIONS

If the decision to approve a Development Permit application is reversed by the JSDAB the Development Permit shall be null and void.

# SECTION THREE

## General Regulations

# 3

*This section outlines general regulations that apply to development within the Town.*

### Buildings and Structures

#### 3.1 ADDRESSING

- a) All Principal Buildings shall have the civic address clearly displayed and easily visible from the street, and
- b) All addressing is to be determined by the Development Authority.

#### 3.2 BUILDING ORIENTATION

All Principal Buildings shall face the frontage street of a parcel, unless otherwise authorized by the Development Authority.

#### 3.3 BUILDING DESIGN

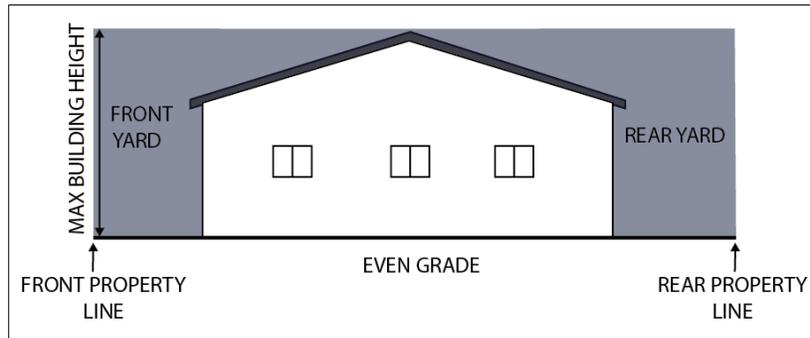
- a) A building's character and appearance may be considered in the review of a proposed development, with respect to:
  - i. Consistency with the prescribed District,
  - ii. Compatibility with nearby buildings, and
  - iii. Compliance to the provisions of any Statutory Plan, which sets out specific guidelines as to the design, character, appearance, or building materials used in a development, and
- b) A building's mechanical housing shall be screened, to the satisfaction of the Development Authority.

#### 3.4 BUILDING HEIGHT

- a) The base from which to measure the height of a building or structure shall be from any point on the finished ground elevation which adjoins an exterior wall as illustrated in **Figure 1 – Determining Building Height**,

- b) In determining the highest point of a building, the following structures are not considered part of the building: elevator or mechanical housing, roof stairway entrance, ventilation fans, a skylight, a steeple, a smokestack, a parapet wall or a flagpole, and
- c) Except for industrial buildings, the height of any building shall not exceed six storeys, as determined by the Development Authority.

**Figure 1 – Determining Building Height**



### 3.5 HERITAGE CONSIDERATIONS

- a) Developers shall consult with the Development Authority and Heritage Advisory Committee regarding:
  - i. Proposed alterations, repairs, or any additions to buildings on the Heritage Resource Inventory List, and
  - ii. Proposed designs of non-heritage buildings within the Mainstreet Footprint, conforming to the Guidelines for Non-Heritage Buildings, as amended.

### 3.6 INFILL DEVELOPMENT

Infill development shall be in keeping with the scale and character of the surrounding area, having regard to the provisions of the prescribed District.

### 3.7 USES WITHIN A BUILDING

- a) A building may be occupied by a combination of one or more uses listed in a District, and
- b) A Development Permit may include a number of uses and/or units within a building.

### 3.8 BUILDING RELOCATION

Building relocations shall be pursuant to the 'Relocating Buildings within Town Limits Bylaw (Policy 2013-30),' as amended.

### 3.9 MANUFACTURED HOMES

- a) No Manufactured Home, or additions thereto, shall exceed 5.0 m in height,
- b) Manufactured Homes shall have CSA certification,
- c) Manufactured Homes must be placed on a foundation in accordance with provincial standards,
- d) The crawl space between a Manufactured Home and the ground shall be suitably enclosed from view by skirting, or another means satisfactory to the Development Authority, within thirty (30) days of siting, and
- e) Axles, wheels and trailer hitches shall be removed once a Manufactured Home is sited.

### **3.10 MIXED-USE BUILDINGS**

- a) A building may be occupied by a combination of uses and each use shall be considered as a separate use, and each use shall obtain a Development Permit,
- b) The minimum size of a dwelling unit in a Mixed-Use Building is 65.0 m<sup>2</sup>,
- c) Dwelling units shall have at grade access that is separate from the access for commercial premises,
- d) Direct access from a residential dwelling unit to a commercial premise shall not be permitted, and
- e) The minimum amenity area shall be of 4.00 m<sup>2</sup> per dwelling unit.

### **3.11 ACCESSORY BUILDINGS/STRUCTURES**

- a) An Accessory Building/Structure in a Residential District shall be similar to, and complement, the principal building in exterior material, colour and appearance,
- b) An Accessory Building/Structure shall not exceed a height of 4.9 m,
- c) Where the Principal Building is a Manufactured Home, the height of an Accessory Building/Structure shall not exceed the height of the Manufactured Home,
- d) No Accessory Building/Structure shall be permitted in the front yard,
- e) No Accessory Building/Structure shall be permitted that will preclude access to a rear yard where a parcel has vehicular access from the front yard only, and

### **3.12 SHIPPING CONTAINERS**

- a) Shipping containers are not permitted in Residential Districts, and
- b) Where permitted, a Shipping Container:
  - i. Shall not be attached, in any way, to a principal building,
  - ii. Shall not be stacked in any Non-Industrial District,
  - iii. Shall be painted and maintained in a manner which satisfies the Development Authority, and
  - iv. Shall be visually screened from public roads and adjacent properties in a manner which satisfies the Development Authority.

### **3.13 COMMUNICATIONS TOWERS**

- a) A Communications Tower shall not exceed a height of 9.0 m,
- b) Communications Towers shall be setback from any property line at least the distance equal to the height of the tower plus the furthest extent of any attachment mounted on the tower, and
- c) Communications Towers regulated by Industry Canada are not regulated by this Bylaw but are subject to Industry Canada requirements.

# Parcels and Setbacks

## 3.14 DEVELOPMENT ON OR NEAR A BODY OF WATER

Parcels shall be located at least 6.0 m back from the high-water line of any body of water or an area subject to flooding as established by the province.

## 3.15 DOUBLE-FRONTING PARCELS

Where a Parcel abuts two (2) or more public roadways, the front yard setback shall be established on the street that is identified by a municipal address.

## 3.16 PROJECTIONS

- a) The following structure are allowed to project into the required yard setbacks by up to 0.6 m:
  - i. Front and Rear Yards: awnings, cantilevered bays with a floor area not exceeding 2.3 m<sup>2</sup>, and decks,
  - ii. Side Yards: awnings, chimneys, decks, landings, ramps, and stairs, and
  - iii. Front Yards: stairs or a barrier free ramp attached to a landing, and
- b) Any door or gate of a building, fence, or enclosure is not permitted to swing out over a property line.

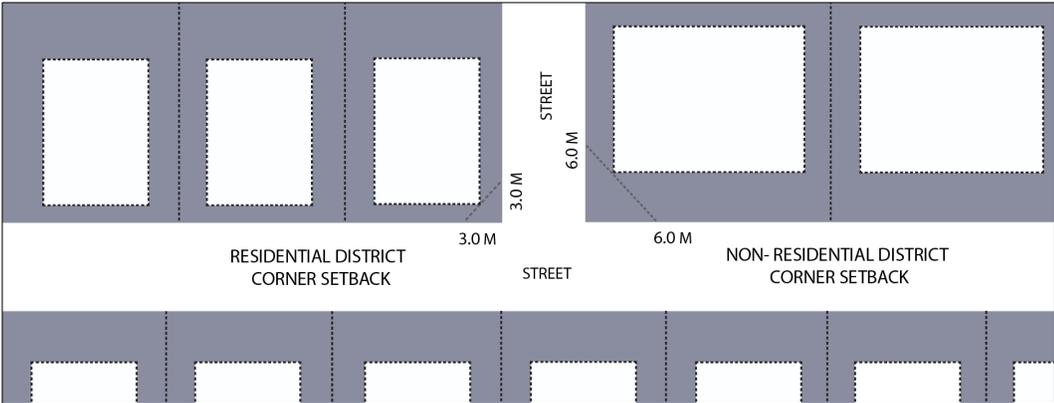
## 3.17 EMERGENCY ACCESS

- a) Comprehensively planned areas shall be so designed that streets and access routes for firefighting vehicles and equipment are provided in accordance with the requirements of the *Safety Codes Act*, and
- b) Setbacks in any District may be increased at the discretion of the Development Authority in order to provide adequate emergency access.

## 3.18 CORNER VISIBILITY

- a) In a Residential District, buildings, structures, fences and landscaping shall be setback at least 3.0 m from the intersection of two roads to maintain corner visibility, as illustrated in **Figure 2 – Corner Visibility Triangle**, and
- b) In a Non-Residential Districts, private buildings, structures, fences and landscaping shall be setback at least 6.0 m from the intersection of two roads to maintain corner visibility, as illustrated in **Figure 2 – Corner Visibility Triangle**.

**Figure 2 – Corner Visibility Triangle**



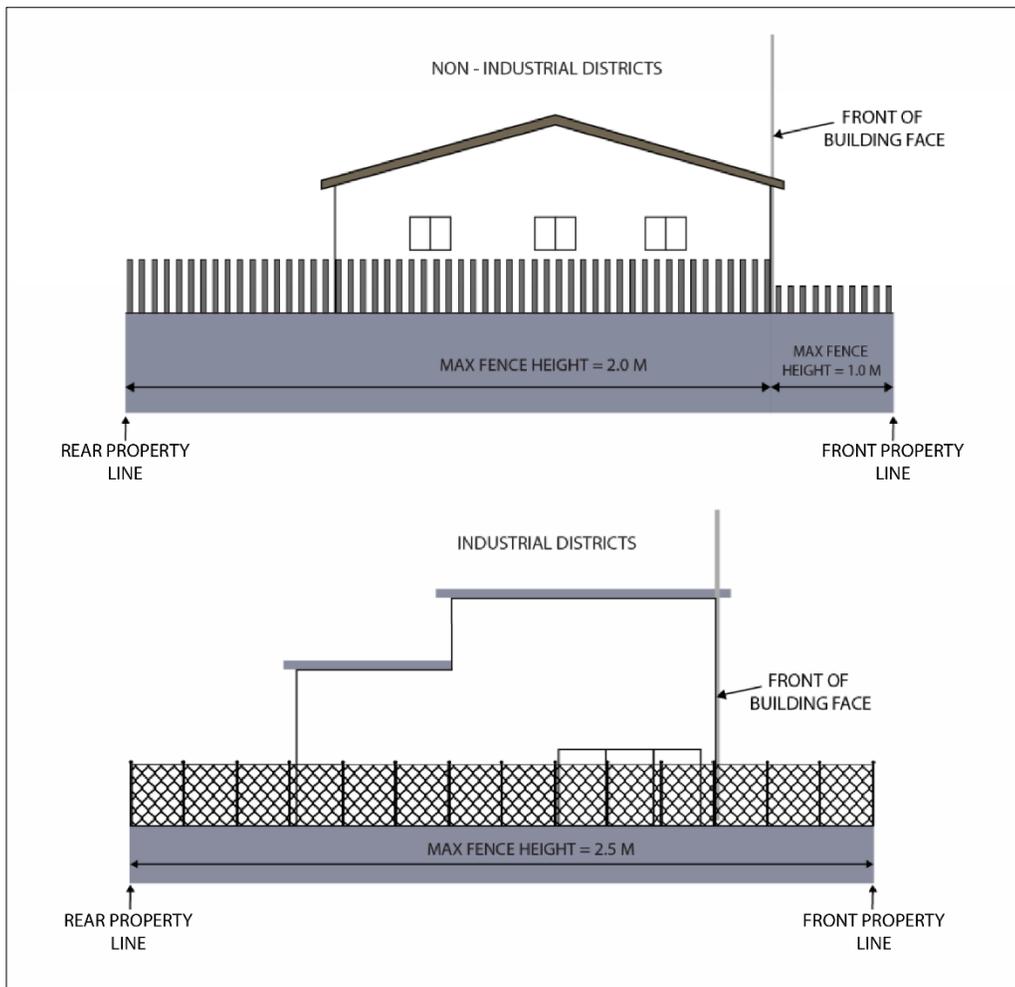
### 3.19 FENCING

- a) In Residential Districts, barbed wire, chicken wire and/or rough-hewn wooden slab fences are not permitted fence materials,
- b) In Non-Residential Districts, fences shall be constructed out of chain-link or an equivalent as approved by the Development Authority, and
- c) Fences shall be restricted to the maximum heights listed below, and as illustrated in as illustrated in **Figure 3 – Maximum Fence Height**, notwithstanding a Variance granted by the Development Authority:

**Table 4 – Maximum Fence Height**

	NON-INDUSTRIAL DISTRICTS	INDUSTRIAL DISTRICTS
Front	1.0 m	2.5 m
Side Yard	2.0 m	2.5 m
Rear Yard	2.0 m	2.5 m

**Figure 3 – Maximum Fence Height**



### **3.20 PARCEL MAINTENANCE**

- a) Owners are responsible for maintaining their property to the satisfaction of the Development Authority, keeping it free from:
  - i. Snow on sidewalks,
  - ii. Weeds and overly long grass,
  - iii. Unkempt trees, and
  - iv. Any garbage or debris.

### **3.21 OBJECTS PROHIBITED OR RESTRICTED IN YARDS**

- a) No person shall keep in any part of the yard:
  - i. A commercial vehicle loaded or unloaded, classified as a commercial truck with a registered gross vehicle weight over 12,020 kg provided that such vehicle may remain on a site for such a period of time as it is reasonably necessary to load or unload such a vehicle,
  - ii. Any Dismantled/Wrecked Vehicle for more than seven (7) successive days,
  - iii. Any object or chattel, which, in the opinion of the Development Authority is unsightly or tends to adversely affect the amenities of the District,
  - iv. Any excavation, storage or piling up of materials required during the construction stage, unless all safety measures are undertaken, and the owner of such materials or excavation assumes full responsibility, and the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction,
  - v. A satellite dish greater than 1.0 m across,
  - vi. A Communications Tower, and
  - vii. Any Livestock.

### **3.22 GARBAGE AREAS**

- a) In all Districts, garbage areas shall be wholly provided on the same site as the buildings to be served, unless otherwise approved by the Development Authority,
- b) Any garbage storage or collection area co-existing with any parking or loading area shall be:
  - i. Clearly delineated as separate from the parking or loading stalls,
  - ii. Located to optimize collection vehicles access, and
  - iii. Screened by a fence or landscaped screen.

