

# **VILLAGE OF CLYDE**

## **LAND USE BYLAW**

### **BYLAW NO. 2008-10**

**October, 2008**

Note:

This document has been prepared for convenience only. The official Bylaw, and any amendments thereto, which are available from the office of the Village Administrator, should be consulted for all purposes of interpretation and application.

## TABLE OF CONTENTS

<b>PART ONE - GENERAL</b>		<b>Page</b>
1.1	Title	4
1.2	Purpose	4
1.3	Interpretation	4
1.4	Metric and Imperial Measurements	14
1.5	Establishment of Districts	14
1.6	Establishment of Land Use District Regulations	15
 <b>PART TWO - AGENCIES</b>		
2.1	Development Approval Authorities	16
2.2	Development Authority Officer	16
2.3	Municipal Planning Commission	16
2.4	Subdivision and Development Appeal Board	16
 <b>PART THREE - DEVELOPMENT PERMITS, RULES AND PROCEDURES</b>		
3.1	Control of Development	17
3.2	Development Not Requiring a Development Permit	17
3.3	Non-Conforming Buildings and Uses	18
3.4	Permission for Development	18
3.5	Development Permits and Notices	21
 <b>PART FOUR - APPEALS</b>		
4.1	Appeal Procedure	23
4.2	Public Hearing	23
4.3	Decision	24
 <b>PART FIVE - ENFORCEMENT AND ADMINISTRATION</b>		
5.1	Contravention	25
5.2	Application to Amend Bylaw	26
5.3	Form of Application	26
5.4	Amending Bylaws	26
5.5	Schedules	27
5.6	Repealing Existing Controls	27
5.7	Date of Commencement	27
 <b>SCHEDULE A - LAND USE DISTRICT MAP</b>		 29
 <b>PART SIX - GENERAL DEVELOPMENT REGULATIONS</b>		
6.1	General Provisions	
6.1.1	Plans of Subdivision	30
6.1.2	Dwelling Units on a Lot	30

	<b>Page</b>
6.1.3 Existing Substandard Lots	30
6.1.4 Site Conditions	30
6.1.5 Removal of Topsoil	30
6.1.6 Fences and Walls	30
6.1.7 Landscaping	31
6.1.8 Objects Prohibited or Restricted in Yards	31
6.1.9 Projections into Yards	32
6.1.10 Site Development	32
6.1.11 Protection from Exposure Hazards	32
6.1.12 Off-Street Loading	33
6.1.13 Off-Street Automobile Parking	33
6.1.14 Corner Lots	35
6.1.15 Accessory Buildings	35
6.1.16 Signs	37
 6.2 Special Provisions	
6.2.1 Home Occupations	38
6.2.2 Industrial Development	39
6.2.3 Service Stations (Including Gas Bars)	40
6.2.4 Places of Worship	40

## **PART SEVEN - LAND USE DISTRICTS**

7.1 Residential District - R1	41
7.2 Residential District - R2	43
7.3 Residential Manufactured Home District - RMH	48
7.4 Residential Manufactured Home Subdivision District - RMH-A	52
7.5 Commercial District - C	56
7.6 Industrial District - M	59
7.7 Community District - P	60
7.8 Institutional District - I	61
7.9 Urban Reserve District - UR	62

# **BYLAW NO. 2008-10**

## **LAND USE BYLAW**

Pursuant to the Municipal Government Act, R.S.A. 2000, as amended, the Council of the Village of Clyde duly assembled, hereby enacts as follows:

### **PART ONE - GENERAL**

#### **1.1 Title**

The title of this Bylaw shall be the Land Use Bylaw of the Village of Clyde.

#### **1.2 Purpose**

The purpose of this Bylaw is to prohibit or regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose amongst other things:

- (1) to divide the municipality into districts;
- (2) to prescribe and regulate for each district the purposes for which land and buildings may be used;
- (3) to establish a method of making decisions on applications for development permits;
- (4) to provide the manner in which notice of the issuance of a development permit is to be given; and
- (5) to establish the number of dwelling units allowed on a lot.

#### **1.3 Interpretation**

In this Bylaw

- (1) "accessory building" means a building separate and subordinate to the principal building, the use of which is incidental to that of the principal building and is located on the same lot;
- (2) "accessory use" means a use customarily incidental and subordinate to the principal use or building, which is located in the same lot with such principal use or building;
- (3) "Act" means the Municipal Government Act, R.S.A. 2000, as amended;

- (4) "amusement establishment, indoor " means a development providing recreational facilities with table games and/or electronic games, used by patrons for entertainment. Indoor amusement establishments include billiard parlours, electronic games arcades with tables and/or games, bowling alleys, and gambling machines such as video lottery terminals;
- (5) "amusement establishment, outdoor" means a development providing recreational facilities outdoors played by patrons for entertainment. Outdoor amusement establishments include amusement parks, go-cart tracks, and miniature golf courses. However, outdoor amusement establishments do not include drive-in motion picture theatres, carnivals or circuses;
- (6) "apartment" means a dwelling containing five (5) or more dwelling units, but shall not mean row housing;
- (7) "auctioneering establishment" means a development specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment. Auctioneering establishments do not include flea markets;
- (8) "automobile, light truck and recreational vehicle sales and service " means a development where new or used automobiles, manufactured homes, trucks, motorcycles, snowmobiles, tent trailers, boats, travel trailers, or similar recreational vehicles or craft are sold or rented, together with incidental maintenance services and sale of parts. These include automobile and truck dealerships, recreational vehicle dealerships, car rental agencies and motorcycle dealerships;
- (9) "basement" means the portion of a building which is wholly or partially below grade, having above grade no more than 1.8 m (5.9 ft.) of its clear height which lies below the finished level of the floor directly above;
- (10) "bingo hall" means a building or a portion of a building where the game of bingo and other similar board games may be played. Bingo halls may include an eating and drinking establishment as an accessory use;
- (11) "building" includes anything constructed or placed on, in, over, or under land but does not include a road or a bridge forming part of a road;
- (12) "business support service" means a development providing support services to businesses. Business support services are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; the provision of technological services such as computer hardware and/or software maintenance, desktop publishing, website design and/or hosting, and the like; or the sale, rental, repair or servicing of office equipment, furniture and machines. Business support services include printing establishments, film processing establishments, computer

service establishments, janitorial firms, and office equipment sales and repair establishments;

- (13) "child care facility" means a development where the care, maintenance, education, and/or supervision of four or more children under the age of thirteen (13) years is carried out, by persons other than ones related by blood or marriage, for periods not exceeding twenty-four (24) consecutive hours. Child care facilities include: daycare centres, nurseries, kindergartens, and after-school or baby-sitting programs;
- (14) "commercial school" means a development where training and instruction in a specific trade, skill or service is provided for the financial gain of the individual or company owning the school. Commercial schools do not include public schools, but includes secretarial, business, hairdressing, beauty culture, dancing, or music schools;
- (15) "corner lot" means a lot with boundary lines on two separate roads or a single road that curves at an angle of sixty (60) degrees or more at the subject lot. For the purposes of this definition, a road shall not include a lane;
- (16) "Council" means the Council of the Village of Clyde;
- (17) "day home" means a provincially licensed child care facility operated from a residence supplying supervision of a maximum of six (6) children under the age of thirteen (13) years including any resident children. A day home shall supply an outside play space that is both fenced and gated, and shall meet all fire regulations and health regulations;
- (18) "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 and the construction or placing of any of them in, on, over or under land, or
  - (c) a change of use of land 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 use of the land or building, or
  - (d) a change in the intensity of use of land 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 intensity of use of the land or building;
- (19) "Development Authority" means the Development Authority established by the municipality's Development Authority Bylaw and appointed by Council;
- (20) "development permit" means a document authorizing a development issued pursuant to this Bylaw;
- (21) "discretionary use" means the use of land or a building provided for in this Bylaw for which a development permit may be issued upon an application having been made;

- (22) "drive-in business" means a development which serves customers traveling in motor vehicles driven onto the site where such business is carried on, where normally the customer either remains in the vehicle for service, or parks the vehicle for a short period for the purpose of doing business at the premises. Drive-in businesses include, but are not limited to, service stations, gas bars, drive-in restaurants, drive-through vehicle service establishments such as lubrication shops, recycling depots, and car washes;
- (23) "dry cleaning depot" means an establishment which receives articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing or cleaning, processing or repairing elsewhere, and distributes any such articles or goods which have been subjected to any such processes;
- (24) "duplex" means a dwelling containing two (2) dwelling units which share a common wall, and which are located either side by side or one above the other and which may or may not share a common access;
- (25) "dwelling" means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level. This definition shall include one family dwellings, duplexes, row housing, fourplexes, apartments, and manufactured homes;
- (26) "dwelling unit" means a complete dwelling or self-contained portion of a dwelling, or a set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household, and which is not separated from direct access to the outside by another separate dwelling unit;
- (27) "eating and drinking establishment" means a development where food and/or beverages are prepared and offered for sale to the public, for consumption within the premises, at an accessory outdoor seating area on the site, or off the site, which is not a drive-in restaurant. Eating and drinking establishments include, but are not limited to, neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands and take-out restaurants, but shall not include drive-in restaurants. Eating and drinking establishments shall not contain within them an entertainment establishment or an indoor amusement establishment unless otherwise provided for in an approved development permit;
- (28) "entertainment establishment" means a development where persons may be entertained by music, theatre, or the like. An entertainment establishment may include theatre, dancing or cabaret entertainment, whether recorded or live. An eating and drinking establishment may contain within it an entertainment establishment, but only if specifically provided for in an approved development permit;
- (29) "equipment rental establishment" means a development where tools, appliances, recreation craft, office machines, furniture, light construction and light farming

equipment, or similar items are rented and serviced. Equipment rental establishments do not include developments where motor vehicles or industrial equipment are rented or serviced;

- (30) "fleet services" means a development which administers a number of vehicles which deliver people, goods, or services, and where such vehicles are not available for sale or long term lease. Fleet services may include the storage and servicing of administered vehicles. Fleet services may include ambulance services, taxi services, bus lines, messenger and courier services and moving or cartage firms;
- (31) "floor area" means the total area of all floors of all buildings, not including accessory buildings, located on any lot, excluding the area of basement floors, except that all dwelling units in apartment buildings shall be included in the calculation of floor area;
- (32) "fourplex" means a dwelling containing four (4) dwelling units, but shall not mean row housing;
- (33) "front line" means the boundary line of a lot lying adjacent to a road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the road shall be considered the front line;
- (34) "front yard" means a yard extending across the full width of a lot from the front line to the nearest wall of the main building situated on the lot. In the case of a curved front line, the front yard will also form a curve;
- (35) "funeral home" means a development where the dead are prepared for burial or cremation and where funeral services are held. Funeral homes include undertaking establishments;
- (36) "gambling machine establishment" means a development where gambling may occur through the use of video lottery terminals or slot machines or other similar machines and devices, but not an establishment where gambling through card games or roulette or games similar to card games or roulette are played (a casino);
- (37) "general industrial use" means manufacturing, fabricating, processing, repairing, storing, wholesaling, and/or distribution of goods and materials in such a manner that some activities may take place outside buildings, or where some noise, dust, glare, heat, or any other emission may be, in the sole opinion of the Development Authority, evident outside the building;
- (38) "general retail store" means a development where groceries, beverages, household goods, furniture, appliances, home improvement supplies, hardware, printed matter, confectionary, tobacco, pharmaceutical, personal care items, automotive parts and accessories, electronic equipment, recordings, office equipment, stationery, second hand goods, and similar goods are bought, rented, and sold from within a building. Minor public services, such as postal services and film



processing depots may also be provided. General retail stores do not include developments where gasoline, new or used motor vehicles, manufactured homes, recreational vehicles, or heavy agricultural and/or industrial equipment are sold or rented;

