



LAND USE BYLAW
2009

Bylaw No. 2009-02

Adopted June 2, 2009
As amended December, 2016

**TOWN OF WAINWRIGHT
BYLAW NO. 2009-02**

THE LAND USE BYLAW

TABLE OF CONTENTS

	<u>Page</u>
PART 1 INTRODUCTION	4
1.1 Purpose	4
1.2 Interpretation	4
PART 2 DEVELOPMENT PERMITS, RULES, AND PROCEDURES	20
2.1 Requirement for Development	20
2.2 Development Not Requiring a Development Permit	20
2.3 Non-conforming Buildings and Uses	21
2.4 Applying for a Development Permit	22
2.5 Role of Development Officer	24
2.6 Role of the Municipal Planning Commission	26
2.7 Status of Permits Issued	27
2.8 Appeals	27
2.9 Application to Amend Bylaw	30
PART 3 LAND USE DISTRICTS AND REGULATIONS	31
3.1 Establishment of Districts	31
3.2 Residential – R1 (Single Family)	33
3.3 Residential – R1A (Large Single Family)	35
3.3A Residential – R1B (Single Family – small lot) <small>Bylaw 2012-11</small>	36
3.4 Residential District – R2 (Two Family)	37
3.5 Residential District – R3 (Multi-Family)	39
3.6 Residential Mobile Home Subdivision District – RMH1	41
3.7 Residential Mobile Home Subdivision District – RMH1A	43
3.8 Residential Mobile Home Park District – RMH2 (Park)	45
3.9 Commercial District – C1 (Central)	46
3.10 Commercial District – C2 (Secondary)	48
3.11 Commercial District – C3 (Highway)	50
3.11A Commercial District – C4 (Secondary Highway) <small>Bylaw 2013-04</small>	52
3.12 Industrial District – M1 (Light)	54
3.13 Industrial District – M2 (Heavy)	55
3.14 Institutional District – I	56
3.15 Parks and Recreation District – PR	58
3.16 Urban Reserve District – UR	60

PART 4	GENERAL DEVELOPMENT REGULATIONS	61
4.1	General Regulations for all Land Use Districts	61
4.1.1	Substandard Lot Size	61
4.1.2	Site Development	61
4.1.3	Projections	62
4.1.4	Door Swing	62
4.1.5	Drainage	62
4.1.6	Restrictions on Corner Lots	62
4.1.7	Off-Street Parking – General Regulations	62
4.1.8	Parking Facility Standards	64
4.1.9	Off-Street Parking Schedule	65
4.1.10	Off-Street Loading	67
4.1.11	Garbage Areas	67
4.1.12	Maximum Height	67
4.1.13	Curb Cutting	68
4.1.14	Towers	68
4.1.15	Shipping Containers	68
4.2	General Regulations for Residential Districts	69
4.2.1	Dwelling Units per Parcel	69
4.2.2	Accessory Buildings	69
4.2.3	Garden Sheds	70
4.2.4	Objects Prohibited or Restricted in Yards	71
4.2.5	Fences	71
4.2.6	Corner Development	71
4.2.7	Private Swimming Pool and Hot Tub Regulations	73
4.2.8	Dwelling Orientation	73
4.3	General Regulations for Residential Mobile Home Districts	74
4.3.1	Regulations for Mobile Homes	74
4.4	General Regulations for Industrial Districts	76
4.4.1	Accessory Buildings	76
4.4.2	Fences	76
4.5	Special Regulations	77
4.5.1	Adult Material Sales and Rental	77
4.5.2	Drive-In Food Service	77
4.5.3	Gas Bar	77
4.5.4	Home Occupation (Including Home Office)	78
4.5.5	Liquor Store	78
4.5.6	School	78