## **Landscaping and Lighting**

### **3.23 GENERAL LANDSCAPING PROVISIONS**

- a) Existing shrubs and trees retained on a parcel may be considered as part of the total landscaping requirement,
- b) Where existing site conditions make it difficult to achieve full compliance as otherwise required by this Bylaw, the Development Authority may allow a Variance from the landscaping standards,
- c) Off-street parking lots shall be landscaped in a manner satisfactory to the Development Authority, and
- d) Where, during development, there are areas requiring leveling, filling, or grading, the topsoil shall be removed before work commences, stockpiled, and then replaced following completion of the work.

### **3.24 GRADING & DRAINAGE**

- a) Parcel drainage is to be directed to adjacent streets or lanes and not onto an adjacent parcels except, where permitted by the Development Authority,
- b) All landscaped areas shall be designed to facilitate effective surface drainage, and
- c) Site grading shall be in accordance with the Town's Minimum Engineering Design Standards.

### **3.25 MINIMUM LANDSCAPING STANDARDS**

- a) All portions of a Parcel not covered by a building, structure, parking stall or access or egress space shall be landscaped and maintained to the satisfaction of the Development Authority,
- b) As a condition of the Development Permit and to the satisfaction of the Development Authority, all landscaping and planting must be carried out within twenty-four (24) months of original occupancy,
- c) For Dwelling (Multi-Unit) and Dwelling (Apartment), a minimum of a 6.0 m landscape buffer is required adjacent to local roads, and
- d) In Non-Residential Districts:
  - i. A landscaping plan is required to the satisfaction of the Development Authority,
  - ii. A minimum 1.8 m buffer is required along each public roadway, and
  - iii. A minimum 6.0 m buffer is required along every boundary adjacent to a Residential District.

### **3.26 LANDSCAPING INSPECTIONS**

- a) Upon receipt of a written request from an applicant, an inspection of finished landscaping may be scheduled by the Development Authority,
- b) Landscaping inspections shall be:
  - i. Conducted only during the normal growing season, approximately May 15<sup>th</sup> through October 15<sup>th</sup>,
  - ii. Performed within thirty (30) days of receipt of the inspection request subject to i) above, and
- c) Upon approval of the landscaping by the Development Authority, any 'Securities' (s.2.21), unless otherwise drawn upon, shall be fully released.

### **3.27 GENERAL LIGHTING PROVISIONS**

- a) All outdoor lighting shall be located and arranged so that light is directed away from adjoining properties and local roads,
- b) Full Cut-Off Fixtures shall be installed for all exterior lighting,
- c) No outdoor light fixture may emit light above the horizontal plane at the bottom of the light fixture,
- d) Notwithstanding c), outdoor lighting used to illuminate architectural features, landscaping, monuments, signs, or trees may emit light above the horizontal plane so long as it is directed at such features,
- e) The maximum mounting height for an outdoor light fixture shall be 8.0 m in any Residential District, and up to 12.0 m Non-Residential Districts, and
- f) No flashing, strobe, or revolving lights are permitted in Town.

# Parking and Loading

## 3.28 OFF-STREET PARKING

- a) Off-street parking lots shall be provided for, and maintained by, the Owner in accordance with the requirements of the Bylaw,
- b) Hard-surfacing and curbing of off-street parking areas:
  - i. in all Districts, if the access to the parking lot is from a street or lane which is hard surfaced, every off-street parking space and the access thereto including the boulevard crossing shall be hard surfaced,
  - ii. where hard surfacing is provided or required, a durable dust-free, hard surface and the same shall be drained, developed and maintained to the satisfaction of the Development Authority, and
  - iii. adequate curbs and fences shall be provided to the satisfaction of the Development Authority if in their opinion, it is or becomes necessary to protect adjacent fences, walls, boulevards, landscaped areas or buildings on the site from contact with vehicles using the off-street parking areas, and
- c) In Commercial and Industrial Districts and for Dwelling (Apartments), hard surfacing shall be completed before occupancy of the building,
- d) in all other Districts, hard surfacing shall be completed within twenty-four (24) months of occupancy.

## 3.29 PARKING LOT PLANS

For parking areas larger than thirty (30) stalls in Commercial or Industrial Districts, a parking lot plan that addresses parking requirements and landscaping design shall be completed as part of the Development Permit application to the satisfaction of the Development Authority.

## 3.30 NUMBER OF STALLS

- a) The minimum number of parking stalls required for each District type is below.
- b) Where the use is not listed, the number of spaces shall be determined by the Development Authority, having regard for similar uses and the estimated parking demand of the proposed use.
- c) Where a calculation does not yield a whole number, the required number of spaces shall be rounded up to the next whole number.
- d) Barrier-free parking stalls are intended for use by mobility-reduced persons and shall be included in the calculation of the applicable minimum parking requirement.

## Table 5 – Parking Minimums

USE	REQUIRED PARKING STALLS
Alcohol Production	1 per 100.0 m <sup>2</sup> gross floor area
Animal Services	1 per 100.0 m <sup>2</sup> gross floor area
Auction Market	5 per 100.0 m <sup>2</sup> gross floor area
Automotive Sales and Service	1 per 100.0 m <sup>2</sup> gross floor area
Bed and Breakfast	1 per Guest Room
Bulk Fuel Station	0.5 per 100.0 m <sup>2</sup> gross floor area (minimum of 2)
Campground	1 visitor parking stall per 5 campsites
Car Wash	2 per 100.0 m <sup>2</sup> gross floor area (minimum of 2)
Care Facility (Child)	3 per 100.0 m <sup>2</sup> gross floor area
Care Facility (Clinic)	2 per 100.0 m <sup>2</sup> gross floor area
Care Facility (Group)	1 per 100.0 m <sup>2</sup> gross floor area
Care Facility (Medical)	3 per 100.0 m <sup>2</sup> gross floor area
Cemetery and Funeral Services	2 per 100.0 m <sup>2</sup> gross floor area
Dwelling (Apartment)	1 per unit plus 1 visitor stall per four units
Dwelling (Duplex/Semi)	2 per unit
Dwelling (Manufactured Home)	2 per unit
Dwelling (Multi-Unit)	1.5 per unit (fee simple townhouses it's 2 per unit)
Dwelling (Single Detached)	2 per unit
Gas Station	2 per 100.0 m <sup>2</sup> gross floor area (minimum of 2)
Greenhouse	0.5 per 100.0 m <sup>2</sup> gross floor area (minimum of 4)
Establishment (Eating & Drinking)	5 per 100.0 m <sup>2</sup> gross floor area
Establishment (Entertainment)	5 per 100.0 m <sup>2</sup> gross floor area
Establishment (Restricted)	5 per 100.0 m <sup>2</sup> gross floor area
Government Services	N/A
Home Office	1 additional stall
Home Based Business	2 additional stalls
Hotel/Motel	1 per guest room plus 3 for staff
Industrial (Light)	1 per 100.0 m <sup>2</sup> gross floor area
Industrial (Medium)	0.5 per 100.0 m <sup>2</sup> gross floor area
Industrial (Heavy)	0.5 per 100.0 m <sup>2</sup> gross floor area
Industrial (Logistics)	0.5 per 100.0 m <sup>2</sup> gross floor area
Office	2 per 100.0 m <sup>2</sup> gross floor area
Park	N/A
Recreation (Culture & Tourism)	5 per 100.0 m <sup>2</sup> gross floor area
Recreation (Indoor)	5 per 100.0 m <sup>2</sup> gross floor area
Recreation (Outdoor)	5 per 100.0 m <sup>2</sup> gross floor area
Religious Assembly	5 per 100.0 m <sup>2</sup> gross floor area
Retail (Small) < 1000 m <sup>2</sup>	2 per 100.0 m <sup>2</sup> gross floor area
Retail (General) 1000-4000 m <sup>2</sup>	2 per 100.0 m <sup>2</sup> gross floor area
Retail (Large) > 4000 m <sup>2</sup>	3 per 100.0 m <sup>2</sup> gross floor area
Retail (Outdoor)	3 per 100.0 m <sup>2</sup> gross floor area
Retail (Restricted)	2 per 100.0 m <sup>2</sup> gross floor area
Secondary Suite	1 additional stall
School	Elementary School (K-6): 1.5 per classroom Middle School (7-9): 1.5 per classroom High School (10-12): 5 per classroom
Show Home	Same as Dwelling Type
Utilities	N/A
Recycling/Compost Facility	1 per 100.0 m <sup>2</sup> gross floor area

### 3.31 SIZE OF PARKING STALLS

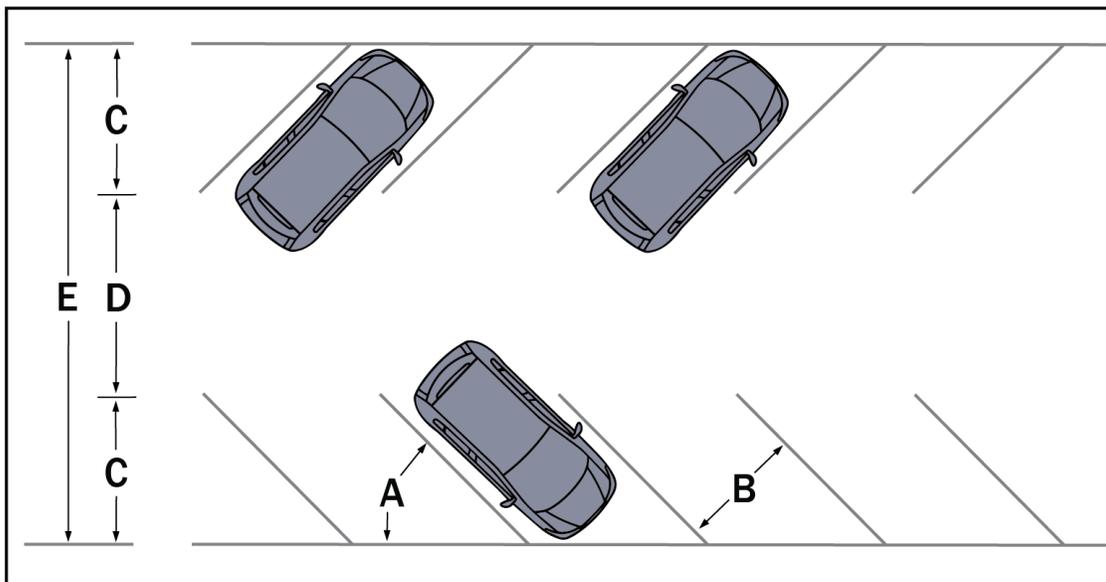
- a) Minimum parking stall dimensions are specified below and illustrated in **Figure 4 – Parking Stall Dimensions**:
- b) Notwithstanding a) up to 20% of the required parking stalls may be of a depth shorter than required above, to a minimum of 4.6 m. These stalls shall be clearly marked 'SMALL CAR'.
- c) Parking stalls shall have a minimum vertical clearance of 1.99 m.

**Table 6 – Minimum Parking Stall Dimensions**

A	B	C	D	E
ANGLE OF PARKING	STALL WIDTH	STALL DEPTH*	AISLE WIDTH	OVERALL DEPTH
30°	2.7 m	5.2 m	3.6 m	13.6 m
45°	2.7 m	6.5 m	3.6 m	16.6 m
60°	2.7 m	6.5 m	5.5 m	18.5 m
90°	2.7 m	6.5 m	7.0 m	19.0 m

\*Perpendicular to Aisle

**Figure 4 – Parking Stall Dimensions**



### 3.32 DEFICIENT PARKING OR LOADING SPACES

- a) In deciding on a proposed development that is deficient in parking or loading spaces, the Development Authority may at their discretion:
  - i. Vary the number of parking stalls required, or
  - ii. Require the developer to provide off-street parking on an alternate site,
- b) When a building is enlarged, or its use is changed or intensified, resulting in deficient parking or loading spaces the increased parking shall be limited to the requirements for the intensification.

### 3.33 COMMUNAL PARKING

- a) In Non-Residential Districts, owner(s) may pool required off-street parking stalls within one (1) or more communal parking stalls on a parcel other than the parcel of the principal use, provided:
  - i. The communal parking provides the sum of the off-street parking requirements for each development served by the parking lot. A smaller number may be permitted if supported by a Parking Study acceptable to the Development Authority,
  - ii. Owners who have pooled their parking requirements enter into an agreement with the Town and consent to such an agreement being registered as an encumbrance against the titles of land involved,
  - iii. Owners that are involved in a communal parking arrangement pay the full costs of preparation and registration of the agreement.

### 3.34 OFF-STREET LOADING

- a) Off-street loading spaces shall be provided for, and maintained by, the Owner in accordance with the requirements of the Bylaw,
- b) Off-street loading space shall be provided entirely within the property of the development being served,
- c) Off-Street Loading Spaces Shall:
  - i. Have minimum dimensions of 4.0 m in width and 8.0 m in length,
  - ii. Have overhead clearance of at least 5.0 m above grade,
  - iii. Have vehicular access from a street or lane either directly or by a clearly defined traffic aisle, and
  - iv. Be surfaced to the satisfaction of the Development Authority, and
- d) The minimum number of loading spaces required for each type of development is specified below. Where the use is not listed in, the number of spaces shall be determined by the Development Authority, having regard for similar uses, and
- e) Where calculation does not yield a whole number, the required number of spaces shall be rounded up to the next whole number.

**Table 7 – Minimum Loading Space Requirements**

USE OF BUILDING OR SITE	MINIMUM NUMBER OF LOADING SPACES REQUIRED
All uses in commercial districts	1 space for each loading door with a minimum of 1 space to be provided
All uses in industrial districts	1 space for each loading door with a minimum of 1 space to be provided
All institutional uses	1 space for every 2,790 m <sup>2</sup> of gross floor area or fraction thereof
All other uses	As required by the Development Authority

### 3.35 BICYCLE PARKING

- a) Onsite bike racks shall be, provided by the developer, for any residential development of more than four (4) units,
- b) Bicycle racks shall be provided and located to the satisfaction of the Development Authority,
- c) Bicycle racks shall be provided entirely on the same site as the development, and
- d) Bicycle racks shall be separated from vehicle parking by a physical barrier or a minimum 1.5 m of open space.

# Signage

## 3.36 GENERAL PROVISIONS

- a) Signs shall be compatible with the general character of the prescribed District,
- b) No sign or any part of a sign shall be within 3.0 m of overhead power and service lines,
- c) A sign shall not be erected or affixed on a property unless permission is granted in writing from the owner,
- d) A sign shall be located entirely within the site unless prior written approval granting permission for the sign to overhang another property is submitted by the affected owner,
- e) A signs' illumination shall not exceed 5,000 candelas per square metre.,
- f) With the exception of 'Billboard Signs' (s. 3.40), all signs shall only contain advertising pertaining to the site on which they are displayed,
- g) No sign shall be permitted which is attached to a fence pole, tree, or any object in a public street,
- h) With the exception of 'Signs Not Requiring a Development Permit' (s. 3.38), no sign shall be permitted on Town property,
- i) No sign shall be erected so as to obstruct free and clear vision of pedestrian or vehicular traffic or at any location where it may interfere with, or be confused with, any authorized traffic sign, signal, or device, and
- j) All signs must be maintained in a manner satisfactory to the Development Authority or notice will be served to perform the necessary repairs or remove the sign(s) within 30 days.