- (39) "government services" means a development where municipal, provincial, or federal government services are provided directly to the public. Government services do not include protective and emergency services, major and minor utility services, and public education facilities. Government services may include government administration offices, courthouses, postal distribution offices, manpower and employment offices and social services offices;
- (40) "gross leasable floor area" means that portion of the floor area leased to a tenant for his exclusive use and does not include any common areas such as an internal mall, stairs, washrooms, etc. to be used by the complex as a whole;
- (41) "ground floor area" means the total area of a lot including accessory buildings which is covered by any building or structure;
- (42) "group home" means a building or portion of a building used for the care of rehabilitation of children, adolescents or adults;
- (43) "health service" means a development where physical or mental health services are provided on an out-patient basis. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Health services include medical, chiropractic, physiotherapy, and dental offices, health clinics and counseling services;
- (44) "height" means, when used in reference to a building, the vertical distance between a horizontal plane through the average elevation at the 4 corners of the subject lot and a horizontal plane through:
  - (a) the highest point in the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees,
  - (b) the average level between the eaves and ridges in the case of a pitched, gambrel, mansard, hipped roof, or a roof having a slope of more than 20 degrees, provided that in such cases the ridge line of the roof shall not extend more than 5.0 ft. above the maximum allowed building height of the District;
- (45) "home occupation" means a business, occupation, trade, profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building which does not change the character thereof. For the purposes of this Bylaw, home occupations are divided into two types - minor home occupations and major home occupations;
- (46) "hotel" means a development where members of the traveling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, where access to the rentable units is from a common entranceway. A hotel may

include eating and drinking establishments, meeting rooms, personal services shops, indoor amusement establishments, and general retail stores no larger than 100 sq. m (1076.9 sq. ft.), but shall not include any entertainment establishment unless specifically approved by the Development Authority;

- (47) "household repair shop" means a development where goods, equipment and appliances normally found within a dwelling unit may be repaired. Household repair shops include radio, television, appliance and electronics repair shops, and furniture refinishing and upholstery shops, but not personal service shops. Household repair shops do not have any outdoor storage;
- (48) "libraries and cultural exhibits" means a development where literary, artistic, municipal and/or similar reference materials in the form of books, manuscripts, recordings and films are stored, collected, and distributed for public use, viewing, or enjoyment; or a development where works or objects of historical, scientific or artistic value are collected, preserved and exhibited to the public. Libraries and cultural exhibits includes libraries, museums, and art galleries;
- (49) "light industrial use" means manufacturing, fabricating, processing, repairing, storing, wholesaling, and/or distribution of goods and materials in such a manner that all activities take place inside buildings such that, in the sole opinion of the Development Authority, no noise, dust, glare, heat, or any other emission will be evident outside the building;
- (50) "lot" means:
- (a) a quarter section, or
  - (b) a part of a parcel of land described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision, or
  - (c) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;
- (51) "lot coverage" is a calculation of the ground floor area divided by the area of the lot;
- (52) "lot width" means the length of a line parallel to the front line or, in a lot with a curved front line, perpendicular to a line running between the mid-point of the front line and the mid-point of the rear line, measured at a distance from the front line equal to the minimum required front yard;
- (53) "manufactured home" means a dwelling that is designed to be transported on its own wheels or by other means, and upon arriving at the site for location is, apart from incidental operations such as placement of foundation supports and connections of utilities, ready for year round use as accommodation for a single household. This definition shall include a dwelling that would otherwise be considered to be a one family dwelling if the ratio of depth vs. width (or width vs. depth) were less than 3:1, or if the depth of eaves were greater than 0.9 m (2.95

ft.) If the ratio is greater than 3:1 or if the depth of eaves is less than 0.9 m (2.95 ft.), the dwelling shall be considered to be a manufactured home;

- (54) "manufactured home park" means any lot on which two or more occupied manufactured homes are harboured or are allowed to be harboured without regard to whether a fee or charge is paid or made, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such manufactured home park, which complies with relevant government regulations governing manufactured home parks;
- (55) "manufactured home subdivision" means an area subdivided into lots by registered plan for freehold or leasehold tenure and used for manufactured homes;
- (56) "municipality" means the Village of Clyde;
- (57) "non-accessory parking lot" means a parking area which is located on a lot where it is not accessory to a particular use or development;
- (58) "non-conforming building" means a building:
  - (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof 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;
- (59) "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;
- (60) "office and financial use" means a development where government, professional, management, administrative, consulting, and financial services may be provided. Office and financial uses include the offices of lawyers, accountants, engineers, architects, and realtors. Office and financial uses also include insurance firms; clerical, secretarial, employment and telephone answering and similar office support services; banks, credit unions, loan offices and similar financial institutions; the offices of governmental and public agencies;
- (61) "one family dwelling" means a dwelling consisting of one (1) dwelling unit, but does not include a manufactured home;
- (62) "outdoor storage" means a development where, in the opinion of the Development Authority, goods, materials, or equipment are or may be placed outside of a building on a more or less permanent or continuous basis;

- (63) "owner" means:
- (a) in the case of land owned by the 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, the owner of the land according to the municipality's assessment roll;
- (64) "parking area" means a portion of land or of a building set aside for the parking and manoeuvring of motor vehicles;
- (65) "permitted use" means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon an application having been made, provided that all of the regulations of this Bylaw are satisfied;
- (66) "personal service shop" means a development where personal services related to the care and appearance of the body, or the cleaning and repair of personal effects are provided to persons. Personal service shops include, but are not limited to, barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaning depots, and laundromats, but not health services;
- (67) "place of worship" means a development where worship and related religious, philanthropic, and social activities occur. Accessory developments include rectories, manses, classrooms, and dormitories. Places of worship include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;
- (68) "principal building" means a building in which is conducted the main or principal use of the lot on which it is erected;
- (69) "private club" means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, with neither on-site dwellings nor hotel or motel rentable units. Private clubs may include eating and drinking establishments and rooms for assembly;
- (70) "public or quasi-public building or use" means a building or use which is available to the public for the purpose of assembly, instruction, culture, or community activity and includes uses such as a church, library, museum, or senior citizen drop-in centre;
- (71) "public school" means a development where educational, training, or instruction occurs under the auspices of a School Division or under the auspices of an organization authorized by the Province to provide education similar to that which would be provided by a School Division. Public schools include the administration offices, storage, and maintenance operations of the public school, but not of the School Division as a whole. Public schools include public and separate elementary, junior high and high schools, community colleges,

universities, technical and vocational schools, and private academies or “charter schools”, and their administrative offices and maintenance facilities;

- (72) "public utility" means a public utility, as defined in the Act;
- (73) "rear line" means the boundary line of a lot lying opposite to the front line of the parcel and/or farthest from a road;
- (74) "rear yard" means a yard extending across the full width of a lot from the nearest wall of the main building situated on the lot to the rear line of the lot;
- (75) "recreational facility" means a development for sports and active recreation within an enclosed building. Recreational facilities include bowling alleys, ice arenas, curling rinks, and swimming pools;
- (76) “road” shall mean a “road” as defined in the Act;
- (77) "row housing" means a dwelling or dwellings, each of which consists of at least three (3) dwelling units with each unit having direct access to the outside grade, but shall not mean a "fourplex";
- (78) "shopping centre" means a development consisting of a building or a group of buildings, comprising general retail stores, personal service shops, office uses, and similar uses, with shared off-road parking facilities, and which may be managed as a single unit;
- (79) "side line" means the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the road shall be considered a side line;
- (80) "side yard" means a yard extending from the nearest wall of the main building situated on a lot to the side line, and lying between the front and rear yards on the lot;
- (81) "stall" means an area of land upon which a manufactured home is to be located, and which is reserved for the exclusive use of the residents of that particular manufactured home, located within a manufactured home park;
- (82) “storey” means that portion of a building which is situated between the top of any floor and the top of the floor above it. If there is no floor above it, the storey is that space between the top of the floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.8 m (5.9 ft.) above grade, such a basement shall be considered a storey;
- (83) "Subdivision and Development Appeal Board" means the Subdivision and Development Appeal Board established by the Council by the Subdivision and Development Appeal Board Bylaw adopted pursuant to the Act;

- (84) "theatre" means a development designed or devoted to the showing of motion pictures or for the presentation of dramatic, musical or live performances;
- (85) "tie down" means, when used in relation to a manufactured home, a means whereby the manufactured home is fastened to the ground, base, or foundation. A tie down may include a bolt, a heavy duty wire rope, or some other similar fastening device or combination of devices;
- (86) "veterinary clinic" means a development where domestic pets or livestock are cared for and treated. Veterinary clinics primarily involve out-patient care and minor medical procedures involving hospitalization for fewer than four (4) days;
- (87) "yard" means a part of a lot upon or over which no principal building is to be erected;

and all other words and expressions have the meanings respectively assigned to them in the Act or in other Acts of the Legislature or in common law.

#### **1.4 Metric and Imperial Measurements**

**Within this Bylaw, both Metric and Imperial measures are normally provided, the Imperial measures within brackets. However, the Imperial measures are approximate, and are provided only for information, and in order to provide some comparison for persons who are unfamiliar with Metric measures. As a result, the metric measurement shall take precedence for the purposes of interpretation of this Bylaw.**

#### **1.5 Establishment of Districts**

- (1) For the purpose of this Bylaw, the Village of Clyde is divided into the following Districts:
  - R1 - Residential District
  - R2 - Residential District
  - RMH - Residential Manufactured Home District
  - RMH-A - Residential Manufactured Home Subdivision District
  - C - Commercial District
  - M - Industrial District
  - P - Community District
  - I - Institutional District
  - UR - Urban Reserve District
- (2) For the purposes of this Bylaw, when the term “Residential District” or “Residential Districts” is used, it shall be taken to mean one or all of the R1, R2, RMH and RMH-A Districts.
- (3) The boundaries of the districts listed in subsection (1) are as delineated on the Land Use District Map, being Schedule A hereto.

