

**TOWN OF LEGAL**

**LAND USE BYLAW**

**BYLAW #07-98**

**1998**

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# **BYLAW #07-98**

## **LAND USE BYLAW**

Pursuant to the Municipal Government Act, 1994, as amended, the Council of the Town of Legal duly assembled, hereby enacts as follows:

### **PART 1 - GENERAL**

#### **1.1 Title**

The title of this Bylaw shall be the Land Use Bylaw of the Town of Legal.

#### **1.2 Purpose**

The purpose of this Bylaw is to 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 including the issuing of 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 permitted on a parcel of land.

#### **1.3 Interpretation**

In this Bylaw

- (1) "**Act**" means the Municipal Government Act, 1994, as amended;
- (2) "**accessory building**" means a building separate and subordinate to the main building, the use of which is incidental to that of the main building and is located on the same parcel of land. All parts of a building which are attached to the main building by an open or an enclosed structure other than a fence, shall be considered

a part of the main building and not an accessory building;

- (3) "**accessory use**" means a use customarily incidental and subordinate to the main use or building and is located in the same parcel of land with such main use or building;
- (4) "**adjacent land**" means land that is contiguous to a particular parcel of land and includes:
  - (a) land that would be contiguous if not for a highway, road, river or stream, and
  - (b) any other land identified in this Bylaw as adjacent for the purpose of satisfying Section 3.5(3)(b) of this Bylaw;
- (5) "**amusement establishment**" means a development providing facilities for entertainment and amusement activities where patrons are primarily participants. Typical uses include amusement parks and miniature golf establishments, plus indoor amusement establishments;
- (6) "**apartment**" means a dwelling containing three (3) or more dwelling units, but shall not mean row housing;
- (7) "**area of copy**" means the entire area within a single common continuous perimeter enclosing the extreme limits of the advertising message, announcement or decoration on a sign, and shall, for the purpose of area calculation, be square or rectangular in shape;
- (8) "**basement suite**" means a self-contained dwelling unit, in the basement of a one family dwelling, having a common access with a dwelling unit on the main floor;
- (9) "**bed and breakfast**" means a development within a dwelling which possesses a dwelling unit, where temporary sleeping accommodations, up to a maximum of two (2) bedrooms, with or without meals, are provided for remuneration to members of the public;
- (10) "**boarding house**" means a building, with or without a dwelling unit, where temporary sleeping accommodations of three (3) or more bedrooms, with or without meals, are provided for remuneration to members of the public;
- (11) "**building**" includes anything constructed or placed on, in, over, or under land but does not include a highway or road or a bridge forming part of a highway or road;
- (12) "**building height**" means the vertical distance measured from the average grade

level at the subject building to the higher of the highest point of a flat roof, or the average level between the eaves of the subject building and the top ridge of a pitched roof on the subject building. This dimension shall be exclusive of any accessory roof construction such as a chimney, steeple or antenna;

- (13) “**canopy**” means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;
- (14) "**corner lot**" means a lot with boundary lines on two separate roads or highways or a single road or highway that curves at an angle of sixty (60) degrees or more at the subject lot. For the purposes of this definition, a road or highway shall not include a lane;
- (15) "**Council**" means the Council of the Town of Legal;
- (16) "**day care**" means a provincially licensed child care facility operated from a building or a portion thereof used for the provision of care, maintenance and supervision of seven (7) or more children under the age of fifteen (15) years, by persons unrelated to the children by blood or marriage, for periods not exceeding twenty-four (24) consecutive hours. For the purposes of this definition, a day care shall include all day-care centres, nurseries, and after school or baby-sitting programmes which satisfy this definition. However, this definition shall not include a day home, a family care facility, a group care facility, or a school operated by a School Division;
- (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 eleven (11) 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) "**deck**" means any open structure which may or not be attached to the main dwelling, having a height greater than 0.61 m (2.0 ft.) above ground level, and thereby requiring stairs and railings as outlined in the Alberta Building Code. A deck shall not have a roof or walls higher than 1.25 m (4.1 ft.);
- (19) "**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, or
  - (e) the demolition or removal of a building, or
  - (f) the placement of an already constructed or a partially constructed building on a parcel of land;
- (20) "**Development Authority**" means the Development Authority established by the municipality's Development Authority Bylaw and appointed by Council;
- (21) "**development permit**" means a document authorizing a development issued pursuant to this Bylaw;
- (22) "**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;
- (23) "**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;
- (24) "**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 single family dwellings, duplexes, row housing, and apartments, but shall not include manufactured home units of any kind whether standing on wheels or supported by blocks, jacks, or any other foundation;
- (25) "**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;
- (26) "**family care facility**" means a facility which provides resident service in a dwelling to six (6) or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding homes for children, group homes and family homes;

- (27) "**floor area**" means the total area of all floors of a building, not including accessory buildings and the area of basement floors;
- (28) "**foundation**" means the lower portion of a building, usually consisting of concrete or masonry, and includes the footings, which transfer the weight of and loads on a building to the ground;
- (29) "**foundation wall**" means the outermost part of the wall of a building under which a foundation is located;
- (30) "**front line**" means the boundary line of a parcel of land lying adjacent to a highway or road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the highway or road shall be considered the front line;
- (31) "**front yard**" means a yard extending across the full width of a parcel of land from the front line to the foundation wall of the main building situated on the parcel of land. In the case of a curved front line, the front yard will also form a curve;
- (32) "**gross floor area**" means the total area of all floors of all buildings including accessory buildings located on any parcel of land, excluding the area of basement floors, except that all dwelling units in apartment buildings shall be included in the calculation of gross floor area;
- (33) "**group care facility**" means a facility which provides resident services to seven (7) or more individuals of whom one or more may be related. These individuals are handicapped, aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs. This category includes supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities and foster or boarding homes;
- (34) "**heavy industry**" means activities involved in the processing, fabrication, storage, transportation, distribution or wholesaling of goods which may emit a significant level of noise, smoke, dust, odour, vibration, etc., and which may not be compatible with the surrounding land uses;
- (35) "**home occupation**" means any 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, and which does not change the character thereof or have any exterior evidence of such secondary use other than a small sign as provided for in Section 6.27 of this Bylaw. For the purposes of this Bylaw, home occupations are divided into two sub-classifications - home occupations - major and home occupations - minor - with specific regulations for each as indicated in Section

6.24 of this Bylaw. A home occupation - major does not include any business, occupation, trade, profession, or craft in which more than one (1) employee, other than the occupant of the dwelling and the occupant's family, comes to or works in the dwelling;

- (36) "**indoor amusement establishment**" means a development providing facilities within an enclosed building for entertainment and amusement activities where patrons are primarily participants. Typical uses include billiard parlours and electronic games arcades;
- (37) "**light industry**" means activities involved in the processing, fabrication, storage, transportation, distribution or wholesaling of goods which do not emit a significant level of noise, smoke, dust, odour, vibration, etc., and which are generally compatible with the surrounding land uses;
- (38) "**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;
- (39) "**main building**" means a building in which is conducted the main or principle use of the parcel of land on which it is erected;
- (40) "**manufactured home unit**" means a structure that conforms to CSA provisions, 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 dwelling accommodation for a single household. This definition shall include a transportable building that would otherwise be considered to be a one family dwelling if the roof pitch were greater than 1:4, if the depth of eaves were greater than 30.4 cm (12 in.), or if the ratio of depth vs. width (or width vs. depth) were less than 3:1. If the roof pitch is less than 1:4, if the eaves is less than 30.4 cm (12 in.), or if the ratio noted above is more than 3:1, the building shall be considered to be a manufactured home unit;
- (41) "**manufactured home park**" means any lot on which two or more occupied manufactured home units are harboured or are permitted 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;

- (42) "**municipality**" means the Town of Legal;
- (43) "**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;
- (44) "**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;
- (45) "**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 person shown as the owner of the parcel of land on the municipality's assessment roll;
- (46) "**parcel of land**" means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;
- (47) "**patio**" means any developed surface adjacent to the main dwelling which is less than 0.61 m (2.0 ft.) above ground level and therefore does not require stairs or railings as outlined in the Alberta Building Code;
- (48) "**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;