## 3.37 DEVELOPMENT PERMIT FOR A SIGN

- a) With the exception of 'Signs Not Requiring a Development Permit' (s. 3.38), no sign may be erected or affixed unless a Development Permit has been issued.
- b) Application for a development permit shall be made to the Development Authority and shall be supported by drawings that include:
  - i. a site plan showing the location of the sign,
  - ii. an elevation showing the overall dimensions of the sign,
  - iii. the size of the letters,
  - iv. the amount of projection from the face of the building,
  - v. the amount of projection over the property line,
  - vi. the height of the sign and its supporting structure above grade and clearance from grade of any horizontal components building,
  - vii. the manner of illuminating the sign and any form of animated or intermittent lights that may be embodied in the construction, and
  - viii. the least distance that the sign will be erected from an intersection of one street with another and the least distance from any device for the control of traffic at such an intersection.

### 3.38 SIGNS NOT REQUIRING A DEVELOPMENT PERMIT

- a) The following signs do not require a Development Permit, but shall otherwise comply with the Bylaw:
- i. Signs displayed by or on behalf of the federal, provincial, or local governments,
  - ii. Signs displayed on public transportation or bus stop structures,
  - iii. Banners and pennant flags that are not permanently installed and which are displayed for a period not exceeding thirty (30) days,
  - iv. Election Signs,
  - v. Real Estate Signs, and
  - vi. Sandwich Boards.

### 3.39 AWNING/CANOPY SIGNS

Means a sign which either forms part of, or is attached to, a retractable or permanently affixed canopy.

<b>District</b>	Residential	Prohibited
	Commercial	Permitted
	Industrial	Permitted
	Special	Discretionary
<b>Maximum Sign Dimensions</b>		N/A
<b>Standards</b>		<ul style="list-style-type: none"> <li>• Shall be constructed of durable, waterproof, colourfast material</li> <li>• Shall be attached to the building or structure to which it refers</li> <li>• Shall project from 0.6 m to 1.2 m from the building or structure</li> <li>• Shall have a minimum clearance of 2.5 m above grade</li> </ul>

### 3.40 BILLBOARD SIGNS

Means a sign which stands independently of a building for the purposes of advertising a product or service.

<b>District</b>	Residential	Prohibited
	Commercial	Discretionary
	Industrial	Discretionary
	Special	Discretionary
<b>Maximum Sign Dimensions</b>		<ul style="list-style-type: none"> <li>• 3.0 m high by 6.0 m wide sign face</li> <li>• 12.0 m sign height</li> </ul>
<b>Standards</b>		<ul style="list-style-type: none"> <li>• Shall be a minimum 150.0 m apart from any like sign</li> <li>• May be illuminated by a constant source of light</li> <li>• Shall not be lit by a flashing, animated or intermittent light source</li> <li>• Shall be setback at a minimum of 5.0 m from the Parcel line</li> <li>• Shall have a minimum clearance of 3.0 m above grade</li> <li>• Shall not have vertical posts supporting the structure that project above the upper edge of the sign</li> <li>• the rear of any single faced billboard which is plainly visible from a public roadway shall be covered with wooden slats or trellis fixed against the rear edge of the vertical posts and painted</li> </ul>

### 3.41 FASCIA SIGNS

Means a flat sign that is attached flush to a Building face or is painted on.

<b>District</b>	Residential	Prohibited
	Commercial	Permitted
	Industrial	Permitted
	Special	Discretionary
<b>Maximum Sign Dimensions</b>		<ul style="list-style-type: none"> <li>• Shall not exceed 25% of the area of the wall in which they are placed</li> </ul>
<b>Standards</b>		<ul style="list-style-type: none"> <li>• Shall be painted on or safely and securely attached to the building by means of metal anchors, bolts or expansion screws</li> <li>• Shall not project more than 0.4 m above the vertical face of the wall to which they are attached</li> </ul>

### 3.42 FREESTANDING SIGNS

Means a sign, other than a billboard, that is self-supporting in a fixed location and not attached to a Building.

<b>District</b>	Residential	Discretionary
	Commercial	Permitted
	Industrial	Permitted
	Special	Discretionary
<b>Maximum Sign Dimensions</b>		<ul style="list-style-type: none"> <li>• Residential, 0.4 m<sup>2</sup> sign area</li> <li>• Residential, 2.5 m sign height</li> <li>• Non-Residential, 7.0 m<sup>2</sup> sign area</li> <li>• Non-Residential, 9.0 m sign height</li> </ul>
<b>Standards</b>		<ul style="list-style-type: none"> <li>• Only one (1) sign shall be permitted per parcel, except where sites have 60.0 m or more of street frontage and signs are placed no closer than 30.0 m apart</li> <li>• In Commercial and Industrial Districts, the sign may be illuminated and may contain electronic message display and changeable copy</li> <li>• In Commercial and Industrial Districts, the sign shall have a minimum clearance of 2.5 m above grade</li> <li>• Shall not project beyond the property line</li> </ul>

### 3.43 INFLATABLE SIGNS

Means a sign that is inflated.

<b>District</b>	Residential	Prohibited
	Commercial	Discretionary
	Industrial	Discretionary
	Special	Discretionary
<b>Maximum Sign Dimensions</b>		N/A
<b>Standards</b>		<ul style="list-style-type: none"> <li>• Shall be at the discretion of the Development Authority</li> <li>• Shall be anchored against the wind</li> <li>• Shall be a minimum of 10.0 m from power and service lines and road rights-of-way</li> </ul>

### 3.44 PROJECTING SIGNS

Means a sign that is attached to a wall of a Building and horizontally extends more than 0.3 m from the face of that wall.

<b>District</b>	Residential	Prohibited
	Commercial	Permitted
	Industrial	Permitted
	Special	Discretionary
<b>Maximum Sign Dimensions</b>		<ul style="list-style-type: none"> <li>Commercial, 5.0 m<sup>2</sup> sign area</li> <li>Industrial, 9.0 m<sup>2</sup> sign area</li> </ul>
<b>Standards</b>		<ul style="list-style-type: none"> <li>Only one (1) sign shall be permitted per parcel, except where sites have 15.0 m or more of street frontage and signs are placed no closer than 15.0 m apart</li> <li>Shall not project more than 2.0 m from a building</li> <li>Shall have a minimum clearance of 3.0 m above grade</li> <li>Shall not project above the roof or parapet of a Building</li> <li>Shall not be located within 0.6 m from the back of the curb of a road right-of-way</li> </ul>

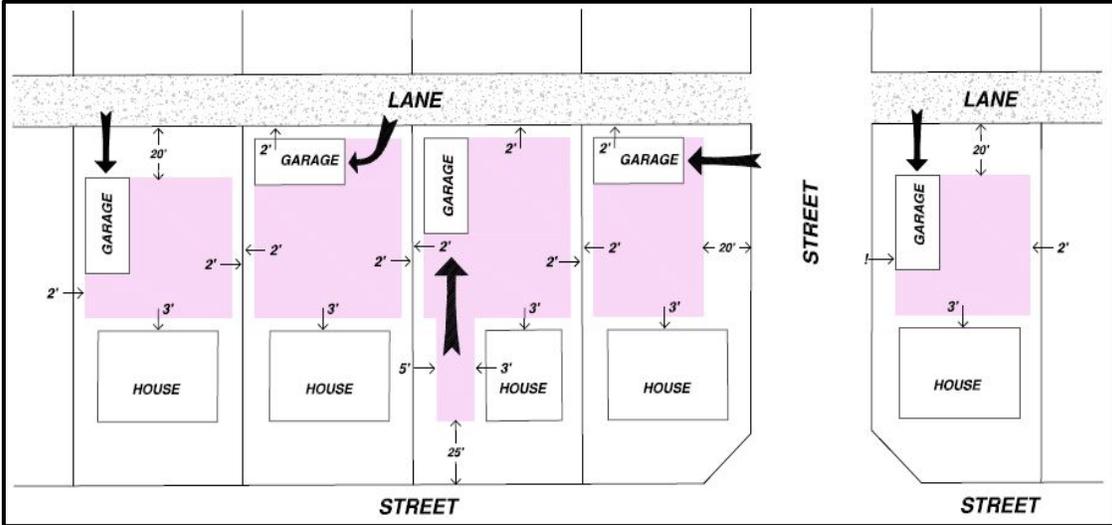
### 3.45 ROOF SIGNS

Means any sign erected upon, against, or directly above a roof or on top of or is entirely above the parapet wall of a building.

<b>District</b>	Residential	Prohibited
	Commercial	Permitted
	Industrial	Permitted
	Special	Prohibited
<b>Maximum Sign Dimensions</b>		<ul style="list-style-type: none"> <li>9.0 m<sup>2</sup> sign area</li> <li>5.0 m above the roof (not exceeding the height in the prescribed District)</li> </ul>
<b>Standards</b>		<ul style="list-style-type: none"> <li>Shall be erected so that the supporting structure is not visible</li> <li>Shall refer to the principal use of the building on which it is erected</li> </ul>

# Residential Accessory Buildings

Figure 5 – Accessory Building Setbacks



### 3.46 ACCESSORY BUILDING/DETACHED GARAGE

 Accessory Building Envelope – area where the accessory buildings are permitted – setbacks shown are minimum from property lines or principal building and are measured from the edge of the eaves.

! Refer to the minimum setbacks for each district as per the Land Use Bylaw.

- a) A structure attached to the principal building is considered to be part of the principal building and is not an accessory building.
- b) Accessory building shall not be used as a dwelling.
- c) Total area of the accessory building is not to exceed 12% of the site area.
- d) No Accessory Building/Structure shall be permitted in the front yard.
- e) Single story only.
- f) Height of the wall is not to exceed 12ft and overall height is not to exceed 16ft.
- g) Development and building permits are required if over 120ft<sup>2</sup> in area or over 10ft in height.

### 3.47 GARDEN SHED

- a) A building up to 120ft<sup>2</sup> in area and up to 10ft in height does not require a development permit but does count towards the total area of accessory buildings.
- b) Shall not be located in the front yard.
- c) If a garden shed exceeds the height of an adjacent fence, it shall be located no less than 2ft from the fence (measured from the outer edge of the eaves).

# Swimming Pools

## 3.48 PRIVATE SWIMMING POOL AND HOT TUB REGULATIONS

- a) Interpretation: these regulations are to cover all private swimming pools and hot tubs, both above and below ground, having a depth greater than 0.61m (2ft) or water surface area greater than 9.29m<sup>2</sup> (100ft<sup>2</sup>).
- b) Private swimming pools or hot tubs shall not be located in the front yard.
- c) Private swimming pools or hot tubs shall be located a minimum of 3.05m (10ft) from a structure or the property line.

# SECTION FOUR

## Specific Uses and Activities

# 4

*This section outlines specific regulations that apply to particular types of development within Town.*

### 4.1 SPECIFIC USE REQUIREMENTS

- a) The Development Permit requirements outlined for specific uses in this section are over and above the development permit application requirements stated within Section 2.9 'DEVELOPMENT PERMIT APPLICATION REQUIREMENTS,' and
- b) The Development Authority shall have regard to these requirements in addition to the requirements of Section 2.9 'DEVELOPMENT PERMIT APPLICATION REQUIREMENTS.'

### 4.2 BED & BREAKFAST

#### General Requirements

- a) A Bed & Breakfast shall not be permitted in a dwelling which has an existing 'Home-Based Business' (s.4.8),
- b) The Bed & Breakfast shall be contained entirely within the principal building,
- c) The Bed & Breakfast shall be limited to a maximum of eight (8) guest rooms,
- d) No cooking facilities are permitted in guest rooms,
- e) A maximum stay of ninety (90) days per person is permitted, and
- f) One (1) 'Freestanding Sign' (s.3.42) is permitted, at the discretion of the Development Authority,

#### Site Requirements

- g) Minimal exterior modifications of the structure or grounds may be made only if such changes are compatible with the character of the neighbourhood,
- h) One (1) off-street parking stall per guest room shall be required, and

#### Development Permit Requirements

- i) A Development Permit application will respond to the above noted Requirements.

### **4.3 CAMPGROUND**

#### **General Requirements**

- a) There shall be no more than forty (40) campsites per hectare,
- b) At least ten percent (10%) of the gross area of a campground shall be set aside as a common outdoor area,

#### **Site Requirements**

- c) No campground will be approved within 50.0 m of a Residential District,

#### **Development Permit Requirements**

- d) A Development Permit application will respond to the above noted Requirements and further set out:
  - i. What onsite services and facilities will be provided,
  - ii. If roads are to be open year-round, provision for snow removal and snow storage,
  - iii. The screening, storage, collection and disposal of solid waste,
- e) An applicant is required to submit the following in support of a Development Permit:
  - i. Information on Water and Wastewater Servicing, and
  - ii. A Site Plan.

### **4.4 CANNABIS PROCESSING**

#### **General Requirements**

- a) Cannabis Processing shall be restricted to Industrial Districts,

#### **Site Requirements**

- b) The property line of a parcel containing a Cannabis Processing use shall not be permitted within 100 m of a:
  - i. Residential District,
  - ii. School or School Reserve parcel,
  - iii. Care Facility (Child, Clinic or Medical),
  - iv. Park, or other use which may have an ancillary playground, and
- c) Distances are measured from closest property lines, and

#### **Development Permit Requirements**

- d) A Development Permit application will respond to the above noted Requirements and federal regulations.

### **4.5 CAR WASH**

#### **General Requirements**

- a) Car Washes shall not be located on parcels which, in the opinion of the Development Authority, negatively impact adjacent Parcels in terms of noise and traffic generation,

#### **Site Requirements**

- b) The parcel shall contain space for at least twelve (12) vehicles or a minimum of three (3) vehicles per Car Wash bay, whichever is greater, so that vehicles have space to line up in front of the bays,

#### **Development Permit Requirements**

- c) A Development Permit application will respond to the above noted Requirements, and
- d) An applicant is required to submit the following in support of a Development Permit:
  - i. A Traffic Impact Assessment.

## 4.6 GAS STATION

### General Requirements

- a) Gas Stations shall not be located on Parcels which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation, or access to/egress from the Parcel,

### Site Requirements

- b) No fuel pump shall be located within 6.0 m from any property line,
- c) A minimum of ten percent (10%) of the parcel shall be landscaped to the satisfaction of the Development Authority, and

### Development Permit Requirements

- d) A Development Permit application will respond to the above noted Requirements and any provincial regulations.