- (4) Where uncertainty exists as to the boundaries of Districts as shown on the Land Use District Map, the following rules shall apply:
- Rule 1. Where a boundary is shown as following a road, lane, or water course, it shall be deemed to follow the centre line thereof.
- Rule 2. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
- Rule 3. In circumstances not covered by Rule 1 or 2, the location of the boundary shall be determined:
- (a) where dimensions are set out on the Land Use District Map, by the dimensions so set, or
  - (b) where no dimensions are set out on the Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.
- (5) Where the application of the above rules does not determine the exact location of the boundary of a District, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.
- (6) After the Council has fixed a District boundary pursuant to the provisions of subsection (5), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- (7) The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.

## **1.6 Establishment of Land Use District Regulations**

Land Use District regulations shall be as set forth in this Bylaw.

## **PART TWO - AGENCIES**

### **2.1 DEVELOPMENT APPROVAL AUTHORITIES**

- (1) The Development Authority is hereby established.
- (2) The position of designated officer for the limited purpose of exercising the powers, duties and functions of a Development Authority Officer for the Village is hereby established.
- (3) The Development Authority Officer shall be appointed by resolution of the Council.
- (4) The Development Authority shall be:
  - (a) the Municipal Planning Commission of the Village, and
  - (b) the Development Authority Officer of the Village.

### **2.2 Development Authority Officer**

- (1) For the purposes of this Bylaw, the Development Authority Officer shall be the person or persons appointed to be the Development Authority Officer pursuant to Part Two of this Bylaw.
- (2) The Development Authority Officer shall perform such duties and responsibilities that are specified in Part Three and in the Schedules of this Bylaw.
- (3) The Development Authority Officer shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto; keep a register of all applications for development, including the decisions thereof and the reasons therefore.
- (4) For the purposes of Section 542 of the Act, the Development Authority Officer is hereby declared to be the designated officer.
- (5) The Development Authority Officer may sign, on behalf of the Development Authority, any order, decision, approval, notice or other thing made or given by it.

### **2.3 Municipal Planning Commission**

The Municipal Planning Commission is hereby given the authority to decide on development applications referred to it by the Development Authority Officer.

### **2.4 Subdivision and Development Appeal Board**

The Subdivision and Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw shall perform such duties as are specified in Part Four of this Bylaw.



# **PART THREE - DEVELOPMENT PERMITS, RULES AND PROCEDURES**

## **3.1 Control of Development**

No development other than that designated in Section 3.2 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

## **3.2 Development Not Requiring a Development Permit**

The following development shall not require a development permit:

- (1) The carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation that would require a building permit.
- (2) The completion of a building which was lawfully under construction at the date of the approval of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of the approval of this Bylaw.
- (3) The use of any such buildings as referred to in subsection (2) for the purpose for which construction was commenced.
- (4) The erection, construction, or maintenance, improvement or alteration of gates, fences, walls or other means of enclosure (other than on corner lots or where abutting on a road used by vehicular traffic) less than 1.0 m (3.3 ft.) in height in front yards and less than 1.9 m (6.2 ft.) in side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means or enclosure.
- (5) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw.
- (6) The maintenance and repair of public works, services, and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled.
- (7) An accessory building or structure in a Residential District with a gross floor area of under 10.0 sq. m (107.6 sq. ft.), unless the accessory building or structure does not satisfy the regulations indicated in Section 1.15 of Schedule B hereof.
- (8) Landscaping where the proposed grades will not adversely affect the subject or adjacent parcels of land, including the hard-surfacing of part of a lot in a

Residential District for the purposes of providing vehicular access from a road to an attached or detached garage or carport.

- (9) The demolition or removal of any building or structure for which erection a development permit would not be required pursuant to subsections (4) through (7) above, both inclusive.

### **3.3 Non-Conforming Buildings and Uses**

- (1) A non-conforming use of land or 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 must conform with this Bylaw.
- (2) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- (3) A non-conforming use of part of a lot may not be exceeded or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
  - (a) to make it a conforming building,
  - (b) for the routine maintenance of the building, if the Development Authority considers it necessary, or
  - (c) in accordance with the powers possessed by the Development Authority pursuant to the Act and Section 3.4(13) of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
- (6) The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

### **3.4 Permission for Development**

- (1) An application for a development permit shall be made to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
  - (a) a site plan to scale, with dimensions indicated, in duplicate showing the legal description and the front, rear and side yards, if any, and any

- provision for off-road loading and vehicle parking and access and egress points to the site;
- (b) floor plans, elevations of sections in duplicate;
  - (c) an overall drainage plan for site and all easements shown and labelled;
  - (d) a statement of uses;
  - (e) a statement of ownership of land including the signature of the registered owner and the applicant if the applicant is other than the registered owner, and a statement of interest of the applicant therein;
  - (f) the estimated commencement and completion date;
  - (g) the estimated cost of the project or contract price;
  - (h) those special requirements specified elsewhere in this Land Use By-Law; and
  - (i) any other information which, at the discretion of the Development Authority Officer, is required.
- (2) Each application for a development permit shall be accompanied by a fee as established by resolution of Council.
- (3) The Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include grading and landscaping plans; a description of exterior finishing materials; and, in the case of the placement of an already constructed or partially constructed building on a lot, information relating to the age and condition of the building and its compatibility with the District in which it is to be located, including, should the Development Authority require, any pictures of the building.
- (4) In addition to the requirements indicated in Subsections (1) and (3) above, before any application for development of row housing or an apartment can be considered, the applicant must also submit to the Development Authority:
- (a) site plans showing the proposed location and position of any signs, parking spaces, exits, entries, and drives, and garbage storage areas, including access to them, and
  - (b) landscape plan of the entire site which shall also show intended fencing and surfacing for drives and parking areas, and
  - (c) plans showing the relationship of buildings to each other and to the landscape, in particular such matters as architectural appearance, the provision of light, air, privacy, and landscaping,
- in such detail that if the development permit is approved, the plans can be identified through conditions of approval.
- (5) The Development Authority may refuse to accept a development permit application where the information required by this Bylaw and by the Development Authority has not been supplied or where, in the sole opinion of the Development Authority, it is inaccurate or of inadequate quality to properly evaluate the application.

- (6) The Development Authority may make a decision on a development permit application without all of the information required by this Bylaw or by the Development Authority if the Authority is of the opinion that a decision can be properly made without such information.
- (7) The Development Authority Officer shall:
  - (a) receive all applications for development permits;
  - (b) consider and decide on all applications for a development permit for those uses which constitute permitted uses in a district, or for a one family dwelling, a manufactured home, a home occupation, or a sign, which will fully comply with the minimum and/or maximum standards for that district, or where the regulation has been assigned by this Bylaw to the Development Authority Officer for consideration and decision;
  - (c) refer to the Municipal Planning Commission for its consideration and decision applications for a development permit for all other uses or developments in a district that will not fully comply with the minimum and/or maximum standards for that district, or those where the regulation has been assigned by this Bylaw to the Municipal Planning Commission for consideration and decision; and
  - (d) refer to the Municipal Planning Commission for its consideration and decision any application which, at his sole opinion and discretion, should be decided by the Commission, including any applications for a development permit for a one family dwelling, a manufactured home, a home occupation, or a sign which he wishes to refer to the Commission.
- (8) The Municipal Planning Commission shall receive, consider and decide on all applications for a development permit referred to it by the Development Authority Officer for consideration and decision.
- (9) In making a decision, the Development Authority may approve the application unconditionally, approve the application subject to those conditions considered appropriate, approve the application permanently or for a limited period of time, or refuse the application.
- (10) The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than telecommunications systems or works, to pay an off-site contribution, and/or to give security to ensure that the terms of the agreement noted herein are carried out.
- (11) In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal pursuant to Part Four of this Bylaw, the Development Authority may or may not, at his sole discretion, accept the submission of another application for a permit on the same lot and for the same or similar use by the same or any other applicant for six (6) months after the date of

the refusal.

- (12) In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for a particular District in Schedule B.
- (13) The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:
  - (a) the proposed development would not:
    - (i) unduly interfere with the amenities of the neighbourhood, or
    - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
  - (b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- (14) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the application by the Development Authority. The person claiming to be affected may appeal in writing as provided for in Part Four of this Bylaw as though he has received a refusal at the end of the forty (40) day period specified in this subsection.

### **3.5 Development Permits and Notices**

- (1) A permit granted pursuant to this Part does not come into effect until fifteen (15) days after the date a decision or development permit is publicized as described in subsection (3). Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) Where an appeal is made pursuant to Part Four of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
- (3) When a permit has been issued, the Development Authority shall immediately:
  - (a) post a notice of the decision conspicuously on the property for which the application has been made; and/or
  - (b) mail a notice in writing to all adjacent land owners who, in the sole opinion of the Development Authority, may be affected; and/or
  - (c) publish a notice of the decision in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved, and/or
  - (d) post a notice of the decision prominently in the Village office.
- (4) If a non-conforming building is damaged or destroyed to the extent of more than

75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw, except that the one family dwelling on Lot C, Block 4, Plan 1209AI may be expanded or rebuilt if destroyed.

- (5) If the development authorized by a permit is not commenced within twelve (12) months from the date of the issue of the development permit, and completed within twenty-four (24) months of commencement, the permit is deemed to be void, unless an extension to this period is granted by the Development Authority.
- (6) A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
- (7) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.
- (8) The Development Authority may suspend or revoke a development permit:
  - (a) at any time, where the permit was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant; or
  - (b) within fourteen (14) days of issue of the permit, where the permit was issued in error.

# PART FOUR - APPEALS

## 4.1 Appeal Procedure

- (1) An appeal may be made to the Subdivision and Development Appeal Board (Board) where a Development Authority
  - (a) refuses or fails to issue a development permit to a person within forty (40) days of receipt of the application, or
  - (b) issues a development permit subject to conditions, or
  - (c) issues an order under Section 5.1 of this Bylaw.
- (2) Notwithstanding subsection (1) above, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
- (3) The person applying for the permit or affected by the order, or any other person affected by an order, decision or development permit of a Development Authority may appeal to the Board.
- (4) An appeal shall be made by serving a written notice of appeal to the Secretary of the Board, together with reasons and the development appeal fee as established by resolution of Council, within fourteen (14) days after
  - (a) the date the order, decision or permit issued by the Development Authority was publicized in accordance with Section 3.5(3); or
  - (b) the forty (40) day period referred to in subsection (1)(a) has expired.

## 4.2 Appeal Hearing

- (1) Within thirty (30) days of receipt of a notice of appeal, the Board shall hold an appeal hearing respecting the appeal.
- (2) The Board shall give at least five (5) days notice in writing of the appeal hearing to:
  - (a) the appellant;
  - (b) the Development Authority from whose order, decision or development permit the appeal is made;
  - (c) those adjacent land owners who were notified under Section 3.5(3)(b) and any other person who, in the opinion of the Board, are affected by the order, decision or permit; and
  - (d) such other persons as the Board specifies.
- (3) The Board shall make available for public inspection before the commencement of the appeal hearing all relevant documents and materials respecting the appeal including:
  - (a) the application for the development permit, its refusal and the appeal therefrom; or
  - (b) the order of the Development Authority under Section 5.1,

as the case may be.