PART 5	SIGN REGULATIONS	79
5.1	Exemption for Sign Regulations	79
5.2	Details of Application	81
5.3	General Provisions	81
5.4	Fascia Signs	82
5.5	Canopy Signs	82
5.6	Projecting Signs	82
5.7	Pylon Signs	82
5.8	Billboard Signs	83
5.9	Roof Signs	83
5.10	Monument Signs	83
PART 6	ENFORCEMENT	84
6.1	Contravention	84
PART 7	ENACTMENT	85
7.1	Suspension of Existing Controls	85
7.2	Date of Commencement	85
7.3	Schedules	
7.3.1	Schedule A – Land Use District Map	
7.4	Forms	
7.4.1	Form A – Application for Development Permit	
7.4.2	Form B – Application to Amend the Land Use Bylaw	

**TOWN OF WAINWRIGHT
BYLAW NO. 2009-02**

THE LAND USE BYLAW

Pursuant to the provisions of the *Municipal Government Act*, R.S.A. 2000, as amended, the *Council* of the Town of Wainwright, in the Province of Alberta, duly assembled, enacts the following:

PART 1 INTRODUCTION

1.1 PURPOSE

The purpose of this bylaw is to prohibit or regulate and control the use and *development* of land and *buildings* to achieve the orderly and economic *development* of land within the Town of Wainwright and provide for harmony among the resident citizens and businesses. More specifically, but not exclusively, this bylaw is to:

- divide the *Town* into separate land use districts,
- prescribe and regulate for each district the purposes for which land and *buildings* may be used,
- establish controls on activities relating to the use of lands, and
- establish a method of processing applications for *development permits*.

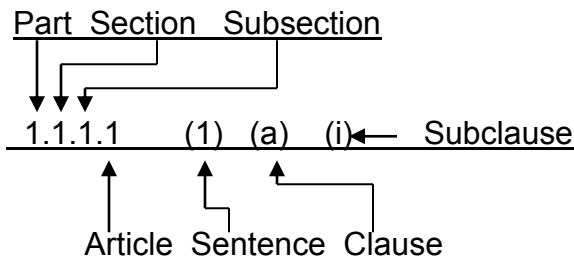
1.2 INTERPRETATION

1.2.1 TITLE

This bylaw shall be known as the “Land Use Bylaw”.

1.2.2 NOMENCLATURE

In this bylaw, Parts, Sections, Subsections, etc. shall be determined as follows:



1.2.3 GENERALITY

Wherever the singular or masculine is used throughout this bylaw, the same shall be construed to mean the plural or feminine respectively where applicable.

1.2.4 DEFINITIONS – In the text of this bylaw, definitions are italicized.

ABATTOIR – means the use of land or a *building* for the slaughter of *livestock* or wildlife and may include the packing, treating, storing, and sale of the meat produced.

ACCESSORY BUILDING– means any *building* which is separate from the *principal building* on the *lot* on which both are located, and the use of which is subordinate and incidental to that of the *principal building* in the opinion of the *Development Authority*.

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

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

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

ADJACENT LAND – means land that abuts a *site* and land that would abut if not for a road, *lane*, walkway, watercourse, utility *lot*, pipeline right-of-way, power line, railway, or similar feature.

ADULT MATERIAL SALES AND RENTAL – means an establishment which sells, rents, or lends adult electronic media and/or adult print media, but excluding a store where:

- (1) the majority of the *floor area* of the *building* used to display items is devoted to items other than adult electronic media and/or adult print media,
- (2) a majority of the items for sale, rental or loan are not adult electronic media or adult print media, and
- (3) all the adult electronic media are physically segregated from other items for sale, rental, or loan.

ANIMAL OUTDOOR FACILITY – means an animal holding facility or area exposed to open air.

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

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

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

ATTACHED GARAGE – means a *building* or portion of a *building* that is used or could be used for the storage of motor vehicles, which is attached to the *principal building* by sharing a common wall with the *dwelling*, and usually contains an access doorway into the *principal building*. For the purpose of calculating *yard setbacks* and *site coverage* requirements, an *attached garage* is deemed to be part of the *principal building*.