- (49) "**public utility**" means a public utility, as defined in the Act;
- (50) "**public utility building**" means a building in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in conjunction with the public utility;
- (51) "**rear line**" means the boundary line of a parcel of land lying opposite to the front line of the parcel and/or farthest from a highway or road;
- (52) "**rear yard**" means a yard extending across the full width of a parcel of land from the foundation wall of the main building situated on the parcel to the rear line of the parcel of land;
- (53) "**row housing**" means a dwelling or dwellings, each of which consists of at least three dwelling units with each unit having direct access to the outside grade, but shall not mean "apartment";
- (54) "**shopping centre**" means a building or a group of buildings, comprising retail commercial and similar uses, with shared off-street parking facilities, and which may be managed as a single unit;
- (55) "**side line**" means the boundary line of a parcel of land lying between a front line and a rear line of a parcel of land. In the case of a corner lot, the longer of the two boundary lines adjacent to the highway or road shall be considered a side line;
- (56) "**side yard**" means a yard extending from the foundation wall of the main building situated on a parcel of land to the side line, and lying between the front and rear yards on the parcel of land;
- (57) "**sign**" means any word, letter, model, picture, symbol, device or representation, which may be used as, or which may be in the nature of, wholly or in part, an advertisement, announcement or direction. Any building or structure, or portion thereof, which is used primarily to carry, hold, maintain, support or sustain a sign is construed as being part of the sign and, except as hereinafter provided, is subject to all regulations governing signs. Without the generality of the foregoing, a sign includes posters, notices, panels, boardings, and banners;
- (58) "**sign, canopy**" means a sign which is part of or attached to the outside edge of a canopy;
- (59) "**sign, freestanding**" means a sign supported by one or more uprights, braces or

pylons and which stands independently of buildings;

- (60) “**sign, off-site**” means a sign that advertises goods, products, services or facilities or directs persons to a different location from where the sign is located. Such a sign is not located on the site of the goods, products, services or facilities advertised;
- (61) “**sign, projecting**” means a sign which is affixed to any building or part thereof and extends beyond the building wall or parts thereof by more than 15 cm (6 in.). This does not include a sign attached to the ground;
- (62) “**sign, roof**” means any sign erected upon, against or directly above a roof or on top of or above the parapet wall of a building;
- (63) “**sign, under-canopy**” means a sign which is attached to the bottom face of a canopy;
- (64) “**sign, wall**” means a sign placed flat and parallel to the face of the building so that no part projects more than 15 cm (6 in.) from the building, but which may or may not project above the roof or parapet;
- (65) "**single family dwelling**" means a dwelling consisting of one (1) dwelling unit, and, if the provisions of this Bylaw allow, a basement suite;
- (66) "**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;
- (67) “**swimming pool**” means a man-made body of water, either above or below ground, with a water depth greater than 0.5 m (1.64 ft.) and a water surface area greater than 10 sq. m (107.6 sq. ft.). This definition shall include a hot tub or a similar facility which meets the dimension criteria noted above;
- (68) "**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;
- (69) "**yard**" means a part of a parcel of land upon or over which no main building is 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.**

## 1.5 Establishment of Districts

- (1) For the purpose of this Bylaw, the Town of Legal is divided into the following Districts:
  - R-1 - Residential District (Single Family)
  - R-2 - Residential District (Two Family)
  - R-3 - Residential District (Medium Density)
  - C-1 - Commercial District (Central Business Area)
  - C-2 - Commercial District (Highway)
  - M - Industrial District
  - US - Urban Services District
  - DC - Direct Control District
  - UR - Urban Reserve District
- (2) The boundaries of the districts listed in Subsection (1) are as delineated on the Land Use District Map, being Schedule A hereto.
- (3) 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 highway, 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.

- (4) 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.
- (5) After the Council has fixed a District boundary pursuant to the provisions of Subsection (4), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- (6) The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.

## **PART 2 - AGENCIES**

### **2.1 Development Authority**

- (1) For the purposes of this Bylaw, except in the Direct Control District, the Development Authority shall be the person or persons appointed to be the Development Authority pursuant to the municipality's Development Authority Bylaw with his duties and responsibilities as are specified in that Bylaw and this Bylaw.
- (2) The Development Authority 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 therefor.
- (3) For the purposes of Section 542 of the Act, the Development Authority is hereby declared to be the designated officer.
- (4) In the Direct Control District, the Council shall have that power of the Development Authority solely in relation to the consideration and making decisions on development permits, and no further powers and duties.

### **2.2 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 3 - 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 first publication of the notice required by Section 606 of the Act, 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 months from the said date of the first publication of the notice.
- (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, unless the gate, fence, wall, etc. exceeds the regulations indicated in Section 6.6(2) of this Bylaw.
- (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) A building or structure with a gross floor area of under 10.0 sq. m (107.6 sq. ft.) which is not on a permanent foundation.
- (8) Construction of a total value, including the value of labour, of \$1000 or less.

- (9) A deck or patio in a Residential District that meets the minimum distance requirements outlined in Section 6.11 of this Bylaw.
- (10) 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, provided that such hard-surfacing does not exceed 7.5 m (24.6 ft.) in width, except for a deck or patio in a Residential District that does not meet the minimum distance requirements outlined in Section 6.11 of this Bylaw.
- (11) Signs in Residential Districts advertising the sale or rent of the property on which the sign is erected, provided such signs are no more than 0.6 sq. m (6.5 sq. ft. ) in area and no closer than 3.0 m (9.8 ft.) from a front line or side line adjacent to a road, and provided further that such sign shall be removed one (1) day after the sale or rental agreement has been entered into.
- (12) Signs in Commercial or Industrial Districts provided they are inside the building or inside the windows.
- (13) The demolition or removal of any building or structure for which erection a development permit would not be required pursuant to Subsections (4) through (13) 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(11) 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 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 in duplicate showing the legal description; the front, rear, and side yards, if any; any provision for off-street loading and vehicle parking; access and egress points to the site; the location of all gas and other utility lines, whether at, above or below grade, together with easements; and proposed finished grades and elevations in relation to adjoining lots, buildings, curbs, roads and/or lanes;
  - (b) a statement of the proposed uses; and
  - (c) a statement of ownership of the land and the interest of the applicant therein.
- (2) Each application for a development permit shall be accompanied by a fee as established by 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 floor plans, elevations and sections of any proposed buildings; grading and landscaping plans, especially for commercial, industrial,

institutional, row housing and apartment developments; and, in the case of the placement of an already constructed or partially constructed building on a parcel of land, information relating to the age and condition of the building and its compatibility with the District in which it is to be located.

- (4) The Development Authority shall receive, review, consider and decide on all other applications for a development permit, except for development permit applications within the Direct Control District. For development permit applications on lands located within the Direct Control District, the development Authority shall receive, review and forward applications for a development permit to Council for their decision, and then undertake all the other responsibilities of the Development Authority once Council has made a decision on the development permit application.
- (5) The Council shall receive applications for a development permit within the Direct Control District from the Development Authority, and decide on such applications. In making such decisions, the Council has all of the responsibilities, powers, and duties of the Development Authority as elsewhere indicated in this Bylaw.
- (6) 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.
- (7) 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 levy, and/or to give security to ensure that the terms of the agreement noted herein are carried out.
- (8) The Development Authority may require, as a condition of issuing a development permit, that all necessary safety measures are taken during any excavation, storage or piling up of materials required during construction, and that the owner of such materials or excavations assume full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.
- (9) 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, at his discretion, the Development Authority may or may not accept the submission of another application for a permit on the same parcel of land and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal.

- (10) 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.
- (11) 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.
- (12) 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), or one (1) day after all of the conditions of the permit have been met, whichever day is the latter. 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.
- (4) Notwithstanding Subsection (3) above, no notice shall be given in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed or varied in the decision of the Development Authority, or for a development permit issued by Council within the Direct Control District.
- (5) Notwithstanding Subsection (1) above, a development permit for a permitted use where the provisions of this Bylaw were neither relaxed or varied in the decision of the Development Authority, or for a development permit issued by Council within the Direct Control District, comes into effect one (1) day after its issuance, or one (1) day after all of the conditions of the permit have been met, whichever day is the latter.
- (6) 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 carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period is granted by the Development Authority.
- (7) 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.
- (8) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

### **3.6 On-Site Information**

A person to whom a development permit has been issued shall, during development, keep a copy of the development permit posted in a conspicuous place on the lot, and a copy of the approved drawings and specifications to which the permit pertains.

## **PART 4 - 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, or for the issuance of a development permit by the Council within the Direct Control District.
- (3) The person applying for the permit or affected by the order, under Subsection (1), 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, 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) of this Bylaw; or
  - (b) the forty (40) day period referred to in Subsection (1)(a) has expired.

### **4.2 Public Hearing**

- (1) Within thirty (30) days of receipt of a notice of appeal, the Board shall hold a public hearing respecting the appeal.
- (2) The Board shall give at least five (5) days notice in writing of the public 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 public 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 public 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 5 - ENFORCEMENT

### 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 (1) 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 twenty-one (21) days from the date of issue of the violation ticket, of a fine to the Town.
- (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.

## **PART 6 - GENERAL PROVISIONS**

### **6.1 Subdivision of Land**

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.