- (4) At the appeal hearing referred to in subsection (1), the Board shall hear:
  - (a) the appellant or any other person acting on his behalf;
  - (b) the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
  - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf; and
  - (d) any other person who claims to be affected by the order, decision or permit and that the Board agrees to hear or a person acting on his behalf.

### **4.3 Decision**

- (1) The Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.
- (2) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made:
  - (a) to a judge of the Court of Appeal; and
  - (b) within thirty (30) days after the issuance of the order, decision, permit or approval sought to be appealed.



# PART FIVE

## ENFORCEMENT AND ADMINISTRATION

### 5.1 Contravention

- (1) Where a Development Authority finds that a development or use of land or buildings is not in accordance with
  - (a) the Act or the regulations made thereunder, or
  - (b) a development permit or subdivision approval, or
  - (c) this Bylaw,

the Development Authority may, by notice in writing, order the owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to

- (i) stop the development or use of the land or buildings in whole or in part as directed by the notice, and/or
- (ii) demolish, remove or replace the development, and/or
- (iii) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw,

as the case may be.

- (2) Where a person fails or refuses to comply with an order directed to him under subsection (1) or an order of the Subdivision and Development Appeal Board within the time specified, the Development Authority may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.
- (3) A person found guilty of an offence is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment, pursuant to Section 566 of the Act.
- (4) Where the Development Authority carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.
- (5) In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.
- (6) Violation Tickets
  - (a) The Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, may issue a violation ticket to any person alleged to have breached any provision of

this Bylaw.

- (b) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the Village.
- (c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$50.00 for a first offence and \$100.00 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
- (d) The violation ticket shall be served upon the alleged offender personally or by single registered mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
- (e) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
- (f) If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$125.00, plus court costs, for each offence.

## **5.2 Application to Amend Bylaw**

- (1) A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application and paying the fee therefore required under Section 5.3.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an application therefore.

## **5.3 Form of Application**

- (1) All applications for amendment to this Bylaw shall be made to the Council on the form provided by the municipality and shall be accompanied by:
  - (a) an application fee as established by resolution of Council; and
  - (b) a recent title search of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land, and
  - (c) drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable.
- (2) If the proposed amendment is adopted by Council, Council may determine that the whole or part of the application fee be returned to the applicant.

## **5.4 Amending Bylaws**

All amendments to this Bylaw shall be made by Council by bylaw and in conformity with

the Act.

## **5.5 Schedule**

Schedule A is hereby declared to be a part of this Bylaw.

## **5.6 Repealing Existing Controls**

Bylaw No. 08-1998, as amended, is hereby repealed.

## **5.7 Date of Commencement**

This Bylaw comes into effect upon the date of it finally being passed.

# **SCHEDULE A**

## **LAND USE DISTRICT MAP**



# **PART SIX**

## **GENERAL DEVELOPMENT REGULATIONS**

### **6.1 General Provisions**

#### **6.1.1 Plans of Subdivision**

Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has been registered at the Land Titles Office.

#### **6.1.2 Dwelling Units on a Lot**

No permit shall be granted for the erection of more than one (1) dwelling unit on a single lot unless the dwelling units are located within a duplex, fourplex, row housing or an apartment.

#### **6.1.3 Existing Substandard Lots**

With the approval of the Development Authority the minimum lot area and minimum lot width may be less in the case of existing substandard lots.

#### **6.1.4 Site Conditions**

In all Districts, the outdoor storage of goods, machinery, vehicles, buildings materials, waste materials and other items is to be screened by fences, hedges or buildings, as required by the Development Authority.

#### **6.1.5 Removal of Topsoil**

No person shall commence or continue the removal of topsoil without first obtaining a development permit. There shall be provided upon occupancy of a development a minimum topsoil coverage of 16 cm (6 in.) and the subject lot shall be landscaped to the satisfaction of the Development Authority.

#### **6.1.6 Fences and Walls**

- (1) Notwithstanding any regulation respecting required yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a lot.
- (2) No fence, wall or hedge in any Residential District shall be:
  - (a) higher than 1.9 m (6.2 ft.) in side yards and rear yards, such height to be measured as the average elevation from the ground at the fence or wall unless otherwise provided in this Bylaw; or
  - (b) higher than 1.0 m (3.3 ft.) in front yards, except in the case of a corner lot, the side yard adjacent to the road shall be deemed to be a front yard for the

- purpose of this subsection; or
    - (c) higher than 1.0 m (3.3 ft.) within 6.1 m (20.0 ft.) of the intersection of lanes, roads, or any combination of them.
- (3) All fourplex, row housing, and apartment developments shall provide, to the satisfaction of the Development Authority, a wall, hedge or wooden fence of not less than 1.2 m (3.9 ft.) nor more than 1.9 m (6.2 ft.) in height, along any side lines adjacent to any Residential District.
- (4) All drive-in businesses, car washing establishments, service stations and gas bars shall provide, to the satisfaction of the Development Authority, solid fences of not less than 1.5 m (4.9 ft.) in height nor more than 1.9 m (6.2 ft.) in height adjacent to any Residential District.
- (5) All other commercial developments shall provide, to the satisfaction of the Development Authority, a wooden fence of not less than 1.9 m (6.2 ft.) in height along any side or rear lines adjacent to any Residential District.

### **6.1.7 Landscaping**

- (1) Commercial developments adjacent to Residential Districts and apartment developments shall have at least 10% of the lot area landscaped.
- (2) Garbage containers and outdoor storage shall be screened and accessible for convenient pickup.
- (3) Landscaping shall be provided and maintained for all drive-in businesses, car washing establishments, service stations and gas bars, to the satisfaction of the Development Authority.
- (4) As a condition of the approval of a development permit, all required landscaping and planting must be carried out, to the satisfaction of the Development Authority, within six (6) months (weather permitting) of the occupancy or the commencement of operation of the proposed development.
- (5) Off-street parking lots in Commercial Districts shall be landscaped by the planting of trees in a manner and number satisfactory to the Development Authority.

### **6.1.8 Objects Prohibited or Restricted in Yards**

- (1) No person shall keep or allow in any part of any yard in any Residential District:
  - (a) any dismantled or wrecked vehicle for more than fourteen (14) successive days;
  - (b) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district in which it is located;
  - (c) any excavation, storage or piling up of materials required during construction unless all necessary safety measures are taken, and the owner

of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work;

- (d) any commercial vehicle, laden or unladen, with a maximum allowable licensed gross vehicle weight in excess of 9600 kg (21,164 lbs.).
- (2) No accessory building, use or parking space shall be located in any part of any front yard in any Residential District without the specific approval of the Development Authority.

### **6.1.9 Projection into Yards**

- (1) Except for fences as noted in Section 6.1.6(1) and for the features of buildings as described in subsection (3) hereof, no building or structure shall be located or project into a required front yard in any Residential District.
- (2) If fireplaces or balconies are developed as part of a dwelling, yard requirements shall be measured from the outside brick face or edge of the fireplace or balcony.
- (3) The following features may project into a required yard:
  - (a) steps, eaves, gutters, sills, and patios, or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
  - (b) canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 1.0 m (3.3 ft.) and
  - (c) any other features which, in the opinion of the Development Authority, are similar to the foregoing.

### **6.1.10 Site Development**

- (1) The design, siting, external finish, architectural appearance and landscaping generally of all buildings, including any accessory buildings or structures and signs, and any reconstruction, shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent buildings.
- (2) The drainage and grading of all development, including the development of any accessory building, shall be to the satisfaction of the Development Authority in order that there shall be no re-direction of surface drainage to adjacent lots as a result of development.

### **6.1.11 Protection from Exposure Hazards**

- (1) The location of any liquefied petroleum gas (LPG) storage tank with a water capacity exceeding 9100 L (2004 gal.) shall be in accordance with the



requirements of the Development Authority, but in no case be less than a minimum distance of 122 m (400.0 ft.) from assembly, institutional, commercial or residential buildings.

- (2) LPG containers with a water capacity of less than 9100 L (2004 gal) shall be located in accordance with regulations under the Safety Codes Act.
- (3) Flammable liquids storage tanks at bulk plants or service stations shall be located in accordance with regulations under the Safety Codes Act.
- (4) Setbacks from pipelines and other utility corridors shall be as required by the Development Authority and appropriate Provincial Regulations and legislation.
- (5) No tanks for the storage of anhydrous ammonia shall be allowed within the municipality.

### **6.1.12 Off-Street Loading**

- (1) When required by the Development Authority, a development shall provide loading spaces, each having dimensions of not less than 3.1 m (10.0 ft.) in width, 7.6 m (24.9 ft.) in length, and 4.3 m (14.1 ft.) in height.
- (2) Such loading spaces shall provide vehicular ingress to and egress from a road or lane such that no backing or turning movements of vehicles going to or from the site cause interference with traffic in the abutting roads or lanes.
- (3) Such loading spaces shall be developed, including any hardsurfacing and drainage, in accordance with any requirements of the Development Authority.
- (4) Number of Off-Street Loading Spaces

The number of loading spaces required to be provided in a development shall be as follows:

- (a) For a retail, industrial, warehouse, office building, place of public assembly, public convalescent home, institution, club or lodge, public utility, school or similar development, one (1) space for each 2325 sq. m (25,026 sq. ft.) of gross floor area or part thereof.
- (b) For other uses, no spaces.

### **6.1.13 Off-Street Automobile Parking**

- (1) Location of Site and Site Standards
  - (a) All off-street parking areas and accessory off-street parking areas:
    - (i) shall not be located within 0.9 m (3.0 ft.) of a lot boundary line common to the lot and to a road,
    - (ii) shall have parking spaces and manoeuvring aisles designed and

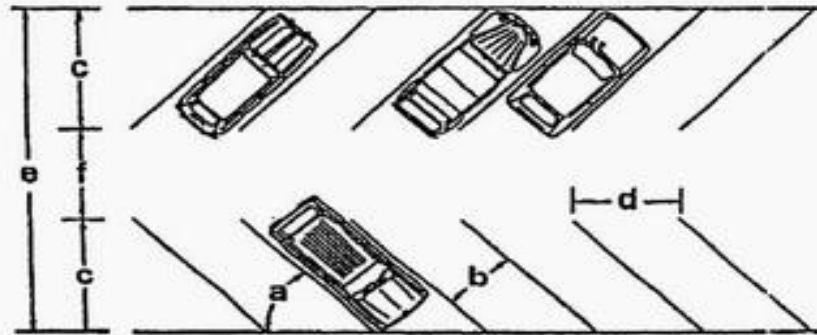
- (iii) shall be constructed so that adequate access to, and exit from each parking space is provided at all times by means of manoeuvring aisles designed to the satisfaction of the Development Authority,
- (iv) shall have necessary curb cuts located to the satisfaction of the Development Authority, and
- (v) shall conform to the following requirements:

Minimum Parking Standards (in m (ft.))