## 4.7 HOME OFFICE

### General Requirements

- a) Persons employed in the Home Office shall be residents of the principal building,
- b) The Home Office shall be contained entirely within the principal building,
- c) The Home Office may occupy up to thirty percent (30%) of the floor area of the principal building,
- d) The Home Office may generate up to one (1) business-related visit per week, defined as one (1) delivery visiting the office,
- e) The Home Office should not operate between the hours of 20:00 and 8:00 if noise is generated,
- f) The sale of goods is restricted, unless they are incidental to the service provided by the Home Office,

### Site Requirements

- g) The Home Office shall not alter the character or external appearance of the principal building,
- h) Outside storage, related to the Home Office, may be permitted at the discretion of the Development Authority provided it:
  - i. Is screened from adjacent lands and roads,
  - ii. Meets minimum setback requirements, and
  - iii. Does not exceed 400.0 m<sup>2</sup>, and
- i) No more than one (1) commercial vehicle shall be parked onsite,
- j) No form of advertising related to the Home Office is allowed onsite, apart from a small 'Fascia Sign' (s3.41) not exceeding 0.2 m<sup>2</sup>,
- k) At least one (1) off-street parking stall shall be required,

### Development Permit Requirements

- l) A Development Permit application will respond to the above noted Requirements, and
- m) All permits issued for Home Office shall be subject to the above conditions. If in the opinion of the Development Authority, the use is or has become detrimental to the amenities of the neighborhood, a stop order shall be issued.

## 4.8 HOME-BASED BUSINESS

### General Requirements

- a) Persons employed in the Home-Based Business shall be residents of the principal building,
- b) Notwithstanding a) there can be one (1) employee or partner working at the Home-Based Business who does not live on the property,
- c) The Home-Based Business shall be contained entirely within the principal building,
- d) The Home-Based Business may occupy up to thirty percent (30%) of the floor area of the principal building,
- e) The Home-Based Business may generate up to twelve (12) business-related visits per day, defined as twelve (12) vehicles visiting the business per day,
- f) The Home-Based Business should not operate between the hours of 20:00 and 8:00 if noise is generated,
- g) The sale of goods is restricted, unless they are incidental to the service provided by the business,
- h) No sale of Cannabis, Tobacco or Liquor is permitted from the business,

### Site Requirements

- i) The Home-Based Business shall not alter the character or external appearance of the principal building,
- j) No outside storage of equipment, goods, materials, commodities, or finished products is permitted,
- k) No commercial vehicles are permitted onsite,
- l) No form of advertising related to the Home Office is allowed onsite, apart from a small 'Fascia Sign' (s3.41) not exceeding 0.2 m<sup>2</sup>,
- m) At least two (2) off-street parking stalls shall be required,

### Development Permit Requirements

- n) A Development Permit application will respond to the above noted Requirements,
- o) All permits issued for Home-Based Business shall be subject to the above conditions. If in the opinion of the Development Authority, the use is or has become detrimental to the amenities of the neighborhood, a stop order shall be issued.

## 4.9 RETAIL (RESTRICTED)

### General Requirements

- a) Retail (Restricted) must be a permanent freestanding building without another business, or in a building with other businesses if:
  - i. The store has its own entrance, receiving area, storage area and point of sale, and
  - ii. The store has opaque windows and signs prohibiting minors,

### Site Requirements

- b) The property line of a parcel containing a Retail (Restricted) use shall not be permitted within 100 m of a:
  - i. School (or School Reserve parcel),
  - ii. Care Facility (Child, Clinic or Medical),
  - iii. Recreational (Culture & Tourism or Indoor),
  - iv. Religious Assembly, or
  - v. Park, or other use which may have an ancillary playground, and

### Development Permit Requirements

- c) A Development Permit application will respond to the above noted Requirements and any provincial regulations.

#### **4.10 SECONDARY SUITES**

##### **General Requirements**

- a) Secondary Suites shall be located within the principal dwelling,

##### **Site Requirements**

- b) Provide a minimum of one (1) dedicated on-site parking stall, and

##### **Development Permit Requirements**

- c) A Development Permit application will respond to the above noted Requirements and provincial regulations.

#### **4.11 SOLAR COLLECTORS**

##### **General Requirements**

- a) Freestanding:
  - i. Freestanding Solar Collectors are considered to be an Accessory Building/Structure,
- b) Roof Mounted:
  - i. May project a maximum of 1.3 m from the surface of the roof and shall not exceed the maximum height requirements of the applicable District, and
  - ii. Shall not extend beyond the outermost edge of the roof,
- c) Wall Mounted:
  - i. May project a maximum of 1.5 m from the surface of the wall, when the wall faces the rear property line, subject to the setback requirements of the applicable District,
  - ii. May project a maximum of 0.6 m from the surface of the wall when the wall faces the front, or side property line, subject to the setback requirements of the applicable District,

##### **Site Requirements**

- d) Freestanding:
  - i. Shall be located such that it does not create undue glare on neighbouring parcels or roadways,
  - ii. Shall not be located in the front yard or side yard of a parcel,
- e) Roof Mounted:
  - i. No Requirements,
- f) Wall Mounted:
  - i. Shall be located such that it does not create undue glare on neighbouring parcels or roadways,
  - ii. Shall be located a minimum of 2.4 m above grade, and

##### **Development Permit Requirements**

- g) Development Permits are not required for freestanding, roof mounted or wall mounted solar collectors so long as they comply with the above Requirements.

## **4.12 TEMPORARY RESIDENCE**

### **General Requirements**

- a) The Development Authority may issue a Development Permit for a Recreational Vehicle as a temporary residence in a District in which a dwelling is a permitted use, providing that:
  - i. A Building Permit has been issued for construction of a dwelling, and
  - ii. A security has been provided to ensure that the terms of the permit pertaining to the removal of the temporary residence are kept,

### **Site Requirements**

- b) None,

### **Development Permit Requirements**

- c) A Development Permit application will respond to the above noted Requirements,
- d) A Development Permit issued for a Temporary Residence shall be initially valid for a maximum period of one (1) year,
- e) An extension of the Development Permit shall not be issued unless the framing of the dwelling under construction is complete or development has been proceeding with reasonable diligence during the term of the permit, and
- f) The Recreational Vehicle shall be removed from the parcel within thirty (30) days of the occupancy of the dwelling.

# SECTION FIVE

## Land Use Districts

# 5

*This section outlines specific regulation that applies to the Town's Land Use Districts.*

### 5.1 LAND USE DISTRICTS

**Table 8 – Land Use District**

LAND USE DISTRICTS		DEFINITION
R1	Residential - Single Family	Low density; detached single family dwellings
R1A	Residential – Large Single Family	Low density; detached, single family dwellings of a larger nature
R1B	Residential – Single Family Small Lot	Smaller lots of single family dwellings
R2	Residential – Two Family	Medium density; mixing one and two family dwellings
R3	Residential – Multi-Family	Medium to high density; allowing a wide variety of dwelling types
RMH1	Residential - Mobile Home Subdivision	Mobile home subdivisions in which each unit is located on a separately registered parcel
RMH2	Residential - Mobile Home Park	Mobile home parks wherein stalls are provided on a rental basis
C1	Commercial – Central	High density; variety of retail and office commercial as well as public and private service uses
C2	Commercial – Secondary	Mix of commercial uses including service businesses such as contractors and commercial establishments that require large sales or storage areas
C3	Commercial – Highway	Commercial uses servicing and catering to the traveling public and large retailers
C4	Commercial – Neighborhood	Local commercial uses which are compatible with surrounding residential uses
M1	Industrial - Light	Light industrial uses
M2	Industrial - Heavy	Heavy industrial and manufacturing uses
I	Institutional	Community services or amenities of an institutional nature for either public or private use
PR	Parks and Recreation	Public areas to meet the active or passive recreational and leisure pursuits at the local, neighborhood, municipal, and district level
NO	Natural Open Space	Protecting environmentally sensitive areas by restricting development to clearly compatible uses and to provide access to the public in a manner that preserves the area in accordance with the Act.
UR	Urban Reserve	Reserve undeveloped land until it is subject to orderly and economical development pursuant to the Town's planning bylaws and policies

## 5.2 LAND USE DISTRICT MAP

- a) Districts are described in the short form on the Land Use District Map, within “Schedule A” of this Bylaw,
- b) District boundaries are delineated on the Land Use District Map. Where the precise location of the boundary is uncertain, the following rules apply:
  - i. Where a boundary follows a street, lane, stream or canal it shall follow the centreline thereof,
  - ii. Where a boundary generally follows a parcel line, it shall follow the parcel line,
  - iii. Where specific dimensions are noted on the Land Use District Map, those dimensions shall be followed,
  - iv. Where there is doubt or dispute concerning the exact location of the boundary of a District, Council shall determine the location of the boundary according to the direction of this Bylaw,
- c) Boundaries shall not be altered except by an amendment to this Bylaw, and
- d) Council shall maintain a list of amendments to the boundaries on the Land Use District Map.

## 5.3 DIRECT CONTROL DISTRICTS (DC)

- a) Direct Control Districts provide for development that, due to unique characteristics, innovative ideas or unusual site constraints, require specific regulations unavailable in other Districts,
- b) Land uses within a shall be at the discretion of Council,
- c) All development regulations shall be at the discretion of Council,
- d) Direct Control Districts must not be used:
  - i. in substitution of any other land use district in this Bylaw that could be used to achieve the same result either with or without relaxations of this Bylaw, or
  - ii. to regulate matters that are regulated by subdivision or Development Permit approval conditions,
- e) Where a parcel is designated Direct Control, the guidelines approved by Council at the time of such designation shall continue to apply, notwithstanding any requirement of this Bylaw to the contrary, and
- f) The following uses are restricted to Direct Control Districts only:
  - i. Farmer’s Market
  - ii. Incinerator
  - iii. Shopping Centre

## 5.4 DIRECT CONTROL DISTRICT APPLICATIONS

- a) Application requirements for the submission of a Direct Control District include:
  - i. All information required for a ‘Application to Amend the Bylaw’ (s.1.18),
  - ii. A written statement indicating why, in the applicant’s opinion, a Direct Control District is necessary and why the same results cannot be achieved through the use of a land use district in this Bylaw,
  - iii. A list of permitted and discretionary uses proposed for the site,
  - iv. Plans and elevations or other documentation, that would help to substantiate the need for the Direct Control District, and
  - v. Any other information as may be required by the Development Authority and Council.

# R1 Residential – Single Family

**PURPOSE:** To provide for low density single family detached dwellings.

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Bed & Breakfast
Single Family Dwelling	Government Services
Home Office	Home-Based Business
Park	Show Home
Utilities	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

**MINIMUM PARCEL SIZE:**

Parcel Width	Parcel Depth
15.2 m (49.9 ft) with lane	33.5 m (109.9 ft) lane
16.7 m (54.8 ft) corner parcel with lane	36.0 m (118.1 ft) without lane
16.7 m (54.8 ft) without lanes	
18.0 m (59.1 ft) corner parcel without lane	

**MAXIMUM DENSITY:** One (1) dwelling unit per parcel and one Secondary Suite.

**MAXIMUM BUILDING HEIGHT:** 10.0 m (32.3 ft).

**MINIMUM SETBACKS:**

Front Yard	Side Yard	Rear Yard
7.5 m (24.6 ft)	1.2 m (3.9 ft)	7.5 m (24.6 ft) with lane
		10.5 m (34.4 ft) without lane

**MINIMUM FLOOR AREA (Main Floor):** 83.6 m<sup>2</sup> (899.9 ft<sup>2</sup>).



# R1A Residential – Large Single Family

**PURPOSE:** The general purpose of this district is to permit low density detached, *single family dwellings* of a larger nature with attached garages on large parcels.

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Bed & Breakfast
Single Family Dwelling	Government Services
Home Office	Home Based Business
Park	Show Home
Utilities	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

**MINIMUM PARCEL SIZE:**

Parcel Width	Parcel Depth
15.2 m (49.9 ft)	33.5 m (109.9 ft)
16.7 m (54.8 ft) corner parcel	

**MAXIMUM DENSITY:** One (1) dwelling unit per parcel.

**MAXIMUM BUILDING HEIGHT:** 10.0 m (32.3 ft).

**MINIMUM SETBACKS:**

Front Yard	Side Yard	Rear Yard
7.5 m (24.6 ft)	1.5 m (4.9 ft)	7.5 m (24.6 ft)

**MINIMUM FLOOR AREA:**

Single Storey Dwellings	120.8 m <sup>2</sup> (1,300.3 ft <sup>2</sup> )
Multi-Storey Dwellings	167.0 m <sup>2</sup> (1,797.6 ft <sup>2</sup> )
Baier Phase 2 Dwellings	111.5 m <sup>2</sup> (1,200.2 ft <sup>2</sup> )

**ADDITIONAL REQUIREMENTS:**

- a) An attached garage with a minimum floor area of 37.0 m<sup>2</sup> (398.3 ft<sup>2</sup>) is required.

# R1B Residential – Single Family Small Lot

**PURPOSE:** To provide for smaller lots for single family dwellings.

PERMITTED USES:	DISCRETIONARY USES:
Single Family Dwelling	Bed and Breakfasts
Accessory Building/Structure	Government Services
Home Office	Home Based Businesses
Park	Show Homes
Utilities	

**MINIMUM PARCEL SIZE:**

Parcel Width	Parcel Depth
11.0 m (36.1 ft)	33.53 m (110 ft)
12.5 m (41 ft) corner parcel	33.53 m (110 ft)

**MAXIMUM DENSITY:** One (1) dwelling unit per parcel.

**MAXIMUM BUILDING HEIGHT:** 10.0 m (32.3 ft).

**MINIMUM SETBACKS:**

Front Yard	Side Yard	Rear Yard
7.62 m (25 ft)	1.52 m (5 ft)	7.62 m (25 ft)

**MINIMUM FLOOR AREA:**

Single Storey Dwellings	120.8 m <sup>2</sup> (1,300.3 ft <sup>2</sup> )
Multi-Storey Dwellings	167.0 m <sup>2</sup> (1,797.6 ft <sup>2</sup> )
Baier Phase 2 Dwellings	111.5 m <sup>2</sup> (1,200.2 ft <sup>2</sup> )

**BUILDING SIZE:** The principal building shall be 2 stories in height with a minimum 55.7m<sup>2</sup> (600 ft<sup>2</sup>) on the main floor.