### **6.2 Dwelling Units on a Parcel**

- (1) No permit shall be granted for the erection of any more dwelling units on a single lot than allowed for within this Bylaw.
- (2) No more than one single family dwelling shall be permitted on any lot.

### **6.3 Substandard Lots**

With the approval of the Development Authority the minimum lot area may be less in the case of existing lots with less area and/or width than that required by this Bylaw.

### **6.4 Manufactured Home Units**

Manufactured Home Units shall not be allowed to be placed within the municipality.

### **6.5 Top Soil Excavation**

No person shall commence or continue the removal of topsoil without first obtaining a development permit. There shall be provided upon the occupancy of the development, a minimum topsoil coverage of 15.0 cm (6 in.) and the affected area shall be landscaped to the satisfaction of the Development Authority.

### **6.6 Fences**

- (1) Notwithstanding any regulation respecting required yard to the contrary in this Bylaw, a fence, wall or hedge may be constructed along a boundary line of a parcel of land, provided however, that a fence, wall or hedge or other vegetation shall not be allowed to encroach onto any road or lane right-of-way, except ~~only~~ at the discretion of the Development Authority.
- (2) No fence, wall or hedge shall be:
  - (a) higher than 1.83 m (6.0 ft.) in side yards and rear yards, including the side yards on corner lots adjacent to the road or highway, or

- (b) higher than 1.0 m (3.3 ft.) in front yards, or
- (c) higher than 1.0 m (3.3 ft.) within 6.0 m (19.7 ft.) of the intersection of lanes, roads, highways, or any combination of them,

such height to be measured as the average elevation from the ground at the fence or wall unless otherwise provided in this Bylaw.

- (3) All apartment or row housing developments shall provide, to the satisfaction of the Development Authority, a wall, hedge, wall or fence of not less than 1.2 m (3.9 ft.) nor more than 2.14 m (7.0 ft.) in height, along any side lines adjacent to any Residential District.
- (4) All commercial or industrial uses adjacent to any Residential District shall provide, to the satisfaction of the Development Authority, a wall or fence of not less than 1.82 m (6.0 ft.) in height for screening. In addition, garbage containers and outdoor storage shall be screened to the satisfaction of the Development Authority.
- (5) All drive-in businesses, car washing establishments, service stations and gas bars adjacent to any Residential District shall provide and maintain, to the satisfaction of the Development Officer, a solid wall or fence of not less than 1.5 m (4.9 ft.) nor more than 2.14 m (7.0 ft.) in height.
- (6) Notwithstanding any other provision in this Bylaw to the contrary, the height of a fence or wall in a Commercial or Industrial District may be up to 2.5 m (8.2 ft.) in height, provided, however, that no barbed wire shall be used above the height of 1.83 m (6.0 ft.).
- (7) The Development Authority may require that any fence or wall in any Commercial or Industrial District or related to an apartment or row housing development, including those indicated in Subsections (3) to (6), inclusive, above, be opaque.

## **6.7 Landscaping**

- (1) When landscaping or planting is a condition of the approval of a development permit, all such landscaping and planting must be carried out, to the satisfaction of the Development Authority, within one (1) year of the occupancy or the commencement of operation of the proposed development.
- (2) 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.

- (3) A minimum of 10% of the lot area of all apartment, row housing, or commercial developments shall be landscaped to the satisfaction of the Development Authority.

## **6.8 Emergency Access to Buildings**

- (1) Sites shall be so designed that, in the opinion of the Development Authority, appropriate access for firefighting equipment is afforded to all buildings.
- (2) On at least two sides (one of which shall be the longest side) of any dwelling which is an apartment and which exceeds two (2) storeys in height there shall be firm level areas accessible from an adjacent road for firefighting equipment for at least 75% of the length of each of the two (2) sides of the building. Such areas shall not be less than 4.25 m (13.9 ft.) in width and not more than 3.0 m (9.9 ft.) from the building, and no permanent structure or vehicular parking shall be permitted thereon.
- (3) A paved driveway or driveways for the purpose of permitting the access of firefighting equipment to all major access points of shopping center buildings and to all fire risk utilities on the shopping center site shall be provided, and no permanent structure or vehicular parking may be provided thereon.

## **6.9 Pollution Control**

In any District, no storage or activity may be undertaken which, in the opinion of the Development Authority, constitutes a danger or annoyance to persons on the site, on public property, or on any other sites by reason of the generation of:

noise	radiation hazard
vibration	fire and explosive hazards
dust, and other particulate matter	heat, humidity and glare
smoke	refuse matter
odour	waste or waterborne waste
toxic and noxious matter	water or steam.

## **6.10 On-Site Sewage Disposal and Water Supply Services**

No development permit shall be issued for a development to be served by private sewage disposal or water supply systems until the systems have first been approved in accordance with appropriate Provincial legislation or regulations.

## **6.11 Projection into Yards**

- (1) Except as provided in this part, and except for fences as noted in Section 6.6 of this Bylaw, no portion of a building shall be located or project into a required yard.
- (2) The following features may project into a required yard:
  - (a) steps, eaves, gutters, sills, and chimneys, or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
  - (b) bay windows, fireplaces chases, cantilevered sections of walls, etc., provided that the projection does not exceed 0.6 m (2 ft.);
  - (c) patios, but not into a required minimum front yard;
  - (d) canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 1.0 m (3.3 ft.);
  - (e) exterior balconies on apartments provided that:
    - (i) they are cantilevered and not enclosed, and designed as an integral part of the building, and
    - (ii) they do not project more than 1.98 m (6.5 ft.) into the front yard; and
  - (f) any other features which, in the opinion of the Development Authority, are similar to the foregoing.

## **6.12 Corner Lots**

On corner lots in any District other than a Commercial 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 lane lines and a straight line joining points on the road or lane lines 8.0 m (26.2 ft.) from their intersection.

### **6.13 Building Exteriors**

- (1) Except at the discretion of the Development Authority, no single family dwellings of identical (or in the opinion of the Development Authority similar) roof or front elevations or total colour treatment shall be located within eight (8) lots from each other along either side of a road, unless the dwellings form part of a single project which is subject to one development permit.
- (2) The exterior finish on all buildings shall be of permanent material satisfactory to the Development Authority.

### **6.14 Site Grading**

In all cases, site grades shall prevent storm water draining from one lot to another except where grades conform to an acceptable local or subdivision grading and drainage plan.

### **6.15 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 900 sq. m (9688 sq. ft.) except in the case where a building for a clergyman's residence is to be erected on the same lot. The combined area of the lot in this case shall not be less than 1440 sq. m (15,500 sq. ft.).
- (2) Minimum front, side and rear yards shall be those required within the District in which the place of worship except where the height restriction of the District is exceeded. In such cases, the yard setback requirements shall be at the discretion of the Development Authority.

### **6.16 Drive-In Businesses**

- (1) Location

A drive-in business may be located only where it can be shown, to the satisfaction of the Development Authority, that it does not inhibit safe traffic movement.

- (2) Lot Area and Coverage

The minimum lot area shall be 600 sq. m (6458 sq. ft.). Alternatively, a drive-in business may be located within a shopping centre.

- (3) Site and Building Requirements

All parts of the lot to which vehicles may have access shall be hardsurfaced and drained to the satisfaction of the Development Authority.

(4) Lighting

Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the lot only and not on any adjoining lots.

## **6.17 Car Washes**

(1) Site Location

In addition to the Districts in which a car wash is indicated as a permitted or a discretionary use, a car wash may be allowed as a discretionary use as part of a shopping centre if the Development Authority is satisfied that it will not contravene other regulations of this Bylaw or adversely affect an adjoining land use or traffic circulation within and adjacent to the shopping centre.

(2) Lot Area

The minimum lot area shall be 600 sq. m (6458 sq. ft.) and shall contain space for ten (10) vehicles to wait or be parked prior to their entry into any part of the cleaning process for which they are bound. In the case of service stations or gas bars including car washes, minimum lot area shall be 1120 sq. m (12,056 sq. ft.).

(3) Site and Building Requirements

All site and building requirements pertaining to drive-in businesses shall also apply to car washes.

## **6.18 Bed and Breakfast Establishments**

(1) A bed and breakfast establishment shall not change the principal character or external appearance of the dwelling involved, and shall have a maximum of two (2) sleeping bedrooms.

(2) Cooking facilities shall not be located within the sleeping units.

(3) A bed and breakfast establishment shall comply with all of the requirements for a home occupation described in this Bylaw.

## **6.19 Veterinary Clinics or Hospitals, Animal Grooming Businesses, Pet Shops and Kennels**

- (1) These uses shall strictly satisfy Section 6.9 of this Bylaw. Pens, rooms and runs shall be adequately soundproofed.
- (2) Facilities which house animals overnight shall be equipped with an adequate number of indoor exercise runs relative to the maximum number of animals that can be housed.
- (3) A separate air extractor system shall be provided in the animal holding area where heating and air conditioning is shared with other businesses.