(a) Parking Angle in Degrees	(b) Width of Space	(c) Depth of Space Perpendicular to Maneuvering Aisle	(d) Width of Space	(e) Overall Depth	(f) Width of Maneuvering Aisle
0	3.0 (9.8)	2.75 (9.0)	7.0 (23.0)	9.1 (30)	One Way 3.65 (12)
30	3.0 (9.8)	5.2 (17.1)	5.5 (18.0)	14.0 (46)	One Way 3.65 (12)
45	3.0 (9.8)	5.8 (19.0)	3.9 (12.8)	15.25 (50)	One Way 3.65 (12)
60	3.0 (9.8)	6.1 (20.0)	3.1 (10.1)	18.3 (60)	One Way 6.1 (20)
90	3.0 (9.8)	6.1 (20.0)	2.75 (9.0)	18.3 (60)	One Way 7.3 (24)

(See figure below for definitions of column headings)

The diagram as follows shows the definitions of column headings:



Minimum Off-Street Parking Requirements:

- (2) Surfacing and Drainage
  - (a) At the sole discretion of the Development Authority, parking spaces and the accesses to them may be required to be hardsurfaced if the access is from a road, or lane which is hardsurfaced.
  - (b) Parking areas must be paved or of a gravel mixture as approved by the Development Authority.
  - (c) Each parking area shall be so graded and drained as to dispose of all storm water runoff. Drainage shall only be allowed to cross sidewalks if approved by the Development Authority.
- (3) Required Number of Off-Street Parking Spaces

The minimum number of off-street parking spaces required for each development

shall be calculated in accordance with the regulations within the Districts. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Development Authority. Where a development falls within more than one use as listed, the required number of spaces shall be the sum of the requirements for each of the uses listed.

The Development Authority may allow an applicant to provide a lesser number of spaces if it can be shown that the standard is not applicable to the project, or that there is sufficient parking available in the area of the development to meet needs, or if the development is to occupy an existing building in the C1 District where no or little parking is available.

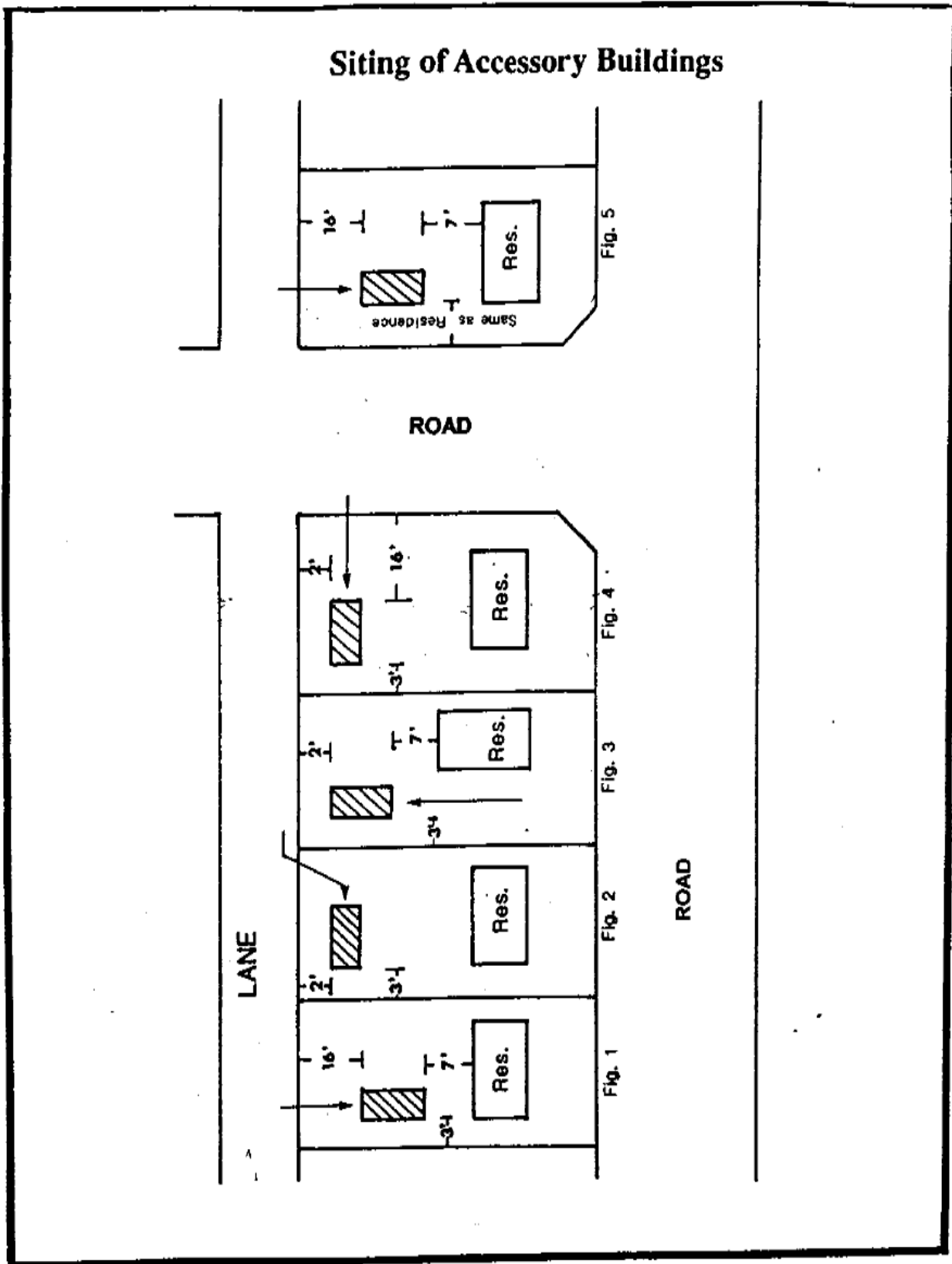
### **6.1.14 Corner Lots**

- (1) On corner lots in a Residential District, no fence, wall, tree, bush, structure or thing more than 1.0 m (3.3 ft.) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road or highway lines and a straight line joining points on the road lines 6.1 m (20.0 ft.) from their intersection.
- (2) On corner lots in all Districts other than Residential Districts, no fence, wall, tree, bush, structure or thing more than 1.0 m (3.3 ft.) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road or highway lines and a straight line joining points of the road 4.6m (15.1 ft.) from their intersection.

### **6.1.15 Accessory Buildings**

- (1) An accessory building shall not be used as a dwelling.
- (2) Accessory buildings other than fences shall be located such that the minimum distances shown on Figure "A" between the accessory buildings and principal buildings, lot lines, and other buildings, structures, and uses are provided.
- (3) The siting of an accessory building on an irregularly-shaped lot shall be as approved by the Development Authority.
- (4) No accessory buildings, other than fences that otherwise comply with this Bylaw, shall be located in the front yard.
- (5) No accessory building, other than a fence, deck or patio, shall be located closer than 2.1 m (6.9 ft.) to a principal building.
- (6) The height of an accessory building shall not exceed 4.6 m (15.1 ft.) nor one storey.

Figure "A" - Siting of Accessory Buildings



- (7) Where a structure is attached to the principal building on a lot by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the principal building and is not an accessory building.
- (8) The total area of all accessory buildings on a lot shall not exceed 12% of the area of the lot.

### **6.1.16 Signs**

- (1) No signs or advertising structures of a commercial, directional or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless a development permit has been issued for the sign or structure.
- (2) No signs or advertising structures shall be erected on or affixed to private property without the prior consent of the property owner or tenant.
- (3) No signs, billboards, advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body.
- (4) Notwithstanding the generality of Subsection (1) above, nor the provisions of Subsections (2) and (3) above, the following signs may be erected on land or affixed to the exterior surface of a building or structure without application for a development permit provided that no such signs shall be illuminated:
  - (a) signs for the purpose of identification, direction and warning or relating to a person, partnership or company carrying on a profession, business or trade, or relating to an institution of a religious, educational, cultural, recreational or similar character, or to a hotel, motel, club or similar institution, provided that such signs shall not exceed 1.2 sq. m (12.9 sq. ft.) and be limited to one sign per parcel of land;
  - (b) temporary advertisement relating to the sale or leasing of land, the sale of goods or livestock, the carrying out of construction or similar work, announcement of any local event of a religious, educational, cultural, political, or similar character provided that such advertisement shall not exceed 1.86 sq. m (20.0 sq. ft.), and provided further that all such temporary advertisements shall be removed by the advertiser within 15 days of the completion of the event or works to which such advertisements relate; and
  - (c) advertisements or signs in relation to the function of local public authorities, utility boards or other public or quasi-public bodies.
- (5) No sign or advertisement shall resemble or conflict with a traffic sign, nor shall it be a traffic hazard.
- (6) All advertisements shall be kept in a safe, clean and tidy condition, and may by decision of the Development Authority be required to be renovated or removed.

- (7) No signs or advertising structures other than those specified under Subsection (4) above shall be allowed in Residential, Community, Institutional, or Urban Reserve Districts.

## **6.2 Special Provisions**

### **6.2.1 Home Occupations**

All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in its opinion, the use is or has become detrimental to the amenities of the neighbourhood in which it is located.

- (1) A major home occupation shall comply with the following regulations:
  - (a) The major home occupation shall not, in the opinion of the Development Authority, generate pedestrian or vehicular traffic or parking, in excess of that which is characteristic of the District in which it is located.
  - (b) The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.
  - (c) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage related to the business activity shall be allowed in either the dwelling or accessory buildings.
  - (d) Articles offered for sale shall be limited to those produced within the dwelling or the accessory building(s).
  - (e) The major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or an Industrial District having regard for the overall compatibility of the use with the residential character of the area.
- (2) A minor home occupation shall comply with the following regulations:
  - (a) The minor home occupation shall not employ any person on-site other than a resident of the dwelling. Nor shall the business be such that any clients come to the dwelling.
  - (b) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage and the business activity itself shall only be allowed inside the dwelling and not in an accessory building. The minor home occupation does not involve the display of goods in the interior of the residence.
- (3) All home occupations shall comply with the following requirements:
  - (a) The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
  - (b) The peace, quiet, dignity and other amenities of the neighbourhood shall not be disturbed in any manner.
  - (c) A home occupation shall not change the principal character or external appearance of the dwelling involved, nor use more than 20% or 31 sq. m (334 sq. ft.), whichever is less, of the dwelling unit for business usage.

Except as noted in subsection (f) herein, there shall be no exterior signage, display or advertisement, but there may be a limited volume of on-premises sales.

- (d) No more than one commercial vehicle used in or for the home occupation shall be parked on the subject site or on the adjoining road.
- (e) There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.
- (f) Notwithstanding any other provisions of this Bylaw to the contrary, a dwelling in which a home occupation is located may have one fascia sign placed on the dwelling, providing that the sign does not exceed 0.2 sq. m (2.15 sq. ft.) in area.
- (g) In addition to a Development Permit Application, each application for a home occupation - major shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.
- (h) Notwithstanding any other provision of this Bylaw to the contrary, when a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.
- (i) Home occupations shall not involve:
  - (i) activities that use or store hazardous material in quantities exceeding those found in a normal household; or
  - (ii) any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.