# R2 Residential - Two Family

**PURPOSE:** To provide for single family and two-family dwellings

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Care Facility (Group)
Dwelling (Duplex/Semi)	Government Services
Dwelling (Single Detached)	Home-Based Business
Home Office	Row Housing
Park	Parking Facility
Utilities	Secondary Suite

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

**MINIMUM PARCEL SIZE:**

Parcel Width	Parcel Depth
11.0 m (36.1 ft) with lane	33.5 m (109.9 ft) lane
12.5 m (41.0 ft) corner parcel with lane	36.0 m (118.1 ft) without lane
15.2 m (49.9 ft) without lane	

**MAXIMUM DENSITY:** One (1) Principal Dwelling and one (1) Secondary Suite per parcel or one (1) Dwelling, Duplex per parcel.

**MAXIMUM BUILDING HEIGHT:** 10.0 m (32.3 ft).

**MINIMUM SETBACKS:**

Front Yard	Side Yard	Rear Yard
7.5 m (24.6 ft)	1.2 m (3.9 ft)	7.5 m (24.6 ft) with lane
		10.5 m (34.4 ft) without lane

**MINIMUM FLOOR AREA:**

Single Storey Dwellings	74.3 m <sup>2</sup> (799.7 ft <sup>2</sup> )
Multi-Storey Dwellings	55.7 m <sup>2</sup> (599.5 ft <sup>2</sup> )
Manufactured Dwellings	46.5 m <sup>2</sup> (500.5 ft <sup>2</sup> )

**EXCEPTIONS:**

- a) Offices and Child Care Facilities shall be Discretionary Uses on Lot 14 Block 27 Plan 6445 V
- b) Parcel widths for Semi-Detached or Attached Dwellings shall be a minimum of 6.0 m (19.7 ft) per interior unit and 7.5 m (24.6 ft) per end unit.

# R3 Residential – Multi-Family

**PURPOSE:** To provide for medium and high-density development by allowing a wide variety of primarily multiple unit dwelling types, including manufactured homes where units are located on separately registered parcels.

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Care Facility (Child)
Dwelling (Multi-Unit)	Care Facility (Group)
Home Office	Dwelling (Apartment)
Park	Dwelling (Duplex/Semi)
Utilities	Dwelling (Single Detached)
	Dwelling (Manufactured Home)
	Government Services
	Home-Based Business
	Parking Facility
	Secondary Suite

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

**MINIMUM PARCEL SIZE:** Parcel widths for street oriented Single detached, Semi-Detached or Attached Dwellings shall comply with the rules of the Residential, Single Family Dwelling (R1) District. Otherwise at the discretion of the Development Authority.

**DENSITY:** At the discretion of the Development Authority

**MAXIMUM BUILDING HEIGHT:** At the discretion of the Development Authority

**MINIMUM SETBACKS:**

Front Yard	Side Yard	Rear Yard
6.0 m (19.7 ft)	1.2 m (3.9 ft)	6.0 m (19.7 ft), with lane
	1.5 m (4.9 ft) Dwelling (Multi-Unit)	10.5 m (34.4 ft) without lane
	4.0 m (13.1 ft) Dwelling (Apartments)	12.0 m (39.4 ft) Apartments without lane

**MINIMUM DISTANCE BETWEEN UNITS ON THE SAME PARCEL:**

Use	Distance
Apartments	
Between two facing each other	27.43 m (90ft)
Between two backing each other	24.38 m (80ft)
Between the sidewalls of two buildings	9.14 m (30ft)
Row Housing	
Between two facing each other	27.43 m (90ft)
Between two backing each other	21.34 m (70ft)
Between the sidewalls of two buildings	3.05 m (10ft)

**EXCEPTIONS:** That a maximum of four (4) dwelling units be allowed on each lot in Plan 142 0515 Block 2 Lots 1-17. This use includes housing types such as Row Houses, Town Houses and Tri-Four Plexes. Secondary Suites are not permitted.



# RMH1 Residential – Mobile Home Subdivision

**PURPOSE:** To provide for the development of mobile home subdivisions, in which each unit is located on a separately registered parcel.

PERMITTED USES:	DISCRETIONARY USES:
Mobile Home	Home Based Business
Accessory Building	
Home Office	
Park	
Utilities	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

**MINIMUM PARCEL SIZE (per development):** At the discretion of the Development Authority

**MINIMUM PARCEL SIZE (per unit):**

Parcel Width	Parcel Depth
15.24 m (50 ft)	33.53 m (110 ft)
15.24 m (50 ft) corner parcel	

**MAXIMUM DENSITY:** 3.2 units per hectare (7.9 units per acre).

**MAXIMUM BUILDING HEIGHT:** 4.5 m (14.8 ft).

**MINIMUM SETBACKS:**

Front Yard	Side Yard	Rear Yard
7.62 m (25 ft)	1.52 m (5 ft)	4.57 m (15 ft)

**ADDITIONAL REQUIREMENTS:**

- a) All internal roads shall have a right-of-way width of 9.0 m and be hard surfaced, well drained and maintained to the satisfaction of the Development Authority.
- b) All internal pathways shall be 1.0 m in width, providing safe, convenient, all-season pedestrian access between unit, parks, and community facilities.
- c) Visitor parking shall be provided at a ratio of at least one space for every two manufactured home dwelling units, located at convenient locations throughout the park.
- d) A minimum of 5% of the gross site area shall be devoted to recreational space to the satisfaction of the Development Authority.
- e) Each dwelling unit stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs, or hedges.
- f) One (1) identification sign of residential character and appearance may be erected at the entrance to a manufactured home park.
- g) Internal directional signs shall follow Town Standards.
- h) All areas occupied by dwelling units, internal roads or pathways shall be fully landscaped to the satisfaction of the Development Authority.

# RMH2 Residential - Mobile Home Park

**PURPOSE:** To permit and regulate Manufactured home parks where stalls are provided on a rental basis.

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Government Services
Dwelling (Manufactured Home)	Home-Based Business
Home Office	
Park	
Utilities	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

**MINIMUM PARCEL SIZE (per development):** At the discretion of the Development Authority

**MINIMUM PARCEL SIZE (per unit):**

Parcel Width	Parcel Depth
12.0 m (39.4 ft)	36.0 m (118.1 ft)
16.5 m (54.1 ft) corner parcel	

**MAXIMUM DENSITY:** 3.2 units per hectare (7.9 units per acre).

**MAXIMUM BUILDING HEIGHT:** 4.5 m (14.8 ft).

**MINIMUM SETBACKS:**

Front Yard	Side Yard	Rear Yard
6.0 m (19.7 ft)	1.2 m (3.9 ft)	3.0 m (9.8 ft)

**ADDITIONAL REQUIREMENTS:**

- a) All internal roads shall have a right-of-way width of 9.0 m and be hard surfaced, well drained and maintained to the satisfaction of the Development Authority.
- b) All internal pathways shall be 1.0 m in width, providing safe, convenient, all-season pedestrian access between unit, parks, and community facilities.
- c) Visitor parking shall be provided at a ratio of at least one space for every two manufactured home dwelling units, located at convenient locations throughout the park.
- d) A minimum of 5% of the gross site area shall be devoted to recreational space to the satisfaction of the Development Authority.
- e) Each dwelling unit stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs, or hedges.
- f) One (1) identification sign of residential character and appearance may be erected at the entrance to a manufactured home park.
- g) Internal directional signs shall follow Town Standards.
- h) All areas occupied by dwelling units, internal roads or pathways shall be fully landscaped to the satisfaction of the Development Authority.

# C1 Commercial – Central

**PURPOSE:** To provide for intensive commercial uses, offering a wide variety of goods and services with an attractive environment for pedestrians while accessible to motor vehicles.

PERMITTED USES:	DISCRETIONARY USES:
Animal Services	Accessory Building/Structure
Establishment (Eating & Drinking)	Automotive Sales and Service
Establishment (Entertainment)	Care Facility (Child)
Hotel/Motel	Communications Tower
Recreation (Culture & Tourism)	Dwelling Unit (Above a Ground Floor Business)
Recreation (Indoor)	Dwelling (Multi-Unit)
Retail (Small)	Funeral Home
Retail (General)	Gas Station
Office	Government Services
Park	Industrial (Light)
Utilities	Retail (Restricted)
	School

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

**MINIMUM PARCEL SIZE:** 0.3 hectares (0.74 acres).

**DENSITY:** At the discretion of the Development Authority.

**MAXIMUM BUILDING HEIGHT:** 15.0 m (49.2 ft).

**MINIMUM SETBACKS:**

Front Yard	Side Yard	Rear Yard
0 m	0 m	1.8 m (5.9 ft)
	1.5 m (4.9 ft) abutting residential	

no side yards shall normally be allowed except that the Development Authority may allow side yards if they have a practical used, are landscaped to the satisfaction of the Development Authority, and do not detract from the streetscape.

**FENCE CONSTRUCTION:**

- a) Front yard fences are to be decorative in nature and approved by the Development Authority
- b) Side and rear yard fences are to be constructed out of chain-link or an equivalent as approved by the Development Authority.

**CANOPIES:**

- a) Canopies may project into an adjacent road allowance by up to 1.83m (6ft).
- b) Minimum clearance from the ground: 2.44m (8ft).

**ACCESSORY BUILDINGS:**

- a) Cannot be located in front or side yards.
- b) Maximum number per site: 1.
- c) Maximum site coverage: 10%.
- d) If an opening for a door or doors in an accessory building is 2.44m (8ft) or wider, the wall with the opening shall be setback a minimum of 6.10m (20ft) from any property line.
- e) Minimum distance from principal building: 0.91m (3ft).



- f) Maximum height: 4.87m (16ft).
- g) The exterior finish must be approved by the Development Authority.

**ADDITIONAL REQUIREMENTS:**

- a) Outdoor storage and display shall not be permitted except for sidewalk sales.
- b) Garbage storage shall be confined to a designated area and shall not have an adverse effect on the use or circulation on the parcel or adjacent lands.
- c) No shipping containers are allowed in this District.
- d) A maximum of one (1) Sandwich Board per Building is permitted.

## C2 Commercial - Secondary

**PURPOSE:** To provide for a mix of commercial uses including service businesses that require large sales or storage areas.

PERMITTED USES:	DISCRETIONARY USES:
Animal Services	Alcohol Production
Establishment (Eating & Drinking)	Accessory Building/Structure
Establishment (Entertainment)	Auction Market
Funeral Home	Automotive Sales and Service
Recreation (Culture & Tourism)	Building Supplies
Recreation (Indoor)	Care Facility (Child)
Office	Communications Tower
Park	Contractor Services
Retail (General)	Dwellings (Multi-unit)
Retail (Large)	Equipment Rental Sales
Utilities	Establishment (Restricted)
	Gas Station
	Government Services
	Greenhouse
	Hotel/Motel
	Industrial (Light)
	Recycling/Compost Facility
	Retail (Outdoor)
	Retail (Restricted)
	Religious Assembly
	Shipping Container

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

**PARCEL SIZE:** At the discretion of the Development Authority

**MAXIMUM BUILDING HEIGHT:** 10.0 m (32.3 ft).

**MINIMUM SETBACKS:**

Front Yard	Side Yard	Rear Yard
0 m	0 m	1.8 m (5.9 ft)
	1.5 m (4.9 ft) abutting residential	

no side yards shall normally be allowed except that the Development Authority may allow side yards if they have a practical used, are landscaped to the satisfaction of the Development Authority, and do not detract from the streetscape.

**ACCESSORY BUILDINGS:**

- a) Cannot be located in front or side yards.
- b) Maximum number per site: 1.
- c) Maximum site coverage: 10%.
- d) If an opening for a door or doors in an accessory building is 2.44m (8ft) or wider, the wall with the opening shall be setback a minimum of 6.10m (20ft) from any property line.

- e) Minimum distance from principal building: 0.91m (3ft).
- f) Maximum height: 4.87m (16ft).
- g) The exterior finish must be approved by the Development Authority.

**FENCE CONSTRUCTION:**

- a) Front yard fences are to be decorative in nature and approved by the Development Authority
- b) Side and rear yard fences are to be constructed out of chain-link or an equivalent as approved by the Development Authority.

**CANOPIES:**

- a) Canopies may project into an adjacent road allowance by up to 1.83m (6ft).
- b) Minimum clearance from the ground: 2.44m (8ft).

**ADDITIONAL REQUIREMENTS:**

- a) All outdoor storage shall be screened.
- b) All outdoor display shall be screened from Residential Districts.
- c) No storage is permitted in the front yard.

# C3 Commercial - Highway

**PURPOSE:** To provide for commercial uses adjacent to a major thoroughfare which require large areas for parking and display of merchandise and caters to the traveling public and large retailers.

PERMITTED USES:	DISCRETIONARY USES:
Automotive Sales and Service	Accessory Building/Structure
Establishment (Eating & Drinking)	Animal Services
Establishment (Entertainment)	Bus Depot
Gas Station	Car Wash
Hotel/Motel	Communications Tower
Office	Funeral Home
Retail (General)	Government Services
Utilities	Industrial (Light)
	Industrial (Logistics)
	Park
	Recreation (Indoor)
	Retail (Outdoor)
	Retail (Restricted)
	Retail (Large)
	Shipping Container

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

## MINIMUM PARCEL SIZE:

Parcel Width adjacent to a service road	15.0 m (49.2 ft)
Parcel Width without a Service Road	46.0 m (150.9 ft)

**MAXIMUM BUILDING HEIGHT:** 15.0 m (49.2 ft).

## MINIMUM SETBACKS:

Front Yard	Side Yard	Rear Yard
9.0 m (29.5 ft)	3.0 m (9.8 ft)	3.0 m (9.8 ft)

## ACCESSORY BUILDINGS:

- a) Cannot be located in front yard.
- b) Maximum number per site: 2.
- c) Maximum site coverage: 10%.
- d) Minimum side and rear setback: 3.05m (10ft).
- e) If an opening for a door or doors in an accessory building is 2.44m (8ft) or wider, the wall with the opening shall be setback a minimum of 6.10m (20ft) from any property line.
- f) Minimum distance from principal building: 3.05m (10ft).
- g) Maximum height: 7.62m (25ft).
- h) The exterior finish must be approved by the development authority.

**FENCES:**

Front Yard	Side Yard	Rear Yard
0.91 m (3ft)	2.44m (8ft)	2.44m (8ft)

**FENCE CONSTRUCTION:**

- a) Front yard fences are to be decorative in nature and approved by the Development Authority
- b) Side and rear yard fences are to be constructed out of material as approved by the Development Authority.

**ADDITIONAL REQUIREMENTS:**

- a) Building setbacks shall allow for the planned widening of streets and/or provision of service roads providing there is a road widening plan adopted by Council.
- b) All outdoor storage shall be screened.
- c) All outdoor display shall be screened from Residential Districts.
- d) No storage is permitted in the front yard.