## **6.20 Shopping Centres**

Any shopping center shall satisfy the Development Authority as to:

- (a) orientation, exterior design and architectural appearance of buildings or structures; and
- (b) vehicular traffic flow pattern within and access to and from the site; and
- (c) safe pedestrian access and egress within the site and from any public sidewalk.

## **6.21 Swimming Pools**

- (1) Entry Restrictions
  - (a) Every outdoor swimming pool shall be secured against entry by the public other than owners, tenants or their guests by means of fences, locked gates, locking covers, or other such facility.
  - (b) No privately owned outdoor swimming pool shall be constructed unless fenced; except that a wall of a building may be considered to provide adequate protection for its length when substituted for any portion of the fence.
  - (c) Every fence enclosing an outdoor swimming pool shall be at least 1.8 m (5.9 ft.) in height above the level of grade outside the enclosure and shall be of an approved design such that it will deter children from climbing over or crawling through or under it to gain access. Gates in the fence shall

provide protection equivalent to the fence and shall be equipped with a self-latching device and a lock located on the inside of the gate.

- (d) No barbed wire nor electrification of any part of a fence or gate enclosing a swimming pool shall be permitted.

(2) Site Restrictions

Swimming pools shall not be located within any required front yard.

## **6.22 Satellite Dish Antennas**

- (1) This Section only applies to satellite dish antennas exceeding 1.22 m (4.0 ft.) in diameter.
- (2) Satellite dish antennas may be erected or placed on a site as an accessory to a residential use in a Residential District, or to a commercial use or business in a Commercial or an Industrial District.
- (3) Construction or erection of a satellite dish antenna shall require a development permit and shall be subject to appropriate standards as determined by the Development Authority.
- (4) A satellite dish antenna shall be sited only on the ground level of a rear yard. The antenna height shall not exceed 3.4 m (12.0 ft.) measured from the ground level to its highest point unless otherwise approved by the Development Authority.

## **6.23 Accessory Buildings and Uses**

- (1) An accessory building shall not be used as a dwelling.
- (2) Notwithstanding the provisions of the District in which it is located, the total combined floor area of accessory buildings shall not exceed twelve percent (12%) of the lot area.
- (3) Unless otherwise provided in this Bylaw,
  - (a) an accessory building shall not exceed one storey nor 6.10 m (20 ft.) in height with maximum height of vertical walls not exceeding 4.27 m (14 ft.). If vertical walls exceed 3.05 m (10 ft.), an 0.61 m (2 ft.) overhang is required;
  - (b) accessory buildings shall not be located

- (i) within 2.0 m (6.56 ft.) of a dwelling;
  - (ii) within a front yard or within a side yard adjacent to a road, except in the case of a corner lot in which case the accessory building may be located with a minimum of 5.5 m (18.04 ft.) from the road if, in the opinion of the Development Authority, no adjacent developments would be adversely affected;
  - (iii) within 1.0 m (3.3 ft.) of a side line or rear line, unless the accessory building is a garage and the garage doors face the side line or the rear line, in which case the accessory garage must not be within 5.5 m (18.04 ft.) of the side line or rear line, whichever line the garage doors face, and within 1.0 m (3.3 ft.) of the other line;
  - (iv) over a gas utility line; or
  - (v) such distance as required by the Development Authority as a result of utilities or utility rights-of-way; and
- (c) no roof overhang shall be within 0.3 m (0.98 ft.) of the side and rear lines.
- (4) An accessory building or use shall not be located on a lot which does not have on it a main building or use, unless that lot is adjacent to and has the same ownership as the lot which has on it the main building or use. In such a situation, an accessory building shall only be constructed in such a manner that future development is not limited on the lot on which the accessory building is located;
- (5) Notwithstanding Subsection (3)(b) above, fire pits shall be located a minimum of 3.0 m (10 ft.) from a dwelling;

## **6.24 Home Occupations**

- (1) 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.
- (2) A home occupation - major shall comply with the following regulations:
  - (a) There may be a limited volume of on-premises sales.
  - (b) The home occupation - major 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.

- (c) The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.
  - (d) Storage related to the business activity shall be allowed in either the dwelling or accessory buildings.
  - (e) The home occupation - major 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.
- (3) A home occupation - minor shall comply with the following regulations:
- (a) All sales relating to the home occupation shall occur off the premises.
  - (b) The home occupation - minor shall not employ any person on-site other than a resident of the dwelling.
  - (c) Storage shall only be allowed inside the dwelling and not in an accessory building. There shall be no display of goods in the interior of the residence.
- (4) All home occupations shall comply with the following requirements:
- (a) A home occupation shall not change the principal character or external appearance of the dwelling involved, nor use more than 20% or 30 m<sup>2</sup> (322.9 ft.<sup>2</sup>), whichever is less, of the dwelling unit for business usage. There shall be no exterior signage, display or advertisement, other than for a small name plate not exceeding 0.2 m<sup>2</sup> (2.2 ft.<sup>2</sup>).
  - (b) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site.
  - (c) All residents who hold a home occupation business license shall be required to renew same in January of each calendar year in the appropriate form provided by the municipality.
  - (d) The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
  - (d) 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.

- (e) Each Development Permit Application for a home occupation shall include a description of the business to be undertaken in the dwelling, an indication of the anticipated number of employees and business visits per week, and details for the provision of parking along with other pertinent details of the business operation.
- (f) 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.
- (g) 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 activity that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.
- (h) It is not the intent of this Bylaw to prohibit residents from doing handcrafts from their residences. These activities may be carried on subject to the following:
  - (i) only family members are involved;
  - (ii) all sales shall occur off the premises; and
  - (iii) total sales shall not exceed \$5,000.00 annually.

## **6.25 Off-Street Loading**

- (1) When required by the Development Authority, loading spaces shall:
  - (a) have dimensions of not less than 4.0 m (13.1 ft.) in width, 8.0 m (26.2 ft.) in length and 4.3 m (14.1 ft.) in clearance above grade;
  - (b) 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 nearby roads or lanes;
  - (c) be sited at an elevation or elevations convenient to a major floor level in building or to a utility elevator serving each major floor level;
  - (d) be so graded and drained as to dispose of all storm water runoff. Drainage shall only be allowed to cross lot lines or sidewalks if approved by the Development Authority;

- (e) be paved or hard-surfaced where an off-street parking facility is required to be paved or hard-surfaced; and
  - (f) have adequate lighting to the satisfaction of the Development Authority.
- (2) 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, or similar development
  - (i) of less than 1000 sq. m (10,764 sq. ft.) of gross floor area, one (1) space,
  - (ii) of between 1000 sq. m (10,764 sq. ft.) and 2000 sq. m (21,529 sq. ft.) of gross floor area, two (2) spaces, and
  - (iii) of over 2000 sq. m (21,529 sq. ft.), two (2) spaces plus one (1) for each additional 2000 sq. m (21,529 sq. ft.) of gross floor area or fraction thereof.
- (b) For an office building, place of public assembly, public convalescent home, institution, club or lodge, public utility, school or any similar use
  - (i) of less than 3000 sq. m (32,293 sq. ft.) of gross area, one (1) space, and
  - (i) of over 3000 sq. m (32,293 sq. ft.), one (1) space plus one (1) for each additional 3000 sq. m (32,293 sq. ft.) of gross floor area or fraction thereof.
- (c) The Development Authority may require, at his discretion, that any other building or use shall have one or more off-street loading spaces.

## **6.26 Off-Street Automobile Parking**

- (1) Parking stalls and loading spaces shall be clearly marked in any parking facility. Such marking shall be regularly maintained to ensure legibility to users.
- (2) All off-street parking facilities shall be located at least 1.0 m (3.3 ft.) from roads or lanes, or a greater distance at the discretion of the Development Authority.

- (3) All off-street parking facilities shall be so constructed that:
- (a) necessary curb cuts are located and flared to the satisfaction of the Development Authority;
  - (b) every off-street parking area and the access thereto is hard-surfaced, paved, or of a gravel mixture approved by the Development Authority;
  - (c) parking facilities used at night have adequate lighting of the entire parking facility. Such lighting shall be directed away from adjacent residential properties and other properties where in the opinion of the Development Authority it would have adverse effects; and
  - (d) grades and drainage shall dispose of surface water. In no case shall surface drainage cross any sidewalk or lot line without the approval of Development Authority.
- (4) The minimum dimension of maneuvering aisles and parking spaces shall be in accordance with Table 1.
- (5) Where the side of a parking space is against any permanent building or structure greater than 0.2 m (8 inches) in height at any point in the front 3.6 m (11.8 ft.) of the space (measured in the center perpendicular to the front of the space), the minimum width of a space shall be 0.3m (1.0 ft.) wider than the width required by the Table.