## **6.2.2 Industrial Development**

- (1) An application for the establishment of an industrial use shall be considered by the Development Authority after requesting advisory comment by those Provincial agencies or authorities whose interest or jurisdiction may be affected. The Development Authority shall request that such comments be made in writing.
- (2) Each application for an industrial use shall be accompanied by the following information related to the application, in addition to the information required pursuant to Section 3.4(1) of this Bylaw:

- Type of industry
- Size of buildings
- Number of employees
- Estimated water demand and anticipated source
- Type of effluent and method of treatment
- Transportation routes to be used (rail and road)
- Reason for specific location
- Any accessory works required (pipeline, railway spurs, etc.)

and/or any such other information as may be reasonably required by the Development Authority.

- (3) All lot regulations and requirements shall be based upon the type of industrial development proposed, and shall be at the discretion of the Development Authority, in accordance with the District in which the site is located.

### **6.2.3 Service Stations (Including Gas Bars)**

- (1) No part of any building or accessory building, structure, or use shall be located within 6.1 m (20.0 ft.) of a side or rear line and 12.2 m (40.0 ft.) of a front line; however, gasoline pumps may be located as little as 6.1 m (20.0 ft.) from the front line.
- (2) The minimum lot area shall be 743 sq. m (7998 sq. ft.). When a car wash is included, the minimum lot area shall be 1114 sq. m (11,991 sq. ft.)
- (3) If a service station or gas bar is part of a shopping centre, the number of parking spaces shall be as determined by the Development Authority.
- (4) Any lighting shall be located and arranged so that all direct rays of light are directed upon the lot only and not on any adjoining lots.
- (5) The owner, tenant, operator or person in charge of a service station or gas bar shall, at all times
  - (a) not carry on any business or activity which is obnoxious or offensive, or which constitutes a nuisance or annoyance to dwellings or businesses near the service station or gas bar by reason of dust, noise, gases, odour, smoke or vibration; and
  - (b) be responsible for seeing that:
    - (i) no motor vehicles obstruct the sidewalks or boulevards abutting or adjacent to the service station or gas bar, and
    - (ii) motor vehicles enter and leave the service station or gas bar only at the entrances and exits provided.

### **6.2.4 Places of Worship**

- (1) The lot on which a place of worship is situated shall have a frontage of not less than 30.0 m (98.4 ft.) and an area of not less than 929 sq. m (10,000.0 sq. ft.) except in the case where a building for a clergyman's residence is to be erected on the same lot. The area of the lot in this case shall not be less than 1393 sq. m (14,994 sq. ft.).
- (2) Minimum front, side and rear yards shall be those required within the District in which the place of worship is located.



# PART SEVEN - LAND USE DISTRICTS

## 7.1 RESIDENTIAL DISTRICT - R1

The General Purpose of this District is to permit development of low density detached single family dwellings, and associated uses at the discretion of the Development Authority.

### 1. Permitted Uses

- (a) One family dwellings
- (b) Minor home occupations
- (c) Buildings and uses accessory to permitted uses

### 2. Discretionary Uses

- (a) Day homes
- (b) Major home occupations
- (c) Parks and playgrounds
- (d) Places of worship
- (e) Public or quasi-public buildings and uses required to serve the immediate area
- (f) Public utilities required to serve the immediate area
- (g) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (h) Buildings and uses accessory to discretionary uses

### 3. Regulations

- (a) Relating to One Family Dwellings serviced by municipal piped water supply and sewage collection and disposal services
  - (i) Minimum lot area - 464.5 sq. m (5000 sq. ft.)
  - (ii) Minimum front yard - 6.1 m (20.0 ft.)
  - (iii) Minimum rear yard - 7.6 m (24.9 ft.)
  - (iv) Minimum side yard - 10% of lot width, or, at the discretion of the Development Authority, a minimum of 1.5 m (4.9 ft.) on all lots over 15.24 m (50 ft.) in lot width and not less than 10% of the lot width on all lots 15.24 m (50 ft.) or less in lot width; except that in laneless subdivisions, one side yard shall be a minimum of 3.0 m (9.8 ft.).  
- Corner lot – 4.5 m (14.8 ft.) adjacent to road

- (v) Maximum building height – 10.1 m (33.1 ft.) or two (2) storeys, whichever is the lesser
  - (vi) Minimum floor area
    - 111.5 sq. m (1200 sq. ft.) for 1 storey
    - 130.0 sq. m (1400 sq. ft.) for 1½ storey
    - 148.6 sq. m (1600 sq. ft.) for 2 storeys or bi-level
  - (vii) Maximum lot coverage:
    - Principal building - 28% or, if a garage is attached, a maximum of 40%
    - Accessory buildings - 12%
    - Total - 40%
  - (viii) Parking space requirements – 2 spaces per dwelling unit
  - (ix) Notwithstanding any other provision of this Bylaw to the contrary, existing dwellings located within 300 m (984 ft.) of the Clyde sewage lagoon will not be allowed to expand or to rebuild if destroyed by fire.
- (b) Relating to All Other Uses - as required by the Development Authority

## 7.2 RESIDENTIAL DISTRICT - R2

The General Purpose of this District is to permit development of primarily single family dwellings, with the possibility for some duplex or fourplex development at the discretion of the Development Authority.

### 1. Permitted Uses

- (a) One family dwellings
- (b) Minor home occupations
- (c) Buildings and uses accessory to permitted uses

### 2. Discretionary Uses

- (a) Apartments
- (b) Day homes
- (c) Duplexes
- (d) Fourplexes
- (e) Major home occupations
- (f) Parks and playgrounds
- (g) Places of worship
- (h) Public or quasi-public buildings and uses required to serve the immediate area
- (i) Public utilities required to serve the immediate area
- (j) Row housing
- (k) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (l) Buildings and uses accessory to discretionary uses

### 3. Regulations

- (a) Relating to One Family Dwellings
  - (i) Minimum lot area - 464.5 sq. m (5000 sq. ft.)
  - (ii) Minimum front yard - 6.1 m (20.0 ft.)
  - (iii) Minimum rear yard - 7.6 m (24.9 ft.)
  - (iv) Minimum side yard - 10% of lot width, or, at the discretion of the Development Authority, a minimum of 1.5 m (4.9 ft.) on all lots over 15.25 m (50 ft.) in lot width and not less than 10% of the lot width on all lots 15.25 m (50 ft.) or less in lot width; except that in laneless subdivisions, one side yard shall be a minimum of 3.0 m (9.8 ft.)  
- Corner lot - 4.5 m (14.8 ft.) adjacent to

road

- (v) Maximum building height – 10.1 m (33.1 ft.) or two (2) storeys, whichever is the lesser
  - (vi) Minimum floor area
    - 92.9 sq. m (1000 sq. ft.) for 1 storey
    - 111.5 sq. m (1200 sq. ft.) for 1½ storey
    - 130.0 sq. m (1400 sq. ft.) for 2 storeys or bi-level
- (b) Relating to Duplexes
- (i) Minimum lot area:
    - a. "Up and down" units - 576 sq. m (6200 sq. ft.), provided the combined floor area does not exceed 186 sq. m (2002 sq. ft.)
    - b. "Side by side" or "Semi detached" units – 668 sq. m (7190 sq. ft.) or 743 sq. m (7998 sq. ft.) if a corner lot
  - (ii) Minimum yards - same as for one family dwellings
  - (iii) Minimum floor area – 55.5 sq. m (597 sq. ft.) per dwelling unit
- (c) Relating to Fourplexes, Row housing, and Apartments
- (i) Maximum density:
    - a. Fourplex 350 persons per ha (142 persons per ac.)
    - b. Apartment 350 persons per ha (142 persons per ac.)
    - c. Row housing 175 persons per ha (71 persons per ac.)
- Persons per acre is to be calculated according to the following table:
- a. 0 bedrooms 1 person per dwelling unit
  - b. 1 bedroom 1.75 persons per dwelling unit
  - c. 2 bedrooms 3 persons per dwelling unit
  - d. 3 or more bedrooms 4 persons per dwelling unit
- (ii) Minimum lot size:
    - a. Fourplex 743 sq. m (7998 sq. ft.) per building
    - b. Apartment 929 sq. m (10,000 sq. ft.) per building
    - c. Row housing 232 sq. m (2497 sq. ft.) per interior dwelling unit, plus 325 sq. m (3498 sq. ft.) per corner or end dwelling unit
- All other uses at the discretion of the Development Authority
- (iii) Minimum yards
    - a. Fourplex – same as for one family dwellings
    - b. Apartment

- i. Front
  - A. 6.1 m (20.0 ft.) for a building 9.1 m (29.9 ft.) or less in height;
  - B. 9.1 m (29.9 ft.) for a building between 9.1 m (29.9 ft.) and 12.2 m (40 ft.) in height;
  - C. 10.7 m (35.1 ft.) for a building more than 12.2 m (40 ft.) in height.
- ii. Side
 

A minimum side yard shall be provided on each side of the building of not less than 15% of the width of the lot or 4.5 m (14.8 ft.), whichever is the lesser, except in the following case:

  - A. for a building more than 9.1 m (29.9 ft.) in height, the minimum required side yard shall be 20% of the width of the lot or 6.1 m (20.0 ft.), whichever is the lesser.
- iii. Rear - 7.6 m (24.9 ft.).
- c. Row Housing – all yards 6.1 m (20.0 ft.)

(iv) Maximum lot coverage - 35%, unless otherwise approved by the Development Authority.

(v) Maximum building height

- a. Fouples – same as for one family dwellings
- b. Apartments – 3 storeys, or 12.5 m (41 ft.), whichever is the lesser
- c. Row housing – same as for one family dwelling

(vi) Additional Regulations for Apartments

Apartment developments shall be subject to such additional regulations and requirements relating to site design, access, landscaping, and other considerations that the Development Authority, in its sole discretion, deems reasonable. In setting these regulations and requirements, the Development Authority shall have due consideration to the adjacent land uses and the amenities of the area in which the development is proposed.

(vii) Special Requirements

- a. Where two or more buildings are on one lot, there shall be a minimum separation distance of 6.1 m (20.0 ft.) between the walls of the two buildings.
- b. Each dwelling unit within a row housing development shall have one yard which serves as an outdoor living area for the occupants. This yard shall have a minimum depth of 7.6 m (24.9 ft.) and a minimum width of 9.1 m (29.9 ft.). Within this outdoor living area there shall be a privacy zone of a minimum of 4.5 m (14.8 ft.) which is contained by a fence at least 1.5 m (4.9 ft.) in height.

- c. No walkway in a development shall be located within 4.5 m (14.8 ft.) of a window to a habitable room.
- d. In the case of two or more grouped buildings, the relationship of the buildings to each other and the total relationship to the site, in particular, in respect to such matters as appearance, provision of adequate light, privacy, and landscaping shall be fully shown in the site plans for the whole development and shall be to the satisfaction of the Development Authority.
- e. All residential developments in this District shall provide amenity areas for recreational and landscaping purposes. The minimum required amenity area is to be calculated according to the following table:

No. of Bedrooms	Area (sq. m (sq. ft.))
0	14.0 (151)
1	19.0 (205)
2	54.0 (581)
3	93.0 (1001)
4 or more	120.0 (1292)

Outdoor living areas may be calculated as part of the required amenity area for any development.