**EXCEPTIONS:**

- a) Office is a Discretionary Use only on Lots 1-3 Block 72 Plan 5721 AD.

# C4 Commercial - Neighborhood

**PURPOSE:** To provide for local commercial uses which are compatible with surrounding residential uses.

PERMITTED USES:	DISCRETIONARY USES:
Care Facility (Child)	Accessory Building/Structure
Care Facility (Clinic)	Dwelling Unit (Above a Ground Floor Business)
Park	Establishment (Eating & Drinking)
Recreation (Indoor)	Gas Station
Retail (Small)	
Utilities	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

**MAXIMUM PARCEL SIZE:** 0.5 hectares (1.24 acres).

**MAXIMUM BUILDING HEIGHT:** 10.0 m (32.3 ft).

**MINIMUM SETBACKS:**

Front Yard	Side Yard	Rear Yard
7.5 m (24.6 ft)	3.0 m (9.8 ft)	6.0 m (19.7 ft)

**ADDITIONAL REQUIREMENTS:**

- a) Outdoor storage and display shall not be permitted.
- b) Garbage storage shall be confined to a designated area.
- c) No shipping containers are allowed in this District.

# M1 Industrial - Light

**PURPOSE:** To provide for a variety of light industrial activities, including support services and storage, where nuisance factors are confined to the site area.

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Alcohol Production
Auction Market	Animal Services
Automotive Sales and Service	Cannabis Processing
Bulk Fuel Station	Car Wash
Gas Station	Establishment (Eating & Drinking)
Bus Depot	Establishment (Restricted)
Communications Tower	Funeral Home
Contractor Services	Government Services
Greenhouse	Industrial (Medium)
Industrial (Light)	Retail (General)
Industrial (Logistics)	Retail (Outdoor)
Office	Retail (Restricted)
Park	Recreation (Indoor)
Shipping Container	Recycling/Compost Facility

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

**MAXIMUM BUILDING HEIGHT:** 20.0 m (65.6 ft).

**MINIMUM SETBACKS:**

Front Yard	Side Yard	Rear Yard
6.0 m (19.7 ft)	3.0 m (9.8 ft)	9.0 m (29.5 ft)

**ADDITIONAL REQUIREMENTS:**

- a) The Development Authority may require greater setbacks for an industrial development which may interfere with the amenity of adjacent sites.
- b) The Development Authority may require an Environmental Impact Assessment where there is uncertainty regarding the potential risk from the proposed development.
- c) A minimum of 10% of the lands shall be landscaped.
- d) The quality and extent of landscaping shall be maintained for the life of the development.
- e) Storage shall be located to the rear and side of the Principal Building.

# M2 Industrial - Heavy

**PURPOSE:** To provide for a variety of industrial activities, including support services and storage, that may have off-site nuisance impacts.

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Cannabis Processing
Animal Services	Government Services
Auction Market	Industrial (Heavy)
Automotive Sales and Service	Recreation (Indoor)
Bulk Fuel Station	Retail (Restricted)
Communications Tower	Office
Contractor Services	
Greenhouse	
Industrial (Light)	
Industrial (Medium)	
Industrial (Logistics)	
Park	
Shipping Container	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

**MAXIMUM BUILDING HEIGHT:** 20.0 m (65.6 ft).

**MINIMUM SETBACKS:**

Front Yard	Side Yard	Rear Yard
6.0 m (19.7 ft)	3.0 m (9.8 ft)	9.0 m (29.5 ft)

**ADDITIONAL REQUIREMENTS:**

- a) The Development Authority may require greater setbacks for an industrial development which may interfere with the amenity of adjacent sites.
- b) The Development Authority may require an Environmental Impact Assessment where there is uncertainty regarding the potential risk from the proposed development.

# Institutional

**PURPOSE:** To provide for either public or private development of community services or amenities.

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Cemetery
Care Facility (Child)	Communications Tower
Care Facility (Group)	Funeral Home
Care Facility (Clinic)	Government Services
Care Facility (Medical)	Office
Recreation (Culture & Tourism)	Recreation (Outdoor)
Recreation (Indoor)	School
Religious Assembly	Shipping Container
Park	
Utilities	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

**PARCEL SIZE:** At the discretion of the Development Authority

**MAXIMUM BUILDING HEIGHT:** At the discretion of the Development Authority

**MINIMUM SETBACKS:**

Front Yard	Side Yard	Rear Yard
7.5 m (24.6 ft)	4.5 m (14.7 ft)	9.0 m (29.5 ft)

**ACCESSORY BUILDINGS:**

- a) Cannot be located in front yard.
- b) Maximum area: 92.9m<sup>2</sup> (1000 ft<sup>2</sup>) unless otherwise approved by the Municipal Planning Commission.
- c) Minimum side and rear setback: 3.05m (10ft).
- d) If an opening for a door or doors in an accessory building is 2.44m (8ft) or wider, the wall with the opening shall be setback a minimum of 6.10m (20ft) from any property line.
- e) Minimum distance from principal building: 3.05m (10ft).
- f) Maximum height: 4.87m (16ft) unless otherwise approved by the Municipal Planning Commission.
- g) The exterior finish must be approved by the development authority.
- h) Only one accessory building is permitted per site unless otherwise approved by the Municipal Planning Commission.

**FENCES:**

Front Yard	Side Yard	Rear Yard
1.52 m (5ft)	2.44 m (8ft)	2.44 m (8ft)

**FENCE CONSTRUCTION:**

- a) Side and rear yard fences are to be constructed out of chain-link or an equivalent as approved by the Development Authority.

# PR Parks and Recreation

**PURPOSE:** To provide for the development of public areas to meet active or passive recreational and leisure pursuits.

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Communications Tower
Recreation (Indoor)	Government Services
Recreation (Outdoor)	Shipping Container
Park	
Utilities	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

**PARCEL SIZE:** At the discretion of the Development Authority

**MAXIMUM BUILDING HEIGHT:** At the discretion of the Development Authority

**MINIMUM SETBACKS:**

Front Yard	Side Yard	Rear Yard
7.5 m (24.6 ft)	4.5 m (14.7 ft)	7.5 m (24.6 ft)

**ACCESSORY BUILDINGS:**

- a) Cannot be located in front yard.
- b) Maximum area: 92.9m<sup>2</sup> (1000 ft<sup>2</sup>) unless otherwise approved by the Municipal Planning Commission.
- c) Minimum side and rear setback: 3.05m (10ft).
- d) If an opening for a door or doors in an accessory building is 2.44m (8ft) or wider, the wall with the opening shall be setback a minimum of 6.10m (20ft) from any property line.
- e) Minimum distance from principal building: 3.05m (10ft).
- f) Maximum height: 4.87m (16ft) unless otherwise approved by the Municipal Planning Commission.
- g) The exterior finish must be approved by the Development Authority.
- h) Only one accessory building is permitted per site unless otherwise approved by the Municipal Planning Commission

**FENCES:**

Front Yard	Side Yard	Rear Yard
1.52 m (5ft)	2.44 m (8ft)	2.44 m (8ft)

**FENCE CONSTRUCTION:**

- a) Side and rear yard fences are to be constructed out of chain-link or an equivalent as approved by the Development Authority.

# NO Natural Open Space

**PURPOSE:** To protect environmentally sensitive areas by restricting development to clearly compatible uses and to provide access to the public in a manner that preserves the area in accordance with the Act.

<b>PERMITTED USES:</b>	<b>DISCRETIONARY USES:</b>
Natural Conservation Lands	Utilities
Park (Excluding Playgrounds)	Shipping Container

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

**ADDITIONAL REQUIREMENTS:**

- a) All parcel and development regulations shall be at the discretion of the Development Authority and shall proceed in a manner to minimize impacts on the natural environment.

# UR Urban Reserve

**PURPOSE:** To protect lands for future orderly and economic development and provide for a limited range of temporary uses.

<b>PERMITTED USES:</b>	<b>DISCRETIONARY USES:</b>
Agriculture (existing only)	Accessory Building/Structure
Dwelling, Single Detached (existing only)	Dwelling, Single Detached (new build)
Park	Government Services
Utilities	Recreational (Indoor)
	Shipping Container

Any strictly temporary use, which in the opinion of the Development Authority, will not prejudice the orderly and economic development of the area in the future.

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

**ADDITIONAL REQUIREMENTS:**

- a) All siting, Parcel coverage, densities, setbacks and heights of Buildings shall be at the discretion of the Development Authority.
- b) The Development Authority may specify the length of time a use is permitted, having regard to the future servicing and development of the subject land.
- c) Parcels annexed to the Town shall follow the development regulations the MD of Wainwright Land Use Bylaw in effect at the time of annexation, until such time as further development occurs on the parcel.
- d) No land shall be reclassified from Urban Reserve district into other land use districts unless the development of the same land shall constitute an orderly and economic development, having due regard for the provisions of schools, parks, roads, utilities and services, and such development as in the opinion of the Council shall not detract or disrupt any other orderly and economic development already initiated in the Town.

**ACCESSORY BUILDINGS:**

- a) Accessory buildings are to be temporary in nature and able to be easily relocated. The size, height, location, and appearance are to be approved by the Municipal Planning Commission.

# SECTION SIX

## Glossary

# 6

*This section provides definitions for terms used within the Land Use Bylaw.*

Please note, definitions pertaining to specific uses are **HIGHLIGHTED** below:

**ABUTTING** – means to have a common boundary, to border on.

**ACCESSORY BUILDING/STRUCTURE** – means any building or structure which is separate from the principal building on the parcel on which both are located, and the use of which is subordinate and incidental to that of the principal building. Typical accessory building/structures include, but are not limited to, sheds, flagpoles, hot tubs, satellite dishes, play structures, detached garage, etc.

**ACCESSORY USE** – means a use customarily incidental and subordinate to the main use.

**ADDITION** – means adding onto an existing building, provided that there are no structural changes to the existing building, no removal of the roof structure and no removal of the exterior walls other than that required to provide an opening for access from, and integration of, the existing building to the portion added thereto and there is a common structural connection from the existing building to the addition that includes a foundation, constructed to the minimum standards outlined in the Alberta Building Code, and a roof.

**ADJACENT** – means contiguous or would be contiguous if not for an easement, right-of-way, street or natural feature.

**AGRICULTURE** – means the practice of cultivating the soil, producing crops, and raising livestock or poultry – and in varying degrees the preparation and marketing of the resulting products. Not including Cannabis Processing.

**ALCOHOL PRODUCTION** – means a use where beer, spirits and other alcoholic beverages are manufactured that may have a private hospitality area where products made on the premises are sold to the general public for consumption on the premises and that may include the retail sale of products. Typical uses include breweries, distilleries and meaderies.

**ANIMAL SERVICES** – means the establishment for the onsite treatment of agricultural or domestic animals where accommodations are not normally provided and where all care and confinement facilities are enclosed within a building.

**APARTMENT** – means a dwelling unit contained within a building containing three or more dwelling units on more than one floor and includes a dwelling unit contained within or above a commercial building.

**APPLICANT** – means the registered owner of the land or his or her representative or agent certified or authorized as such to act on their behalf.

**APPLICATION FORM** – means a form provided to an Applicant pursuant to the Bylaw, including Text Amendment Application Forms, Land Use Redesignation Application Forms and Development Permit Application Forms etc.

**AUCTION MARKET** – means a building or land that is used for the auctioning of goods and equipment, including the temporary storage of such goods and equipment.

**AUTO SALVAGE** – means land used for the storage and processing of damaged or non-functional vehicles, usually for parts or scrap metal re-sale.

**AUTOMOTIVE SALES AND SERVICE** – means a building or land that is used for the sale, rental and service of automobiles, recreational vehicles, and farm equipment and parts, painting, bodywork, repair, and washing for the aforementioned uses.

**BED & BREAKFAST** – means a use where temporary sleeping accommodation is provided within a Dwelling.

**BILLBOARD** – means a structure, primarily self-supporting, which is used for the display of general advertising, the subject matter of which is not necessarily related to the use or ownership of the property on which the structure is located.

**BOULEVARD** – means the portion of the street right-of-way that lies between the curb or edge of road surface and the adjacent property line.

**BUILDING** – means any structure used or intended for supporting or sheltering any use or occupancy.

#### **BUILDING – COMMON TERMS**

- a) **ATTACHED GARAGE** – means a building or portion of a building that can be used for motor vehicle storage that is attached to the principal building by sharing a common wall which usually has an interconnecting door. For the purpose of calculating yard setbacks and site coverage requirements, an attached garage is deemed to be part of the principal building.
- b) **AWNING** – means a cloth like or lightweight shelter projecting from a building.
- c) **BALCONY** – means a projecting elevated platform on a building, which is enclosed by a railing or parapet and is greater than 0.6 m above grade and width. Access is from the building only.
- d) **BASEMENT** – means that portion of a building located below the uppermost floor level that does not exceed 2.0 m above grade.
- e) **BAY** – means a self-contained unit of part of a building or of the whole building which can be sold or leased for individual occupancy.
- f) **CANOPY** – means a non-retractable solid projection extending from the wall of the building intended to be used as a protection against weather, other than normal architectural features such as lintels, sills, moldings, architraves and pediments, but includes the structure known as the theatre marquee.
- g) **CANTILEVER** – means a long projecting beam or girder fixed at only one end.
- h) **DECK** – means an open-sided roofless platform adjoining a building up to a height of 0.61 m from grade.
- i) **FOUNDATION** – means the lower portion of a building, usually concrete or masonry, and includes the footings, which transfers the weight of and loads on a building to the ground.
- j) **PATIO** – means an uncovered open platform or area situated directly on the ground.

- k) **PORCH** – means a roofed structure having direct access to and projecting from the principal building with walls that are unenclosed and open to the extent of at least 50% and may be glazed or screened.

**BUILDING PERMIT** – means a permit issued in writing by a designated Safety Codes Officer authorizing the commencement of a use, occupancy, relocation, construction, or demolition of any building.

**BUILDING SUPPLIES** – means a use where lumber, building materials, hardware and household accessories and other related goods are stored, offered, or kept for sale and may include outdoor storage.

**BULK FUEL STATION** – means a use where gas and petroleum products are stored within underground and/or above ground storage tanks and sold to customers.

**BUSINESS** – means:

- a) a commercial, merchandising or industrial activity or undertaking, or
- b) a profession, trade, occupation, calling or employment, or
- c) an activity providing goods and services, whether or not for profit and however organized or formed, including a co-operative or association of persons.

**CAMPGROUND** – means a use where holiday trailers, motor homes, tents, campers, and similar vehicles, are used for recreation, and is not normally used as year-round storage, or accommodation for residential uses.

**CANNABIS ACCESSORY** – means a thing that is commonly used in the consumption or production of cannabis. A Cannabis Accessory includes, but is not limited to, rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers.