**Table 1**

**Minimum Parking Space Dimensions (space width (g) = 2.75 m (9.0 ft.))**

a	b	c	d		e	f
Parking Angle in Degrees	Depth of Space in m (with curb overhang)	Depth of Space in m (abutting building or structure)	Aisle Width in m		Centre to Centre in m (with curb)	Centre to Centre in m (abutting structure)
			One Way	Two Way		
0	2.8	2.8	3.4	6.7		
30	3.9	4.9	3.6		11.4	13.6
45	4.9	5.8	3.6		13.6	15.2
50	5.1	6.0	4.3		14.5	16.3
55	5.3	6.1	4.9		15.5	17.1
60	5.5	6.2	5.5		16.5	17.9
90	5.5	5.5	7.0	7.0	18.0	18.0

- (6) No development shall occur unless provision is made for the required number of parking spaces in accordance with this Bylaw. Notwithstanding this, the Development Authority may waive this requirement in the case of any buildings existing at the date of the approval of this Bylaw if, in his opinion,
- (a) space for parking is not available on site, and if adequate parking is available on other sites or on the roads in the area of the development, or
  - (b) parking requirements can be shared between various uses in the area of the development, and agreements respecting such shared use are entered into and registered on the titles of the affected lots, or
  - (c) parking requirements may overlap because of differing times during the day, week or year that parking requirements would normally be used.
- (7) Required Number of Off-Street Parking Spaces
- (a) The minimum number of off-street parking spaces required for each development shall be calculated from the following table. 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.

## **Use of Building or Development**

## **Minimum Number of Parking Spaces**

### Residential Uses

One and two family dwellings

2.0 per dwelling unit

Apartments and row housing

1.7 per dwelling unit (Where this results in a fractional requirement, the total requirement shall be the next whole number.)

Basement suites

1.0 per basement suite

Senior citizens self-contained dwelling units

2.0 for each 3 dwelling units

### Commercial Uses

Shopping centres

5.5 per 100 sq. m (1,076 sq. ft.) of gross leasable floor area

Retail and personal service shops, banks and offices under 1000 sq. m (10,764 sq. ft.)

1 per 30 sq. m (323 sq. ft.) of gross leasable floor area

Retail and personal service shops, banks and offices over 1000 sq. m (10,764 sq. ft.)

1 per 20 sq. m (215 sq. ft.) of gross leasable floor area

Restaurants, cocktail bars, taverns drive-in restaurants

1 per 5 seating spaces plus 1 per 3 employees

Hotels, motor hotels and motels

1 per sleeping unit plus 1 per 3 employees

Bed and breakfasts

1 per sleeping unit

### Places of Public Assembly

Auditoriums, places of worship, halls, clubs, theatres and other amusement or recreation places

to the satisfaction of the Development Authority, but not less than 1 per 7.5 seating spaces

### Schools

Public, separate or private, with or without an auditorium, gymnasium

1 per employee, plus 1 for every 10 students

or swimming pool

### Industrial Uses

Manufacturing and industrial plants, warehousing, wholesale and storage may buildings and yards, servicing and repair establishments, research laboratories and public utility buildings.

1 for each employee on maximum shift, provided that this standard be varied by the Development Authority

### Hospitals & Similar Uses

Hospitals, sanitoriums, convalescent homes, etc.

1 per 100 sq. m (1076 sq. ft.) of gross floor area, or 1 per 4 beds and one for every 2 employees on maximum shift, whichever is greater

## **6.27 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 an application for this purpose has been approved and a development permit has been issued.
- (2) The Development Authority may, at his sole discretion, require that an applicant provide certification from a professional engineer that a roof sign, a projecting sign, or a freestanding sign will be safe from collapse under strong wind or storm conditions.
- (3) With the exception of the signs indicated in Subsection (6), all signs shall be considered at the discretion of the Development Authority.
- (4) No signs or advertising structures shall be erected on or affixed to private property without the prior consent of the property owner or tenant.
- (5) No signs, billboards, advertising structure or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body.
- (6) Notwithstanding the generality of Subsection (1) above nor the provisions of Subsections (4) and (5) above, the following wall 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 an apartment, club or similar institution, not exceeding 0.37 sq. m (4 sq. ft.) for home occupations or 1.1 sq. m (12.0 sq. ft.) for all other uses, and limited to one (1) sign per lot,

- (b) temporary advertisement relating to the sale or letting of land, the sale of goods or livestock, the carrying out of building or similar work, announcement of any local event of a religious, educational, cultural, political, or similar character not exceeding twenty square feet, provided that all such temporary advertisements shall be removed by the advertiser within fifteen (15) days of the completion of the event or words to which such advertisements relate, and
  - (c) advertisements or signs in relation to the function of Local Authorities, Utility Boards or other public or quasi-public bodies.
- (7) No sign or advertisement shall resemble or conflict with a traffic sign, nor shall it be a traffic hazard.
  - (8) All advertisements shall be kept in a safe, clean and tidy condition, and may, at the discretion of the Development Authority, be required to be renovated or removed.
  - (9) No signs or advertising structures other than those specified under Subsection (6) above shall be permitted in Residential Districts.
  - (10) Except as otherwise specified in this Bylaw, the maximum area of any sign shall be 35 m<sup>2</sup> (376.75 sq. ft.).
  - (11) Notwithstanding any other regulations of this Bylaw, where, in the opinion of the Development Authority, a proposed sign in a Commercial or Industrial district might be objectionable to a resident in an adjacent Residential District, the Development Authority may impose such other requirements as he feels would protect the interest of residents.
  - (12) Flashing, animated or interior-illuminated signs shall not be permitted where, in the opinion of the Development Authority they might
    - (a) negatively affect residents in adjacent dwellings or Residential Districts, or
    - (b) interfere with the interpretation of traffic signs or controls.
  - (13) Freestanding Signs

- (a) One freestanding sign shall be allowed per lot, except
  - (i) where a lot has a front line or side line adjacent to a road more than 90 m (295.3 ft.) long, one additional freestanding sign may be erected for each additional 90 m (295.3 ft.) or portion thereof of road frontage abutting the developed portion of the said lot, or
  - (ii) where a lot is considered by the Development Authority to have two front lines, each front line may have freestanding signs provided that the signs are no closer than 90 m (295.3 ft.).
- (b) The total area of all freestanding signs on each lot shall not exceed 0.3 m<sup>2</sup> (3.2 sq. ft.) in area for each m of front line or side line adjacent to a road to a maximum of 19 m<sup>2</sup> (204.5 sq. ft.) for each sign.

(14) Projecting Signs/Canopy Signs

- (a) No projecting or canopy sign shall project over a property line unless permission in writing has been granted from the municipality or the adjacent landowner.
- (b) In no case shall projecting signs on the same building be located closer than 90 m (295.3 ft.) to each other, except on corner lots where the signs are located around the corner from each other.
- (c) No projecting or canopy sign shall have less than 3 m (9.8 ft.) clearance between the bottom of the sign and the ground level immediately below it.

(15) Off-Site Signs

- (a) Off-site signs may be erected on ground, roof or wall locations in Commercial or Industrial Districts, but in not case shall be allowed in a Residential District.
- (b) Off-site signs shall not be placed on the same road and facing the same traffic flow closer together than 90 m (295.3 ft.) to each other. Double face signs shall be considered to face both directions of flow.
- (c) The maximum size of the face of an off-site sign shall not exceed 28 m<sup>2</sup> (301 sq. ft.).
- (d) Where the back of an off-site sign is visible, it shall be suitably painted or otherwise covered to present a neat and clean appearance. Angle iron shall

not be open to public view unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.

- (e) The area around off-site signs shall be kept clean. All vegetation shall be cleared away to a distance of at least 1.5 m (4.9 ft.) to the rear and sides of the sign and between the sign and any lot line adjacent to a road.
- (f) No part of an off-site sign shall be closer to any road than the front line of the nearest building if that building is within 30 m (98.4 ft.) of the sign, except where a sign is located between two buildings that are within 30 m (98.4 ft.) of the said sign, in which case no part of the sign shall be closer to any property line adjacent to a road than a line drawn from the nearest front corner of the two buildings.
- (g) No part of any off-site sign within 200 m (656 ft.) of the edge of the pavement of a road shall be more than 7.5 m (24.6 ft.) above the grade of the road or 15 m (49.2 ft.) above the grade of the lot on which the sign is located, whichever is the highest.

(16) Roof Signs

- (a) No supporting structure on a roof sign shall be visible to the public unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.
- (b) Roof signs shall be set back at least 1 m (3.3 ft.) from the edge of a building.