- f. For apartments or row housing developments containing more than 40 dwelling units with 2 or more bedrooms, a playground area shall be provided on the basis of 6.1 m (20.0 ft.) per bedroom, master bedroom excluded.
    - A. This play area shall be provided with landscaping, fencing, surface treatment, and play equipment to the satisfaction of the Development Authority.
    - B. This play area will be included as part of the required amenity area for the development.
  - g. A storage compound satisfactory to the Development Authority shall be provided for large trucks, recreational vehicles and similar equipment. There shall be no outdoor storage of furniture or similar equipment.
- (d) Relating to All Other Uses - as required by the Development Authority
  - (e) Maximum lot coverage:
    - (i) Principal building - 28% or, if a garage is attached, a maximum of 40%
    - (ii) Accessory buildings - 12%
    - (iii) Total - 40%
  - (f) Parking space requirements – 2 spaces per dwelling unit

- (g) Notwithstanding any other provision of this Bylaw to the contrary, existing dwellings located within 300 m (984 ft.) of the Clyde sewage lagoon will not be allowed to expand or to rebuild if destroyed by fire.

## **7.3 RESIDENTIAL MANUFACTURED HOME DISTRICT - RMH**

The General Purpose of this District is to permit and regulate development of manufactured home subdivisions and, at the discretion of the Development Authority, manufactured home parks.

### **1. Permitted Uses**

- (a) Manufactured homes
- (b) Minor home occupations
- (c) Parks and playgrounds
- (d) Buildings and uses accessory to permitted uses

### **2. Discretionary Uses**

- (a) Day homes
- (b) Major home occupations
- (c) Manufactured home parks
- (d) Public or quasi-public buildings and uses
- (e) Public utilities
- (f) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (g) Buildings and uses accessory to discretionary uses

### **3. Regulations for Manufactured Home Subdivisions**

- (a) Minimum lot area
  - (i) Manufactured homes - 464.5 sq. m (5000 sq. ft.)
  - (ii) Other uses - as required by the Development Authority
- (b) Minimum lot width
  - (i) Manufactured homes - 15.25 m (50 ft.)
  - (ii) Other uses - as required by the Development Authority
- (c) Minimum floor area
  - (i) Manufactured homes – 88 sq. m (947 sq. ft.)
  - (ii) Other uses - as determined by the Development Authority
- (d) Minimum yards
  - (i) Front - 4.5 m (14.8 ft.)
  - (ii) Side – 1.2 m (3.9 ft.) on one side; however, a 4.5 m (14.8 ft.) separation from any adjacent manufactured home or road shall be provided
  - (iii) Rear - 4.5 m (14.8 ft.)



- (e) Maximum lot coverage
  - (i) Principal building - 28% or, if a garage is attached, a maximum of 40%
  - (ii) Accessory buildings - 12%
  - (iii) Total - 40%
- (f) Maximum building height
  - (i) Manufactured homes - 7.6 m (24.9 ft.)
  - (ii) Accessory buildings - 4.5 m (14.8 ft.)
  - (iii) Other uses - as determined by the Development Authority
- (g) Parking space requirements – 2 spaces per dwelling unit
- (h) All manufactured home shall be anchored with at least four (4) tie downs for a single wide and eight (8) tie downs for a double wide.
- (i) The undercarriage of each manufactured home shall be complete screened from view by the foundation or skirting within thirty (30) days of the placement of the manufactured home.
- (j) All accessory structures such as steps, patios, porches, additions, skirting, and storage facilities shall be:
  - (i) factory prefabricated or the equivalent thereof, the exterior and design of which shall match the manufactured home, and
  - (ii) considered as part of the principal building, and
  - (iii) erected only after obtaining a development permit.
- (k) Additions to a manufactured home shall have a foundation or skirting equivalent to that of the manufactured home.
- (l) No accessory building or use shall be located in the front yard unless it is a parking space on a driveway located on either side of the manufactured home.
- (m) All areas of a manufactured home lot not occupied by driveways, walkways, manufactured homes, buildings, and other facilities shall be landscaped to the satisfaction of the Development Authority within six (6) months (weather permitting) of the date of the placement of the manufactured home.
- (n) All utility lines shall be placed underground.
- (o) All manufactured homes shall satisfy Canadian Standards Association Z240 Standards and shall be no more than 5 years old from the date of the development application.

#### 4. Regulations for Manufactured Home Parks

- (a) Minimum lot area – 2 ha (4.9 ac.), though, at the discretion of the Development Authority, a smaller lot area may be approved where a development is proposed to be staged and where the properties are adjacent.

- (b) Maximum lot area – 16.2 ha (40 ac.)
- (c) Maximum density – 20 manufactured homes per ha (8.1 per ac.).
- (d) Minimum stall area – 371 sq. m (3993 sq. ft.)
- (e) Minimum yards within stalls
  - (i) Front - 4.5 m (14.8 ft.) =
  - (ii) Side - 1.2 m (3.9 ft.) on one side; however, a 4.5 m (14.8 ft.) separation from any adjacent manufactured home or road shall be provided
  - (iii) Rear - 4.5 m (14.8 ft.)=
- (f) Maximum stall coverage
  - (i) Principal building - 28% or, if a garage is attached, a maximum of 40%
  - (ii) Accessory buildings - 12%
  - (iii) Total - 40%
- (g) All roadways shall be graveled or paved, well-drained and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 9.1 m (29.9 ft.). The manufactured homes and all community facilities shall be connected by a safe, convenient, concrete pedestrian walkway of at least 1.2 m (3.9 ft.) in width.
- (h) Five percent (5%) of the gross lot area shall be provided for the recreational use of the park occupants. This recreational space shall be located convenient to all park residents, be free from traffic hazards, be clearly marked, and shall not be included in areas designated as buffer strips.
- (i) Parking space requirements – 2 spaces per manufactured home
- (j) Each stall shall have a durable base on which the manufactured home shall be placed.
- (k) The undercarriage of each manufactured home shall be completely screened from view by the foundation or by skirting within thirty (30) days of the placement of the manufactured home.
- (l) All accessory structures such as steps, patios, porches, additions, skirting, and storage facilities shall be:
  - (i) factory prefabricated or the equivalent thereof, the exterior and design of which shall match the manufactured home, and
  - (ii) considered as part of the principal building, and
  - (iii) erected only after obtaining a development permit.

- (m) No accessory building or use shall be located in the front yard of a stall; however, driveways to side yard parking are allowed.
- (n) All utility lines shall be placed underground. Street lighting and signage shall be of the same standard used in the other Residential Districts.
- (o) The floor area of porches and additions (excluding attached garages) shall not exceed 25% of the gross floor area of the manufactured home.
- (p) All areas of a manufactured home lot park not occupied by roadways, lanes, driveways, walkways, manufactured homes, buildings, and other facilities shall be landscaped to the satisfaction of the Development Authority within six (6) months (weather permitting) of the date of the placement of the manufactured home.
- (q) All manufactured home parks shall have at least two legal road accesses.
- (r) All manufactured homes in manufactured home parks shall satisfy Canadian Standards Association Z240 Standards and shall be no more than 5 years old from the date of the development application

## **7.4 RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICT - RMH-A**

The General Purpose of this District is to provide for manufactured home development on subdivided lots. All manufactured home shall have Canadian Standards Association Z240 certification, and the placement of each home in a manufactured home subdivision shall be subject to obtaining a development permit from the Development Authority and compliance with aesthetic and landscaping standards to ensure the development will be compatible with the appearance and character of existing or proposed development in the surrounding area.

### **1. Permitted Uses**

- (a) Manufactured homes
- (b) Minor home occupations
- (c) Parks and playgrounds
- (d) Buildings and uses accessory to permitted uses

### **2. Discretionary Uses**

- (a) Day homes
- (b) Major home occupations
- (c) One family dwellings
- (d) Public or quasi-public buildings and uses
- (e) Public utilities
- (f) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (g) Buildings and uses accessory to discretionary uses

### **3. Regulations**

- (a) Minimum lot area
  - (i) Manufactured homes - 464.5 sq. m (5000 sq. ft.)
  - (ii) Other uses - as required by the Development Authority
- (b) Minimum lot width
  - (i) Manufactured homes - 15.25 m (50 ft.)
  - (ii) Other uses - as required by the Development Authority
- (c) Minimum floor area
  - (i) Manufactured homes - 88 sq. m (947 sq. ft.)
  - (ii) One family dwellings - 92.9 sq. m (1000 sq. ft.)
  - (iii) Other uses - as determined by the Development Authority

- (d) Minimum yards
  - (i) Front - 4.5 m (14.8 ft.)
  - (ii) Side - 1.2 m (3.9 ft.) on one side; however, a 4.5 m (14.8 ft.) separation from any adjacent manufactured home or road shall be provided  
In laneless subdivisions, a side yard at least 2.75 m (9.0 ft.) wide shall be provided on one side, OR a 1.2 m (3.9 ft.) wide maintenance easement shall be registered against the title of the lot on which the dwelling is located and the lot adjacent to which the reduced side yard is provided in order to provide maintenance access to the rear yard.
  - (iii) Rear - 4.5 m (14.8 ft.) in laneless subdivisions and 5.5 m (18.0 ft.) in laned subdivisions
- (e) Maximum lot coverage
  - (i) Principal building - 28% or, if a garage is attached, a maximum of 40%
  - (ii) Accessory buildings - 12%
  - (iii) Total - 40%
- (f) Maximum building height
  - (i) Manufactured homes and one family dwellings - 7.6 m (24.9 ft.)
  - (ii) Accessory buildings - 4.5 m (14.8 ft.)
  - (iii) Other uses - as determined by the Development Authority
- (g) Parking space requirements – 2 spaces per dwelling unit
- (h) All manufactured homes shall have Canadian Standards Association certification or the equivalent. Proof of this shall be submitted with an application for a development permit.
- (i) A development permit is required prior to sitting a manufactured home within this District.
- (j) Only one (1) manufactured home may be located on a lot in this District.
- (k) All lots within this District shall provide for both single wide and double wide manufactured homes.
- (l) All manufactured homes shall satisfy Canadian Standards Association Z240 Standards.
- (m) All manufactured homes must be of new construction or not more than five (5) years of age from the date of the development application. Manufactured homes shall be in good condition to the satisfaction of the Development Authority.
- (n) All manufactured homes shall have pitched roofs.