**CANNABIS LOUNGES** – means development where the primary purpose of the facility is the sale of Cannabis to the public, for the consumption within the premises that is authorized by provincial or federal legislation.

**CANNABIS PROCESSING** – means a development, as licensed by Health Canada, where cannabis is grown, harvested, processed, tested, destroyed and/or stored on site, but does not include Retail (Restricted).

**CANNABIS STORE** – means development used for the retail sale of Cannabis that is authorized by provincial or federal legislation. This Use will include retail sales of cannabis and cannabis accessories as approved by the Alberta Gaming, Liquor and Cannabis Commission and must have a provincial retail Cannabis license. This Use does not include Cannabis Production and Distribution.

**CAR WASH** – means a facility for the washing of motor vehicles on a commercial basis.

**CARE FACILITY (CHILD)** – means the use of a *building* or portion thereof for the provision of care, instruction, *maintenance* or supervision of seven or more children under the age of 13 years, by persons other than one related by blood or marriage, for periods not exceeding 24 consecutive hours. Typical uses include all day-care centres, early childhood services, nurseries and after-school or baby-sitting programs.

**CARE FACILITY (CLINIC)** – means a use where the principal use is to provide medical and health care services on an outpatient basis only. Typical uses include medical and dental offices, health care clinics, pre-natal clinics and counseling services.

**CARE FACILITY (GROUP)** – means a use where individuals who are in need of supervision reside on a temporary or long-term basis in a group setting where twenty-four (24) hour personal care or social and recreation support may be provided. Typical uses include senior lodges, boarding homes, group homes, family homes and long-term special needs care facilities.

**CARE FACILITY (MEDICAL)** – means a development providing room, board, and surgical or other medical treatment for the sick, injured, or infirm including out-patient services and accessory staff residences. Typical facilities would include hospitals, sanitariums, convalescent homes, psychiatric hospitals, auxiliary hospitals, and detoxification centres.

**CEMETERY** – means a use where the entombment of the deceased occurs and may include such facilities as crematories, cineraria, columbaria, mausoleums, memorial parks, burial grounds or remembrance gardens.

**CLASSROOM** – means a room used primarily for the instruction of students.

**COMMUNICATIONS TOWER** – means a facility for the transmission of wireless communication signals. These facilities include telecommunication towers, antennae, and the buildings that house their supporting equipment.

**COMMUNITY HALL** – means a building used by groups for cultural or community activities. Typical uses include public and private clubs.

**COMPATIBLE** – means the characteristics of different uses or activities or designs which allow them to be located near or Adjacent to each other in harmony. Compatibility does not mean “same as”. Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing developments.

**CONSTRUCT** – means to build, rebuild, or relocate and without limiting the generality of the word, also includes: any preliminary operation such as excavation, filling or draining; altering an existing building or structure by addition, enlargement, extension, or other structural change; and any work which requires a Building Permit.

**CONTRACTOR SERVICES** – means the provision of building construction, landscaping, concrete, electrical, environmental, excavation, drilling, heating, plumbing, paving, oilfield related industries, road construction, workshops, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service.

**CORNER VISIBILITY TRIANGLE** – means the triangular area formed on a corner parcel by the two (2) curb lines and a straight line, which intersects them 3.0 m from where they meet in Residential Districts and 6.0 m from where they meet in all other districts, as illustrated in **Figure 2 – Corner Visibility Triangle**.

**COUNCIL** – means the Council of the Town of Wainwright.

**CURB CUT** – means an access point to a property from a public roadway.

**DENSITY** – means the number of dwelling units on a site expressed in units per hectare (uph).

**DEVELOPER** – means a person or an owner of land in accordance with the Statutes of the Province of Alberta who wishes to proceed with development.

**DEVELOPMENT** – means:

- a) An excavation or stockpile and the creation of either of them, or
- b) A building or an addition to, or replacement or repair of a building, or
- c) A change of use of land (via “Redesignation”) or a building or an act done in relation to land or a building that results in or is likely to result in a change in the land or building, or
- d) A change in the intensity of use of land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

**DEVELOPMENT AGREEMENT** – means an agreement which is a contract between a developer and the Town regarding the sharing of costs arising from the construction or servicing of a development.

**DEVELOPMENT AUTHORITY** – means a Development Authority established pursuant to the MGA to exercise development powers and duties on behalf of the Town.

**DEVELOPMENT COMMENCEMENT** – means the moment construction is started on site (i.e. excavation) or the land use has begun for the purposes of the Development Permit application.

**DEVELOPMENT COMPLETION** – means the moment the required Building/Development Permit conditions and requirements have been met for the purposes of the Development Permit application and/or the final inspection reports have been received.

**DEVELOPMENT PERMIT** – means a document or permit, which may include attachments, issued pursuant to this Bylaw authorizing a development.

**DIRECT CONTROL DISTRICT** – means a district in the Land Use Bylaw which details guidelines established by Council for control over the use and development of an area pursuant to the provisions of the MGA.

**DISCRETIONARY USE** – means those uses which are considered on their individual merits and circumstances by the Municipal Planning Commission and may be permitted on a specific site within a district.

**DISMANTLED/WRECKED VEHICLE** – means any vehicle that is dismantled or damaged to such an extent that it cannot be lawfully operated on a public road.

**DISTRICT** – means a Land Use District.

**DWELLING OR DWELLING UNIT** – a building or portion of a building consisting of one or more rooms operated or intended to be operated as a permanent residence for a household, containing cooking, sleeping and sanitary-facilities only for that unit.

**DWELLING (APARTMENT)** – means a dwelling with more than six (6) dwelling units. This use includes housing types such as Apartments and Seniors Manors. Secondary Suites are not permitted.

**DWELLING (DUPLEX/SEMI)** – means a dwelling containing two (2) dwelling units having the dwelling area of one located above the dwelling area of the other each with a private entry or a dwelling containing not more than two (2) dwelling units sharing a common wall, which may be subdivided along the common wall.

**DWELLING (MANUFACTURED HOME)** – means a building whether ordinarily equipped with wheels or not, that is constructed or manufactured to be moved from one point to another that is located on a permanent foundation and which provides completely self-contained, year-round residential accommodation and meets the requirements for a residence under the Canadian Standards Association. Secondary Suites are not permitted.

**DWELLING (MULTI-UNIT)** – means a dwelling with three (3) to six (6) dwelling units. This use includes housing types such as Apartments, Row Houses, Town Houses, Stacked-Townhouses and Tri- Four- or Six Plexes. Secondary Suites are not permitted.

**DWELLING (SINGLE DETACHED)** – means a dwelling (constructed on site or modular construction) that is supported on a permanent foundation or basement but does not include Dwelling (Manufactured Home).

**DRIVE THROUGH** – means a subordinate use where services are provided to patrons who are in a motor vehicle. This use will always be approved with another use such as Establishments (Eating or Drinking) or financial institution.

**EASEMENT** – means a right to use land generally for access to other property or as a right-of-way for a public utility.

**EQUIPMENT RENTAL AND SALES** – means the sale, rental, maintenance and repair of equipment and parts for the aforementioned uses.

**EMERGENCY SERVICE** – means a building or land used for fire, police, or ambulance services.

**ESTABLISHMENT (EATING & DRINKING)** – means land or a building where prepared foods and alcoholic and/or non-alcoholic beverages are offered for sale to the public for consumption.

**ESTABLISHMENT (ENTERTAINMENT)** – means a use where live performances or motion pictures are shown. Typical uses include auditoria, cinemas and theatres, but does not include Establishment (Restricted).

**ESTABLISHMENT (RESTRICTED)** – means a use where potentially controversial entertainment is offered to the public. Typical uses include casinos and bingo halls and cannabis lounges.

**EXCAVATION** – means any breaking of ground except for gardening and ground care.

**FARMER’S MARKET** – means a use where individual vendors provide goods for sale directly to the public. Vendors may change on a frequent or seasonal basis and goods may be sold both inside and outside of the building. Goods being sold are primarily fresh food products, finished consumer goods, produce, handcrafted articles, antiques or second-hand goods.

**FENCE** – means a vertical physical barrier constructed to prevent visual intrusions, unauthorized access, or provide sound abatement.

**FLOOR AREA** – means the area of all floors in a building, measured within the exterior walls of a building, not including basements, decks, patios, driveways, sidewalks, or porches.

**FRONT YARD** – means the portion of a site that lies between the front face of the principal building and the front property line and extends the entire width of the site. In the case of a corner lot, the front yard is on the same side as the other lots in the row on the block regardless of the orientation of the principal building.

**FUNERAL HOME** – means a development used for the arrangement of funerals, the preparation of the deceased for burial or cremation, and/or the holding of funeral services.

**GAS STATION** – means a use where gasoline and related fuels are sold, typically including a Small Retail component. This use does not include a Bulk Fuel Facility.

**GOVERNMENT SERVICES** – means a use where municipal, provincial or federal government services directly to the public or the community at large, and includes development required for the public protection of persons or property. Typical facilities would include police stations, fire stations, courthouses, post offices, municipal offices or social service offices.

**GRADING** – means the alteration of the grade of a site.

**GREENHOUSE** – means a building specially designed and used for the commercial growing of vegetables, flowers or other plants for transplanting or sale. The use may include accessory retail uses on the premises.

**GREEN SPACE** – means an area of grass, trees, or other vegetation set apart for aesthetic purposes in an otherwise urban environment.

**GROSS FLOOR AREA (GFA)** – means the total floor area of a building within the exterior and basement walls.

**HOME OFFICE** – means any occupation, trade, profession, or craft carried on by a family occupant of a dwelling unit as a use secondary to the residential use of the building which does not involve any employees or customers coming to the dwelling unit, on-site storage or display of materials, or the creation of any nuisance whatsoever.

**HOME-BASED BUSINESS** – means a use where business is conducted in a Principal Building or Accessory Building with moderate weekly visits and with one employee who does not live on the property. Uses are secondary to the residential use of the parcel and do not change the residential appearance of the land and buildings.

**HOTEL/MOTEL** – means a building used primarily for sleeping accommodations and ancillary services provided in rooms or suites of rooms, which may contain bar/kitchen facilities; the building may also contain commercial or other uses and may or may not offer such additional services as party facilities, restaurant or dining room services, or public convention facilities.

**INCINERATOR** – means a facility used for the burning of waste.

**INDUSTRIAL (LIGHT)** – means those developments where activities and uses are primarily carried on within an enclosed building and no significant nuisance factor is created or apparent outside an enclosed building. Any development, even

though fully enclosed, where, in the opinion of a Development Authority, there is significant risk of interfering with the amenity of adjacent sites because of the nature of the site, materials or processes, shall not be considered Industrial (Light). Typical uses include laboratories, general contractors and landscaping services, equipment rentals, warehouses and warehouse sales of furniture, floor coverings etc.

**INDUSTRIAL (MEDIUM)** – means those developments in which all or a portion of the activities and uses are carried on outdoors, without any significant nuisance such as noise, appearance, or odour, extending beyond the boundaries of the site. Any development where the risk of interfering with the amenity of adjacent or nearby sites, because of the nature of the site, materials or processes, cannot be successfully mitigated shall be considered Industrial (Heavy). Typical uses include storage yards, grain storage and handling, construction, maintenance, equipment rental or sales, and manufacturing or processing facilities that do not pose a Nuisance.

**INDUSTRIAL (HEAVY)** – means those developments that may have an effect on the safety, use, amenity, or enjoyment of adjacent or nearby sites due to appearance, noise, odour, emission of contaminants, fire or explosive hazards, or dangerous goods, but does not include Industrial (Cannabis Processing). Typical uses include abattoirs, concrete plants, wreckage and salvage yards, and manufacturing and processing facilities that create a Nuisance.

**INDUSTRIAL (LOGISTICS)** – means a use accommodating the storage and inter-modal (rail, highway) distribution of goods resulting in larger traffic volume. Typical uses include shipping/receiving facilities, transshipment and distribution centres.

**JOINT SUBDIVISION AND DEVELOPMENT APPEAL BOARD (JSDAB)** – means an appeal authority pursuant the ‘Joint Subdivision and Development Appeal Board (JSDAB) Bylaw (Policy 2019-03)’, as amended.

**LANDSCAPING** – means the modification, beautification and enhancement of a site or development through the use of any of the following elements:

- a) Natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass, flowers and other ground cover or materials,
- b) Hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, and
- c) Walkways, driveways and parking areas.

**LANE** – means a public thoroughfare, which provides a secondary means of access to a parcel.

**LIVESTOCK** – means all domestic animals kept for use on a farm or raised for sale or profit and includes horses, cattle, sheep, swine, poultry, bees, and fur-bearing animals raised in captivity as well as game production animals or other animals as determined by the Town.

**MANUFACTURED HOME PARK** – means a parcel of land under one title, which provides spaces for the long-term parking and occupancy of a Dwelling (Manufactured Home).

**MANUFACTURING** – means land or a building for the manufacturing, processing, production, assembly or packing of goods, products, materials, or equipment which may, in the opinion of the Development Authority,

- a) Result in a significant impact on adjacent land uses due to appearance, noise, odour, emission of wastes, other nuisance, or potential health or safety hazards, or
- b) Requires extensive space for storage.

**MAINTENANCE** – means the upkeep of a building or property that does not involve structural change, the change of use, or the change of intensity of use.

**MIXED-USE BUILDING** – means a building used partly for residential use and partly for commercial use.

**MIXED-USE DEVELOPMENT** – means a parcel of land or a building or structures developed for two or more different uses that may include uses such as residential, office, manufacturing, retail, public, or entertainment.

**MERCHANDISING AID** – means a device used for the display of merchandise and related advertising material.

**MUNICIPAL GOVERNMENT ACT** – means the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26, as amended.

**MUNICIPAL PLANNING COMMISSION** – means a municipal planning commission as established pursuant to ‘The Municipal Planning Commission Bylaw 95-15,’ as amended.

**NON-CONFORMING BUILDING** – means a building:

- a) That is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or the land on which the building is situated becomes effective, and
- b) That on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw.

**NON-CONFORMING USE** – means a lawful specific use:

- a) Being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and
- b) That on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw.

**NUISANCE** – means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

**OFFICE** – means a Building that provides space for professional, management, administrative, consulting and similar office and business support services, financial institution, investing services or a commercial school space.

**NURSING HOME** – means a public or private health facility or institutional-type residential building with multiple accommodation or dwelling units for the care, supervision or rehabilitation of individuals, and containing overnight or long-term accommodation.

**PARCEL** – means the aggregate of the one or more areas of land described in a Certificate of Title or described in a Certificate of Title by reference to a plan filed or registered in a Land Titles Office. May also be referred to as a site.