(17) Wall Signs

- (a) Where an advertiser has no freestanding, roof, or projecting sign on the same lot, up to 45% of a wall sign may be used for the area of copy.
- (b) Where an advertiser has a freestanding, but no roof or projecting sign on the same lot, 30% of a wall sign may be used for the area of copy.
- (c) Where an advertiser has a projecting or roof sign but no freestanding sign on the same lot, 15% of the wall sign may be used for the area of copy.
- (d) Buildings fronting on more than one road may not combine permissible signs for one road frontage with another road frontage for the purposes of placing the combined area or types of signs on one frontage.

- (e) Any identification wall signs with non-illuminated letters up to but not exceeding 7.5 cm (2.9 in.) in height or 0.4 m<sup>2</sup> (4.3 sq. ft.) in area are not restricted and may be permitted in addition to regulated signs.

(18) Signs in Residential Developments

- (a) Signs for home occupations shall be placed flat against the wall of the dwelling or inside a window of the dwelling.
- (d) All other exterior signs shall be placed flat against the building or designed as part of an architectural feature.
- (c) Name or number signs shall have a surface area of no more than 0.37 m<sup>2</sup> (4 sq. ft.).
- (d) One identification sign not exceeding 1.1 m<sup>2</sup> (12 sq. ft.) in area may be allowed on each lot on which is located a multiple family dwelling.
- (e) Notwithstanding Subsection (a) to (d) above, no off-site signs will be permitted in Residential Districts.

(19) Signs in Commercial Developments

- (a) For each principal office building, one identification sign only, may be allowed not to exceed 3 m<sup>2</sup> (32.3 sq. ft.) in area
- (b) Only one wall sign shall be permitted to indicate the name and nature of a business for each occupancy within a development. Any individual wall sign shall not exceed a total area of 0.9 m<sup>2</sup> (9.7 sq. ft.) of copy for each lineal m of building occupancy.
- (c) If the occupancy is on the corner of a building, one wall sign shall be permitted for each face of the building.
- (d) If the building includes a canopy, each tenant shall be permitted one under-canopy sign of no more than 0.5 m<sup>2</sup> (5.4 sq. ft.).

## **6.28 OBJECTS PROHIBITED IN RESIDENTIAL DISTRICTS**

- (1) No person shall keep or permit in any part of any yard in any Residential District:
  - (a) any excavation, storage or piling up of materials in a manner unacceptable to the Development Authority,

- (b) any commercial vehicle in excess of 1 tonne, or
- (c) more than one (1) unlicensed vehicle for more than fourteen (14) days.

# PART 7 - LAND USE DISTRICTS

## 7.1 R-1 - RESIDENTIAL DISTRICT (Single Family)

### (1) Permitted Uses

- (a) Day homes
- (b) Home occupations, minor
- (c) Public parks
- (d) Single family dwellings
- (e) Buildings and uses accessory to permitted uses

### (2) Discretionary Uses

- (a) Basement suites
- (b) Bed and breakfasts
- (c) Day cares
- (d) Family care facilities
- (e) Group care facilities
- (f) Home occupations, major
- (g) Places of Worship
- (h) Public or quasi-public buildings required to serve the immediate area
- (i) Public utilities required to serve the immediate area
- (j) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (k) Buildings and uses accessory to discretionary uses

### (3) Regulations

- (a) Relating to Single Family Dwellings
  - (i) Minimum lot depth - 34 m (111.5 ft.)
  - (ii) Minimum lot width
    - 1. In the case of a lot with an adjacent lane:
      - 16.0 m (52.5 ft.) for internal lots
      - 18.0 m (59.0 ft.) for corner lots
    - 2. In the case of a lot without an adjacent lane:
      - 19.0 m (62.3 ft.) for internal lots
      - 21.0 m (68.9 ft.) for corner lots
  - (iii) Minimum front yard - 7.0 m (23.0 ft.)

- (iv) Minimum rear yard
  - 6.0 m (19.7 ft.) for internal lots
  - 4.5 m (14.8 ft.) for corner lots
  
- (v) Minimum side yard
  - 1. In the case of a lot with an adjacent lane:
    - 20% of the lot width, or
    - 1.5 m (4.9 ft.) for buildings of less than two storeys, or
    - 2.3 m (7.5 ft.) for buildings of two storeys or more
    - whichever is more
  - 2. In the case of a lot without an adjacent lane when the dwelling on the lot does not have an attached garage or carport:
    - 3.2 m (10.5 ft.) on one side, and in accordance with Subsection 1. above on the other
  - 3. Corner lot - 3.8 m (12.5 ft.) abutting road
  
- (vi) Minimum floor area - 83.6 sq. m (900 sq. ft.)
  
- (vii) Maximum lot coverage - 40%
  
- (b) Other uses - as required by the Development Authority

## **7.2 R-2 - RESIDENTIAL DISTRICT (Two Family)**

### **(1) Permitted Uses**

- (a) Duplexes
- (b) Day homes
- (c) Home occupations, minor
- (d) Public parks
- (e) Single family dwellings
- (f) Buildings and uses accessory to permitted uses

### **(2) Discretionary Uses**

- (a) Basement suites
- (b) Bed and breakfasts
- (c) Day cares
- (d) Family care facilities
- (e) Group care facilities
- (f) Home occupations, major
- (g) Places of Worship
- (h) Public or quasi-public buildings required to serve the immediate area
- (i) Public utilities required to serve the immediate area
- (j) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (k) Buildings and uses accessory to discretionary uses

### **(3) Regulations**

- (a) Relating to Single Family Dwellings - same as in the R-1 District
- (b) Relating to Duplexes
  - (i) Minimum lot depth - 34 m (111.5 ft.)
  - (ii) Minimum lot width
    - 1. In the case of a lot with an adjacent lane:
      - 9.0 m (29.5 ft.) for each dwelling unit for internal lots
      - 11.5 m (37.7 ft.) for each dwelling unit for corner lots
    - 2. In the case of a lot without an adjacent lane:
      - 10.5 m (34.4 ft.) for each dwelling unit for internal lots
      - 13.0 m (42.6 ft.) for each dwelling unit for corner lots
  - (iii) Minimum front yard - 7.0 m (23.0 ft.)

- (iv) Minimum rear yard
  - 6.0 m (19.7 ft.) for internal lots
  - 4.5 m (14.8 ft.) for corner lots
  
- (v) Minimum side yard
  - 1. On common wall between dwelling units - nil
  - 2. In the case of a lot with an adjacent lane:
    - 20% of the lot width, or
    - 1.5 m (4.9 ft.) for buildings of less than two storeys, or
    - 2.3 m (7.5 ft.) for buildings of two storeys or morewhichever is more
  - 3. In the case of a lot without an adjacent lane when the dwelling on the lot does not have an attached garage or carport:
    - 3.2 m (10.5 ft.) on one side, and in accordance with Subsection 1. above on the other
  - 3. Corner lot - 3.8 m (12.5 ft.) abutting road
  
- (vi) Minimum floor area - 70 sq. m (754 sq. ft.) for each dwelling unit
  
- (vii) Maximum lot coverage - 40%
  
- (viii) Maximum height - 10 m (32.8 ft.) or 2.5 storeys, whichever is lower
  
- (c) Other uses - as required by the Development Authority

## **7.3 R-3 - RESIDENTIAL DISTRICT (Medium Density)**

### **(1) Permitted Uses**

- (a) Apartments
- (b) Day homes
- (c) Home occupations, minor
- (d) Public parks
- (e) Row housing
- (f) Senior citizens' housing
- (g) Buildings and uses accessory to permitted uses

### **(2) Discretionary Uses**

- (a) Day cares
- (b) Family care facilities
- (c) Group care facilities
- (d) Home occupations, major
- (e) Places of Worship
- (f) Public or quasi-public buildings required to serve the immediate area
- (g) Public utilities required to serve the immediate area
- (h) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (i) Buildings and uses accessory to discretionary uses

### **(3) Regulations**

- (a) Relating to Row Housing - same as for Duplexes in the R-2 District, except:
  - (i) Maximum density - 30 dwelling units per hectare (12.1 dwelling units/ac.)
- (b) Relating to Apartments
  - (i) Minimum lot depth - 34 m (111.5 ft.)
  - (ii) Minimum lot width - 11.0 m (35.1 ft.)
  - (iii) Minimum lot area - 374 sq. m (3980 sq. ft.)
  - (iv) Maximum density - 50 dwelling units per hectare (20.2 dwelling units/ac.)
  - (v) Minimum front yard - 7.0 m (23.0 ft.)