- (o) All development shall be of a quality and design which will enhance the residential environment.
- (p) All manufactured homes shall be anchored to a permanent foundation, with at least four (4) tie downs for a single wide and eight (8) tie downs for a double wide. The foundation or basement shall not exceed 0.6 m (2.0 ft.) above finished grade.
- (q) The undercarriage of each manufactured home shall be complete screened from view by the foundation or skirting within thirty (30) days of the placement of the manufactured home.
- (r) All accessory structures such as steps, patios, porches, additions, skirting, and storage facilities shall be:
  - (i) factory prefabricated or the equivalent thereof, the exterior and design of which shall match the manufactured home, and
  - (ii) considered as part of the principal building, and
  - (iii) erected only after obtaining a development permit; and
  - (iv) be less than 25% of the gross floor area of the manufactured home in size (excluding attached garages).
- (s) Additions to a manufactured home shall have a foundation or skirting equivalent to or better than that of the manufactured home, and shall be provided with steps and landings to all entrances within thirty (30) days of their development.
- (t) No accessory building or use shall be located in the front yard.
- (u) All utility lines shall be placed underground.
- (v) Notwithstanding any other provision of this Bylaw to the contrary, all detached garages shall be located not less than 2.4 m (7.9 ft.) from a manufactured home.
- (w) Notwithstanding any other provision of this Bylaw to the contrary, the vehicle entry doors of all garages, whether attached to or detached from a manufactured home or any other building, shall be located not less than 5.5 m (18.0 ft.) from a rear or flanking lot line.
- (x) All areas of a manufactured home lot not occupied by driveways, walkways, manufactured homes, buildings, and other facilities shall be landscaped to the satisfaction of the Development Authority within two (2) months (weather permitting) of the date of the placement of the manufactured home.
- (y) Adequate screening in the form of vegetation or fencing shall be provided between the manufactured home lot and other manufactured home lots, or

between the manufactured home lot and adjacent uses where the uses are incompatible with the residential use of the manufactured home lot. This section may be waived by the Development Authority if adjacent land owners agree in writing not to erect any form of screening between their respective properties.

- (z) Each manufactured home shall be clearly marked and defined with the property address of the lot. Such marking shall be displayed on the side of the manufactured home facing the road.
- (aa) The owners of a manufactured home shall provide proper garbage containers on each lot.
- (ab) Notwithstanding any other provision of this Bylaw to the contrary, a development on a corner lot shall comply with all the restrictions, limitations, and conditions relating to visibility at the intersecting roads as may be required by the Development Authority.
- (ac) The manufactured home must be covered with an exterior material customarily used on conventional dwellings. The exterior covering material must extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
- (ad) In addition to the requirements indicated in Sections 3.4(1) and 3.4(3) of this Bylaw, each application for a development permit within this District shall be accompanied by:
  - (i) a landscaping and site development plan, and
  - (ii) photographs of each side of the proposed manufactured home.
- (ae) In making a decision on a development permit within this District, the Development Authority may approve, refuse, or conditionally approve a development permit application if, in addition to any other consideration provided for by this Bylaw, after considering the size, external design, and finish of the proposed development, the Development Authority is of the opinion that the proposed development will detract from the appearance or character of existing or proposed development in the surrounding area.

## 7.5 COMMERCIAL DISTRICT - C

The General Purpose of this District is to permit commercial development appropriate for the Central Business District of the municipality and involving fairly high density development. The regulations do not permit obnoxious uses or those involving excessive outside storage.

### 1. Permitted Uses

- (a) Bakeries
- (b) Catering establishments
- (c) Dry cleaning depots
- (d) Eating and drinking establishments
- (e) Exhibition facilities
- (f) General retail stores
- (g) Government services
- (h) Health services
- (i) Household repair shops
- (j) Indoor amusement establishments
- (k) Laundry/Dry cleaner establishments
- (l) Libraries and cultural exhibits
- (m) Office and financial uses
- (n) Outdoor amusement establishments
- (o) Personal service shops
- (p) Workshops accessory to general retail stores
- (q) Buildings and uses accessory to permitted use

### 2. Discretionary Uses

- (a) Automobile, light truck and recreational vehicle sales and service
- (b) Auctioneering establishment
- (c) Bingo halls
- (d) Business support services
- (e) Child care facilities
- (f) Commercial schools
- (g) Communications and security services
- (h) Drive-in businesses
- (i) One family dwellings and manufactured homes existing as of January 1, 2006
- (j) Entertainment establishments
- (k) Equipment rental establishments
- (l) Fleet services
- (m) Funeral homes
- (n) Gambling machine establishments
- (o) Hotels
- (p) Non-accessory parking lots
- (q) Places of worship
- (r) Private clubs



- (s) Public or quasi-public uses
- (t) Public utilities
- (u) Recreational facilities
- (v) Theatres
- (w) Veterinary clinic
- (x) Dwelling units in a building in which commercial uses are located or are designed to be located
- (y) Shopping centres containing a number of the above listed Permitted and Discretionary uses
- (z) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (aa) Buildings and uses accessory to discretionary uses

### 3. Regulations

- (a) Minimum lot area – 139 sq. m (1496 sq. ft.)
- (b) Minimum lot width - 4.5 m (14.8 ft.)
- (c) Minimum yards
  - (i) Front - None, except where the Development Authority may deem it necessary to conform with existing development
  - (ii) Side - None, if the subject lot is bordered on both sides by land classified C. If the subject lot is bordered by a Residential District on a side, the minimum side yard on that side shall be 1.5 m (4.9 ft.)
  - (iii) Rear - 7.6 m (24.9 ft.), or as required by the Development Authority
- (d) Maximum lot coverage
 

80%, provided that provision has been made for on-site parking, loading, storage and waste disposal to the satisfaction of the Development Authority
- (e) Minimum Floor Area - as required by the Development Authority
- (f) Parking space requirements
  - (i) Retail and personal service shops, banks and offices - 1 parking space per 46.5 sq. m (500 sq. ft.) of gross leasable floor space
  - (ii) Restaurants, cocktail bars, and taverns - 1 parking space per 5 seating spaces
  - (iii) Hotels and motels - 1 parking space per sleeping unit
- (g) Loading space requirements - 1 loading space per establishment
- (h) Where groups of commercial uses are to be built on a single lot or grouping of lots, regulations shall be determined by the Development Authority, who shall

deal with the overall scheme for the site, taking into account buildings, access, parking and specific commercial uses.

(i) Regulations for dwellings

- (i) The regulations for dwelling units within commercial buildings shall be as indicated for apartments in the Residential (R2) District.
- (ii) The regulations for one family dwellings shall be as indicated for one family dwellings in the Residential (R1) District.
- (iii) The regulations for manufactured homes shall be as indicated for manufactured homes in the Residential Manufactured Home Subdivision (RMH-A) District.

## 7.6 INDUSTRIAL DISTRICT - M

The General Purpose of this District is to provide opportunities for light industrial and manufacturing uses, with heavier industry allowed in approved locations at the discretion of the Development Authority. Uses and operations with this District shall not cause or permit any external objectionable or dangerous conditions apparent beyond any building housing processes wherein such effects may be produced, including but not limiting the generalities thereof, the following objectionable features, namely: noise, vibration, smoke, dust and other kinds of particulate matter, odour, toxic and noxious matter, radiation hazards, fire and explosive hazards, humidity and glare.

### 1. Permitted Uses

None

### 2. Discretionary Uses

- (a) Municipal uses that are not restrictive and are compatible with an industrial area
- (b) General industrial uses
- (c) Light industrial uses
- (d) Outdoor storage
- (e) Recreational uses that are not restrictive and are compatible with an industrial area
- (f) Servicing establishments
- (g) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (h) Buildings and uses accessory to discretionary uses

### 3. Regulations

- (a) Minimum lot area - as required by the Development Authority
- (b) Minimum yards
  - (i) Front - 9.1 m (29.9 ft.)
  - (ii) Side - as required by the Development Authority
  - (iii) Rear - 9.1 m (29.9 ft.)
- (c) Maximum lot coverage - 60%
- (d) Maximum building height – 11.0 m (36.1 ft)
- (e) Parking space requirements - 1 stall per 2 employees on maximum shift
- (f) Loading space requirements - 1 loading space per establishment

## **7.7 COMMUNITY DISTRICT - P**

The General Purpose of this District is to permit the use of land for service, mainly of a public nature, which have a primary orientation toward the community.

### **1. Permitted Uses**

- (a) Parks, playgrounds, recreation areas, and other similar public or quasi-public buildings and uses
- (b) Buildings and uses accessory to permitted uses

### **2. Discretionary Uses**

- (a) Cemeteries
- (b) Public utilities
- (c) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (d) Buildings and uses accessory to discretionary uses

### **3. Regulations**

- (a) All regulations shall be as required by the Development Authority

## 7.8 INSTITUTIONAL DISTRICT - I

The General Purpose of this District is to permit development of uses of either a public or private nature which provide services to the community.

### 1. Permitted Uses

- (a) Child care facilities
- (b) Community Halls
- (c) Hospitals and Nursing Homes
- (d) Places of worship
- (e) Public Schools
- (f) Buildings and uses accessory to permitted uses

### 2. Discretionary Uses

- (a) Cemeteries
- (b) Clubs and lodges
- (c) Public or quasi-public buildings and uses
- (d) Public utilities
- (e) Recreational facilities
- (f) Senior citizens homes and similar buildings
- (g) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (h) Buildings and uses accessory to discretionary uses

### 3. Regulations

- (a) All regulations shall be as required by the Development Authority
- (b) Parking space requirements
  - (i) Auditoriums, churches, halls, clubs, theatres, and other amusement or recreation buildings - to the satisfaction of the Development Authority, but not less than 1 space per 5 seating spaces
  - (ii) Schools - 1 space per employee
  - (iii) Hospitals and nursing homes - 1 space per 92.9 sq. m (1000 sq. ft.)
  - (iv) Senior citizens homes and similar buildings - 1 space per unit

## **7.9 URBAN RESERVE DISTRICT - UR**

The General Purpose of this District is to reserve those lands on the periphery of the municipality which, by their relationship to existing land uses, the main road system, and the established utility systems, will in time become suitable for general urban uses.

### **1. Permitted Uses**

- (a) Farming and cultivation of land, but not including confined feeding operations
- (b) Minor home occupations
- (c) One family dwellings on existing parcels only
- (d) Buildings and uses accessory to permitted uses

### **2. Discretionary Uses**

- (a) Any strictly temporary use or building which in the opinion of the Development Authority will not prejudice the possibility of conveniently and economically subdividing or developing the area in the future
- (b) Major home occupations
- (c) Public or quasi-public buildings and uses
- (d) Public utilities
- (e) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (f) Buildings and uses accessory to discretionary uses

### **3. Regulations**

- (a) No subdivision or development other than for the above uses shall take place until an overall plan for the area has been resolved. This plan should establish a plan showing the subdivision design, the proposed land use classification, public reserve dedications and utilities policies.
- (b) All other regulations shall be as required by the Development Authority

READ A FIRST TIME IN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 200\_\_.

AND ADVERTISED THE \_\_\_\_ day of \_\_\_\_\_, 200\_\_ AND THE \_\_\_\_ day of \_\_\_\_\_, 200\_\_ IN THE \_\_\_\_\_.

PUBLIC HEARING HELD THE \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

READ A SECOND TIME IN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 200\_\_.

READ A THIRD TIME IN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 200\_\_.

\_\_\_\_\_  
Mayor

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