**PARCEL AREA** – means the total area of a parcel.

**PARCEL COVERAGE** – means the combined area of all buildings or structures upon the parcel, measured at the approved grades, including all porches and verandas, enclosed terraces, steps, cornices, eaves, and similar projections; such area shall include air wells, and all other space within an enclosed building.

**PARCEL FRONTAGE** – means the length of a street boundary measured along the front line of a parcel.

**PARCEL, CORNER** – means a parcel that abuts two (2) intersecting streets.

**PARCEL, DOUBLE FRONTING** – means a parcel which abuts two (2) non-intersecting streets (excluding lanes).

**PARCEL, INTERIOR** – means a parcel which is bounded by only one (1) street.

**PARK** – means land developed for recreational activities that invite the public and includes picnic areas, playgrounds, pedestrian and bicycle paths, and associated public washrooms.

**PARKING FACILITY** – means the area or structure set aside for the storage and parking of 5 or more vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area and traffic islands where they are part of the parking facility.

**PARKING LOT** – means an area of land, other than a street or a building, designed and used for the off-street parking of vehicles and the access thereto.

**PERSONAL SERVICE SHOP** – means the use of land or a building for the provision of personal services to an individual related to care or appearance of the body or the cleaning or repair of personal effects. This includes but is not limited to barbershops, estheticians, hairdressers, massage services, tailors, tanning studios, tattoo studios, and shoe repair shops.

**PORCH** – means a covered, open structure (unenclosed) that is attached to the exterior of a building, often forming a covered entrance to a doorway. The structure does not have solid walls but may be screened.

**PRINCIPAL BUILDING** – means a building which:

- a) occupies the major or central portion of a parcel,
- b) is the chief or main building on a parcel, or
- c) constitutes, by reasons of its use, the primary purpose of which the parcel is used.

**PRINCIPLE USE** – means the main purpose for which a parcel is used.

**PROPERTY LINE** – means any boundary of a parcel, and includes the rear, front and side property lines.

**REAR YARD** – means the portion of a site that lies between the rear face of the principal building and the rear property line and extends the entire width of the site and is opposite of the front yard.

**RECREATION (CULTURE & TOURISM)** – means a use where public or private cultural or tourism recreation occurs. Typical uses include tourist information centres, libraries, museums, or other cultural facilities, but does not include Recreation (Public) facilities nor Establishment (Entertainment).

**RECREATION (INDOOR)** – means a use where sports or recreation, that is open to the public, occurs within an enclosed building. Typical uses include recreation centres, community halls, public swimming pools, private clubs or lodges, health or fitness clubs, bowling alleys, curling rinks and arenas, but does not include Government Services.

**RECREATION (OUTDOOR)** – means a use where outdoor recreation occurs. Typical uses include outdoor skating rinks, lawn bowling greens, tennis courts, swimming and wading pools, water spray parks, rodeo grounds, go-cart tracks, miniature golf, theme parks and golf courses.

**RECYCLING/COMPOST FACILITY** – means the use of premises for the collection and sorting of garbage or compost, including a bottle depot, and the packaging of paper, newspapers, clothing, cans, or bottles and similar domestic or commercial garbage.

**REDESIGNATION** – means the conversion of land from one land use to another.

**REGISTERED OWNER** – means:

- a) in the case of land by Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
- b) in the case of any other land,
  - I. the purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title, or
  - II. in the absence of a person described in clause (a), the person registered under the owner of the fee simple estate in the land.

**RESERVE, ENVIRONMENTAL (ER)** – means the land designated as Environmental Reserve per the MGA.

**RESERVE, SCHOOL (SR)** – means the land designated as School Reserve per the MGA.

**RESERVE, MUNICIPAL (MR)** – means the land designated as Municipal Reserve per the MGA.

**RELIGIOUS ASSEMBLY** – means a development owned by a religious organization used for worship and related religious, philanthropic, or social activities and includes accessory rectories, manses, meeting rooms, classrooms, dormitories, and other buildings. Typical facilities would include churches, chapels, mosques, temples, synagogues, parish halls, convents, and monasteries.

**RETAIL (SMALL)** – means a use where the sale of goods and services occur in a building with a gross floor area less than 1,000.0 m<sup>2</sup>. Typical uses include a convenience store or sandwich shop or personal services such as hairdressers/salons, massage clinics, laundromats, or tailors.

**RETAIL (GENERAL)** – means a use where the sale of goods and services occur in a building with a gross floor area between 1,000.0 - 4,000.0 m<sup>2</sup>. Typical uses include a clothing store or pharmacy.

**RETAIL (LARGE)** – means a where the sale of goods and services occur in a building with a gross floor area larger than 4,000.0 m<sup>2</sup>. Typical uses include grocery stores or “big box” retailers.

**RETAIL (OUTDOOR)** – means a development providing for the sale of goods where a portion of the wares are kept outdoors. Typical uses include building supplies, lumber yards, landscaping services, and garden centres, not including Automotive Service and Sales.

**RETAIL (RESTRICTED)** – means a use where goods licensed by the Province of Alberta are sold for consumption off-site. Typical uses include liquor stores, cannabis stores and adult goods stores.

**RETAINING WALL** – means a wall for holding in place, a mass of earth or the like, as at the edge of a terrace or excavation.

**REGISTERED OWNER** – means:

- a) in the case if land by Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
- b) in the case of any other land,
- c) the purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land and any assignee of the purchaser’s interest that is the subject of a caveat registered against the certificate of title, or
- d) in the absence of a person described in clause (a), the person registered under the owner of the fee simple estate in the land.

**SCHOOL** – means a place of instruction operated with public funds pursuant to the School Act, which may be located on reserve land pursuant to the MGA.

**SECONDARY SUITE** – means a secondary Dwelling Unit located within a Principal Building. Secondary suites are not permitted in duplexes, multi-plexes, or apartments where the structure was initially designed for two or more dwellings and does not include lodging houses.

**SHOPPING CENTRE** – means a use where commercial establishments are grouped on a site planned, developed, and managed as a single unit with on-site parking provided.

**SHOW HOME** – means the use of an unoccupied residential building as a sales office and/or as a facility to demonstrate a builder’s housing product.

**SIDEWALK** – means a pathway or right-of-way for pedestrian traffic.

**SIGN** – means an object or device intended to advertise or call attention to a person, matter, event or location.

**SIGN – COMMON TERMS**

- a) “BUILDING FACE” means any exterior wall of a Building.
- b) “COPY” means the letters, graphics or characters that make up the message on the sign face.

- c) "CHANGEABLE COPY" means that portion of the copy that can be readily changed either manually or electronically.
- d) "FASCIA" means a sign placed flat and parallel to the face of the building so that no part projects more than one foot from the building.
- e) "THIRD PARTY ADVERTISING" means advertising which directs attention to a business, commodity, service or event that is conducted, sold or offered elsewhere than on the premises on which the sign is located.

**SETBACK** – means the perpendicular or radial distance from a property line to the eaves of a building. In the case of a cantilevered floor, the setback shall be to the outer wall of the cantilevered section.

**SHIPPING CONTAINER** – means any container that was used or intended to be used to transport goods by means of rail, truck, or by sea and includes trailers.

**SOLAR COLLECTOR (ROOF TOP)** – means a roof-mounted device that converts light into electricity.

**SOLAR COLLECTOR (WALL MOUNTED)** – means a wall-mounted device that converts light into electricity.

**SOLAR COLLECTOR (FREE STANDING)** – means a freestanding device that converts light into electricity, which is set upon the ground.

**STATUTORY PLAN** – means an Inter-Municipal Development Plan, Municipal Development Plan, Area Structure Plan or Area Redevelopment Plan adopted by a municipality under the MGA, as amended.

**STOCKPILE** – means an accumulation materials or raw materials, including snow dumps, stored outdoors in a pile.

**STOP ORDER** – means an order to stop development that is issued by the Development Authority pursuant to the MGA.

**STORAGE YARD** – means a use for the outdoor storage of materials, products, goods, merchandise, vehicles, or equipment.

**STREET** – means a public thoroughfare, often paved and referred to interchangeably as a road.

**SUBDIVISION** – the process of dividing land into smaller Parcels, overseen by the Subdivision Authority.

**TEMPORARY** – means a use which is limited in its permanence.

**TOWER** – means a structure greater than 3.05m (10ft) in height used to support a device that requires height to operate effectively but does not include a structure that is regulated by Industry Canada.

**TOWN** – means the Town of Wainwright.

**USE** – means the utilization of a parcel of land for a particular development activity.

**USE, DISCRETIONARY** – means the use of land or a building provided for in this Bylaw for which a decision on a Development Permit may be issued upon a Development Permit application having been made and subject to the enabling conditions for each proposed development being satisfied.

**USE, PERMITTED** – means the use of land or a building provided for in this Bylaw for which a Development Permit shall be approved and issued by the Development Authority when the proposed development conforms to all applicable requirements and rules of this Bylaw, with or without conditions, upon application having been made to the Development Authority.

**USE, INTENSITY OF** – means the degree or scale of operation of use or activity in relation to the amount of land and buildings associated with the use, vehicular traffic generation resulting thereof, amount of parking facilities required for the particular land use activity, etc.

**USE, SIMILAR** – means a use of a site or building in a District which, in the opinion of the Development Authority, is so similar to a Permitted Use or Discretionary Use in that District that it meets the intent of Council for the development

of that District as set out in the purpose and intent statement, but does not include a use that is specifically defined as a Permitted or Discretionary Use in any other District.

**UTILITIES** – means a system or works used to provide services such as potable water, sewage disposal, waste management or storm systems, as well as the buildings that house the public utility, and any offices or equipment.

**YARD** – means a part of a parcel upon or over which no building or structure other than a boundary fence is erected, unless otherwise permitted.

**YARD, FRONT** – means that portion of a parcel that lies between the front face of the principal building and the front property line. In the case of a corner lot, the front yard is on the same side as the other lots in the row on the block regardless of the orientation of the principal building.

**YARD, REAR** – means the portion of a parcel that lies between the rear face of the principal building and the rear property line.

**YARD, SIDE** – means that portion of a parcel that lies between the side face of the principal building and the side property line.

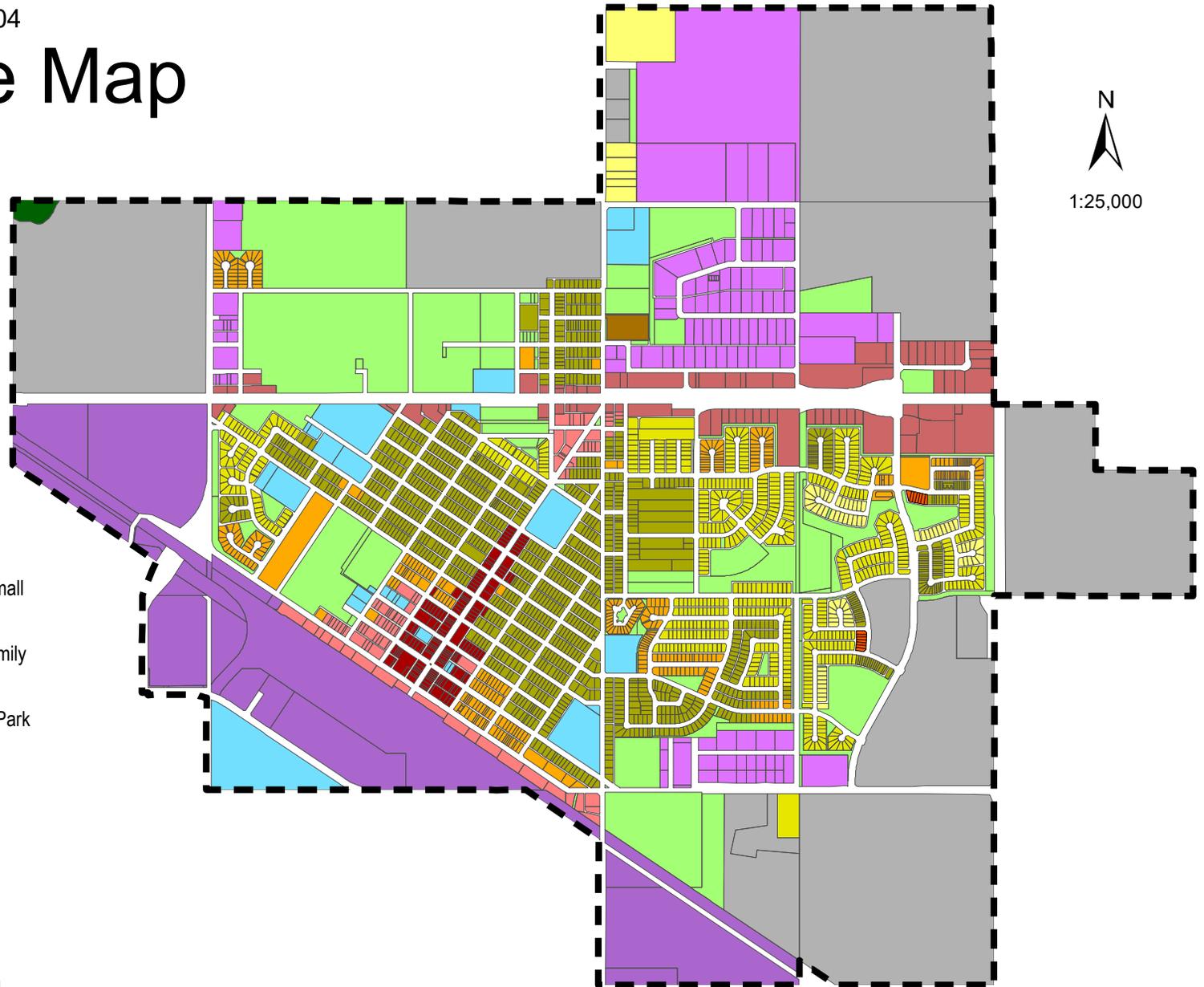
All other words have the meanings assigned to them by the MGA, as amended, or common dictionary definitions.

# Schedule Land Use Map

# A

# Land Use Map

Prepared: July 2022



## Land Use District

-  (R1) Residential, Single Family
-  (R1B) Residential, Single Family Small
-  (R2) Residential, Two Family
-  (R1A) Residential, Large Single Family
-  (R3) Residential, Multiple-Family
-  (RMH2) Residential, Mobile Home Park
-  (C1) Commercial, Central
-  (C2) Commercial, Secondary
-  (C3) Commercial, Highway
-  (C4) Commercial, Neighborhood\*
-  (M1) Industrial, Light
-  (M2) Industrial, Heavy
-  (I) Special, Institutional
-  (PR) Special, Parks and Recreation
-  (NO) Special, Natural Open Space
-  (UR) Special, Urban Reserve

\* District is in bylaw but is not currently applied.



Projection: NAD 1983 3TM 114