- (vi) Minimum rear yard
    - 6.0 m (19.7 ft.) for internal lots
    - 4.5 m (14.8 ft.) for corner lots
  
  - (vii) Minimum side yard
    - 4.5 m (14.8 ft.) or one-half the height of the highest building on the lot, whichever is the greater
  
  - (viii) Minimum floor area
    - For one bedroom dwelling units - 51 sq. m (550 sq. ft.)
    - For two bedroom dwelling units - 65 sq. m (700 sq. ft.)
    - For three bedroom dwelling units or larger - 79 sq. m (850 sq. ft.)
    - For senior citizens' housing - 42 sq. m (450 sq. ft.) per dwelling unit
  
  - (ix) Maximum lot coverage - 40%
  
  - (x) Maximum height - 11 m (36.1 ft.) or 3 storeys, whichever is lower
- (c) Senior citizens' housing
- If the senior citizens' housing project is in the form of row housing, the regulations for row housing in Subsection (a) shall apply. If the senior citizens' housing project is in the form of apartments, the regulations for apartments in Subsection (b) shall apply, except:
- (i) Minimum floor area - 42 sq. m (450 sq. ft.) per dwelling unit
- (d) Other uses - as required by the Development Authority

## **7.4 C-1 - COMMERCIAL DISTRICT (Central Business Area)**

### **(1) Permitted Uses**

- (a) Bakeries
- (b) Commercial schools
- (c) Hotels
- (d) Medical clinics
- (e) Offices
- (f) Personal service shops
- (g) Professional, financial and business support services
- (h) Restaurants, but not including Drive-in Restaurants
- (i) Retail stores
- (j) The manufacture or treatment of products essential to the retail business conducted on the premises, for example:
  - a bakery
  - a dyeing or cleaning plant or establishment
  - the manufacture of candy, confectionary, ice cream or jam
- (k) Buildings and uses accessory to permitted uses

### **(2) Discretionary Uses**

- (a) Auctioneering establishments
- (b) Car washes
- (c) Clubs or lodges
- (d) Day cares
- (e) Drive-in restaurants
- (f) Funeral parlours
- (g) Indoor amusement establishments
- (h) Libraries
- (i) Motels
- (j) Parking lots
- (k) Public or quasi-public buildings and uses
- (l) Public utilities
- (m) Service stations and gas bars
- (n) Shopping centres
- (o) Single family dwellings
- (p) Apartments above grade only
- (q) Accessory dwelling units in a building used for any of the above mentioned permitted or discretionary uses
- (r) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

- (s) Buildings and uses accessory to discretionary uses

### **(3) Regulations**

- (a) Relating to Single Family Dwellings - same as in the R-1 District
- (b) Relating to Apartments - same as in the R-3 District
- (c) Relating to Commercial uses
  - (i) Minimum front yard - nil, subject to the regulations of Subsection (4) below.
  - (ii) Minimum rear yard - nil, provided loading, parking and waste disposal facilities required by the Development Authority are provided, and further subject to the regulations of Subsection (4) below.
  - (iii) Minimum side yard

None, unless the lot is adjacent to a Residential District, in which case a minimum side yard of 2.5 m (8.2 ft.) or one-half the height of the highest building on the lot, whichever is the greater, shall be required. If no side yard is provided, the regulations of Subsection (4) below shall apply.
  - (iv) Maximum lot coverage - 100%
  - (v) Maximum height - 13.7 m (44.9 ft.)

### **(4) Regulations Where No Yard is Provided**

- (1) Where developments are proposed which are permitted to have no yard, the other regulations of the District in which the development is proposed shall apply.
- (2) Prior to the approval of any development with no yard, in addition to the submission requirements of Section 11 of this Bylaw, plans showing grading and drainage on adjacent sites must be submitted and must be deemed acceptable to the Development Authority
- (3) Easements Required
  - (a) Where no yard is permitted, an easement shall be provided on the lot abutting that yard for the maintenance of all main and accessory buildings and for any overhang of main or accessory buildings onto that adjacent lot.

The Development Authority may require that an easement be registered against the title of the affected lot.

- (b) Subsection (a) does not apply where adjacent owners are permitted pursuant to this Bylaw to construct duplexes, row housing, main buildings or accessory buildings (including garages) which are attached at the lot boundary or which face each other at the lot boundary.
- (c) Where an accessory building is permitted to have no yard abutting a lot, the applicant will be responsible for the negotiation and registration of any easements required pursuant to Subsection (3)(a) prior to the issuance of a development permit for the subject development.

(4) Provisions for Future Developments with No Yards

- (a) Where a subdivision plan is approved for a no yard project or no yard lots, and where information submitted with the plan indicates the location or alternative locations for future accessory buildings (including garages) on the lots, easements required under Subsection (2) shall be provided for all possible alternative future locations of accessory buildings at, or prior to the time of the development of main buildings.

## **7.5 C-2 - COMMERCIAL DISTRICT (Highway)**

### **(1) Permitted Uses**

- (a) Auctioneering establishments
- (b) Auto and light truck sales and service
- (c) Car washes
- (d) Drive-in restaurants
- (e) Funeral parlours
- (f) Libraries
- (g) Motels
- (h) Parking lots
- (i) Restaurants
- (j) Service stations and gas bars
- (k) Shopping centres
- (l) Buildings and uses accessory to permitted uses

### **(2) Discretionary Uses**

- (a) Amusement establishments
- (b) Bakeries
- (c) Commercial schools
- (d) Day cares
- (e) Hotels
- (f) Medical clinics
- (g) Offices
- (h) Personal service shops
- (i) Professional, financial and business support services
- (j) Public or quasi-public buildings and uses
- (k) Public utilities
- (l) Restaurants, but not including Drive-in Restaurants
- (m) Retail stores
- (n) Residential uses located in the same building as a permitted or discretionary use
- (o) Veterinary clinics or hospitals, animal grooming businesses, pet shops and kennels
- (p) Wholesale stores
- (q) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (q) Buildings and uses accessory to discretionary uses

### **(3) Regulations**

- (a) Minimum front yard - 15.0 m (49.8 ft.), except that the Development Authority may increase or decrease this requirement, at his discretion, depending on the site

and use characteristics and whether parking and loading requirements are to be met on site. If no front yard is provided, the regulations of Section 7.4(4) shall apply.

(b) Minimum rear yard - 6.0 m (19.7 ft.), except that upper levels of the building may extend to the rear line, and further excepting that the minimum rear yard on any lot adjacent to a Residential District shall be 7.5 m (24.6 ft.) at all levels. If no rear yard is provided, the regulations of Section 7.4(4) shall apply.

(c) Minimum side yard

None, unless the lot is adjacent to a Residential District, in which case a minimum side yard of 2.5 m (8.2 ft.) or one-half the height of the highest building on the lot, whichever is the greater, shall be required. If no side yard is provided, the regulations of Section 48(4) shall apply.

(d) Maximum lot coverage - 50%

(e) Maximum height - 13.7 m (44.9 ft.)

(f) Access

The number and design of any access provided from a lot to a road or lane shall be to the satisfaction of the Development Authority.

## **7.6 M - INDUSTRIAL DISTRICT**

### **(1) Permitted Uses**

- (a) Auctioneering establishments
- (b) Contractor services
- (c) Equipment rentals
- (d) Light industry
- (e) Offices
- (f) Professional, financial and business support services
- (g) Service stations and gas bars
- (h) Servicing establishments
- (i) Warehousing; storage, and distribution of raw materials, processed or manufactured goods
- (j) Workshops
- (k) Buildings and uses accessory to permitted uses

### **(2) Discretionary Uses**

- (a) Drive-in businesses
- (b) Greenhouses and plant nurseries
- (c) Heavy industry
- (d) Institutional uses
- (e) Municipal uses that are not restrictive and are compatible with an industrial area
- (f) Recreational uses that are not restrictive and are compatible with an industrial area
- (g) Other uses listed as permitted or discretionary uses in the C-2 District
- (h) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (i) Buildings and uses accessory to discretionary uses

### **(3) Regulations**

- (a) Minimum front yard - 6.0 m (19.7 ft.), except that the Development Authority may increase this requirement, at his discretion, depending on the site and use characteristics and whether parking and loading requirements are to be met on site. No area for parking, loading or storage, or any other like purpose, other than parking for visitors, shall be permitted within 6.0 m (19.7 ft.) of the minimum front yard.
- (b) Minimum rear yard - at the discretion of the Development Authority.
- (c) Minimum side yard - none, provided the regulations of Section 7.4(4) apply. Where a side yard is provided, it shall not be less than 6.0 m (19.7 ft.) on one side

and 1.5 m (4.9 ft.) on the other for that part of a building up to 4.5 m (14.8 ft.) high. For that part of a building exceeding 4.5 m (14.8 ft.) in height, the minimum side yard shall be 0.3 ft. (1.0 ft.) for every metre of height, to a maximum yard requirement of 6.0 m (19.7 ft.).

- (d) Maximum lot coverage - 60%
- (e) Maximum height - 12.0 m (39.4 ft.)
- (f) Access

Each separate use or lot shall have accesses to any road designed to the satisfaction of the Development Authority having regard to continuity of traffic flow, the safety of vehicles, the avoidance of dangerous intersections, use, and lot configuration.

- (g) Storage
  - (i) Outdoor storage shall be permitted only when accessory to a permitted or discretionary use.
  - (ii) Any storage area shall be screened to the height considered necessary by the Development Authority to screen the storage of goods or materials.

## **7.7 US - URBAN SERVICES DISTRICT**

### **(1) Permitted Uses**

- (a) Cemeteries
- (b) Fire halls
- (c) Libraries
- (d) Places of worship
- (e) Schools
- (f) Parks, playgrounds, recreation areas, recreation buildings, and other similar buildings and uses
- (g) Buildings and uses accessory to permitted uses

### **(2) Discretionary Uses**

- (a) Amusement establishments
- (b) Clubs and lodges
- (c) Commercial schools
- (d) Day cares
- (e) Family care facilities
- (f) Government services
- (g) Group care facilities
- (h) Public uses
- (i) Public utilities
- (j) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (k) Buildings and uses accessory to discretionary uses

### **(3) Regulations**

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

## **7.8 DC - DIRECT CONTROL DISTRICT**

### **(1) General Purpose of District**

This District is generally intended to establish an area which is to be developed with the specific control of Council. The detailed plans are to propose standards not found within any other District but which will provide sufficient information to the Council so that they, acting as the Development Authority in the making of decisions on development permits, can make a decision with respect to the development.

### **(2) Permitted Uses**

None

### **(3) Discretionary Uses**

- (a) Commercial Uses
- (b) Industrial Uses
- (c) Residential Uses
- (d) Semi-public Uses

### **(4) Application for a Development Permit**

- (a) In addition to the requirements of Section 3.4 of this Bylaw, an application for a development permit within this District may, at the discretion of the Council, be required to include:
  - (i) a comprehensive plan of development for a site which may contain the following information:
    - (1) the location of all proposed buildings,
    - (2) elevations and architectural treatment of all buildings or structures,
    - (3) the number and type of dwelling units,
    - (4) the amount of non-residential space and description of proposed non-residential uses,
    - (5) the location of all accesses: vehicular, pedestrian and emergency to site and buildings,
    - (6) a plan of the internal vehicular and pedestrian circulation systems,

and the integration of this with the local pedestrian circulation system. This should include an estimate of traffic generation and distribution patterns outside the project area,

- (7) the location, capacity and treatment of all parking areas,
  - (8) the location of all existing trees, with an explanation of which trees are to be removed and why it is necessary to remove them. As well, plans for tree relocation and/or replacement should be included,
  - (9) the location and function of all open space and identification of open space outside of the actual development that it is anticipated the residents of the project will use,
  - (10) all yards, site coverage, site areas, floor areas, sizes of lots, number of parking stalls,
  - (11) the location and extent of all utility services, and
  - (12) a scale model of plan showing the proposed development and its relationship to surrounding developments; and
- (ii) a detailed narrative statement containing:
- (1) an explanation of the intent of the project,
  - (2) the features and details of the project development,
  - (3) the features of the project which make it desirable to the general public and the surrounding areas. This is to include an evaluation of how the project will help to meet the present and projected needs of the community as a whole,
  - (4) anticipated scheduling and sequence of development for the plan,
  - (5) an economic analysis of the proposal's anticipated impact on the municipality,
  - (6) the forms of ownership involved in the development and a breakdown of same by area and number of units,
  - (7) where the project includes low-cost and/or innovative housing, estimated market price of the units, together with a statement of

any government programs under which this project is being done, if any. It is noted that "low cost" is not interpreted meaning low income housing but rather housing covering the full income range of the market but less expensive than comparable conventional dwellings,

- (8) clear identification of all elements of the plan considered innovative and sufficient supportive material to establish the characteristics and extent of these innovations,
  - (9) justification of each innovation in terms of its importance to the total concept, the benefits to be derived from its implementation, its impact on the provision of services and amenities and its desirability to the general public,
  - (10) those sections of municipal and Provincial regulations, legislation and bylaws which will have to be waived to allow for the innovations,
  - (11) a delineation of the area of immediate and ongoing responsibility in the development. The elements of the proposed project to be developed and maintained by the developer/applicant, home owner, and/or municipal authorities are to be outlined. This would include the initial servicing, and roadway construction and maintenance of the site after completion,
  - (12) the mechanisms by which conformity to the plan as submitted will be ensured. This would normally be done through a combination of covenants, caveats, easements, service agreements and performance bonds. In particular, easements must be provided to allow the residents and municipality free access to those structures, open spaces and roads for which they will be responsible. The costs arising from such items will be borne by the developer/applicant,
  - (13) the legal interest of the applicant in the proposal and a legal description of the subject properties,
  - (14) the present land use of the subject properties and existing land uses or land use designation, and
  - (15) school generation and population density statistics for the area.
- (b) Before considering a decision, the Council, acting as Development Authority, may request any additional information which he may deem necessary to be included.

Further, the Council may waive or postpone the requirement of any of the above items where circumstances, in their opinion, make it advisable.

- (c) In deciding the suitability of a proposed development and any conditions that may be imposed as conditions of approval, the Council shall decide each case on its own merits, but take into account among other things, the following factors:
  - (i) the degree to which the project fulfills the stated intent and its overall value to the Town and the general public;
  - (ii) any innovation that will unduly compromise safety standards will not be acceptable;
  - (iii) the relationships of buildings, structures and open spaces related to any residential development;
  - (iv) relationship of type and siting of buildings and structures to maximize the utilization of private amenity spaces;
  - (v) utilization of and integration with natural features (trees, elevations, etc.);
  - (vi) the provision of a choice of housing types;
  - (vii) the provisions of community oriented facilities;
  - (viii) the provision of adequate parking and vehicular circulation;
  - (ix) the provision and subsequent effectiveness of landscaped passive and active open space;
  - (x) the heights and architectural treatment of all buildings and structures;
  - (xi) the relationship of the buildings to the present and proposed circulation patterns;
  - (xii) the relationship of the development to surrounding development (schools etc.);
  - (xiii) the feasibility of servicing the proposed project; and
  - (xiv) any Outline Plan or Area Structure Plan, or any other approved development plans for the area.



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

### **(1) Permitted Uses**

- (1) Farming and the cultivation of land, but not including any agricultural pursuits involving the raising of livestock or fowl
- (2) Buildings and uses accessory to permitted uses

### **(2) Discretionary Uses**

- (a) Greenhouses and plant nurseries
- (b) Kennels
- (c) Public parks
- (d) Any strictly temporary use or building which, in the opinion of the Development Authority, will not prejudice the possibility of conveniently and economically developing the area in the future
- (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) Minimum yards - at the discretion of the Development Authority
- (b) Maximum height - 10.0 m (32.8 ft.), except in the case of buildings accessory to farming and the cultivation of land other than dwellings
- (c) Maximum number of dwelling units on a lot - 1
- (d) The Development Authority may specify the length of time a development permit is to be approved in this District, having regard to the servicing and the future development of the subject lot.
- (e) No subdivision of lands in this District shall be permitted unless the lot is reclassified to another District.

## **PART 8 - ADMINISTRATION**

### **8.1 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 8.2.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an application therefore.

### **8.2 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 Council for each application; 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.

### **8.3 Amending Bylaws**

All amendments to this Bylaw shall be made by Council by Bylaw and in conformity with the Act.

### **8.4 Schedules**

Schedule A is part of this Bylaw.

### **8.5 Repealing Existing Controls**

Bylaw No. 433, as amended, is hereby repealed.

### **8.6 Date of Commencement**

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

READ A FIRST TIME IN COUNCIL THIS 6<sup>th</sup> DAY OF APRIL, A.D. 1998

\_\_\_\_\_ “Richard St. Jean” \_\_\_\_\_  
Mayor

\_\_\_\_\_ “Wilma Weiss” \_\_\_\_\_  
Administrator

READ A SECOND TIME IN COUNCIL THIS 19<sup>th</sup> DAY OF MAY, A.D. 1998

\_\_\_\_\_ “Richard St. Jean” \_\_\_\_\_  
Mayor

\_\_\_\_\_ “Wilma Weiss” \_\_\_\_\_  
Administrator

READ A THIRD TIME IN COUNCIL THIS 19<sup>th</sup> DAY OF MAY, A.D. 1998

\_\_\_\_\_ “Richard St. Jean” \_\_\_\_\_  
Mayor

\_\_\_\_\_ “Wilma Weiss” \_\_\_\_\_  
Administrator

# **SCHEDULE A**

## **LAND USE DISTRICT MAP**