AUCTION MARKET – means a *building* or land that is used for the auctioning of goods and equipment, including the *temporary* storage of such goods and equipment. Auction markets involving *livestock* are subject to the land use district provisions for *livestock*.

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

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

BASEMENT – means that portion of a building located below the uppermost floor level that does not exceed 2 metres (6.56 ft) above grade.

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

BOWLING ALLEY – means a *building* or room containing lanes for bowling.

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

BUILDING – includes anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge that forms part of a highway or road.

BUILDING HEIGHT – means the vertical distance between average grade and the highest point of a *building* excluding an elevator housing, *roof* stairway entrance, ventilating fan, skylight, steeple, chimney, smoke stack, fire wall, parapet, flagpole, or similar device not structurally essential to the *building*.

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

BULK FUEL STORAGE AND SALE – means a *development* for the purpose of storing natural gas and petroleum products for distribution and sale to customers with a total above ground volume exceeding 10,000 litres.

BUS DEPOT – means a facility providing for the departure and arrival of passengers and freight carried by bus.

CANOPY SIGN – means a sign that is affixed to a canopy.

CHILD CARE FACILITY – means the use of a *building* or portion thereof for the provision of care, maintenance and supervision of four or more children under the age of 18 years by persons other than one related by blood or marriage for periods not exceeding 24 consecutive hours and includes all day-care centers, nurseries and after-school or baby-sitting programs which meet this definition.

CHURCH – means the use of land or a *building* for religious worship, including, but not limited to a mosque, synagogue, temple, chapel or religious meeting room.

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

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

CONCRETE PLANT- means a facility where concrete is produced for resale.

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

CORNER LOT – shall mean a *parcel* at an intersection of two or more roads, not including *lanes*.

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

CREMATORIUM – means a furnace or establishment for the incineration of human or animal bodies.

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

CURLING RINK - means a *building* or room containing sheets for curling.

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

DEVELOPMENT means:

- (1) the clearing of brush or trees or moving of soil, or
- (2) a *building* or *addition* to, or replacement or repair of a *building* and the construction of placing in, on, over or under land any of them, or
- (3) a change of use of land or a *building* or an act done in relation to land or *building* that results in or is likely to result in a change in the use of the land or *building*, or
- (4) a change in the intensity of use of land or *building* that results in or is likely to result in a change in the intensity of use of the land or *building*;

DEVELOPMENT AUTHORITY – means the *Town's Municipal Planning Commission*, a *Town development officer*, or in the absence of a *Town's development officer* the *Town's Chief Administrative Officer* or his appointee and as further described in Bylaw 95-16, as amended or replaced.

DEVELOPMENT OFFICER – means a person appointed as a *development officer* pursuant to the Bylaw 95-16, as amended or replaced

DEVELOPMENT PERMIT – means a certificate or document permitting a *development* and includes a plan or drawing or set of plans or drawings, specifications, conditions or other documents upon which the permit is issued.

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

DUPLEX – means two *dwelling units* of similar design and size sharing a common wall, and located side by side or one above the other.

DWELLING – means any *building* used exclusively for human habitation and which is supported on a permanent *foundation* or base extending below ground level and includes multiple *dwellings*, *apartments*, lodging and *boarding houses*, but does not include mobile units of any kind.

DWELLING UNIT – means a complete *building* or a self contained portion of a *building*, set or suite of rooms for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and separate or shared toilet facilities intended as a permanent or semi-permanent residence not separated from direct access to the outside by another separate or self-contained set or suite of rooms.

EATING AND DRINKING ESTABLISHMENT – means land or a *building* where prepared foods and beverages are offered for sale to the public for consumption on or off the *site*.

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

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

FABRICATING – means the assembling of products that do not impact negatively on surrounding land uses by emitting odors, dust, smoke, noise or vibration. Typical uses may include millwork, welding, machining, and manufactured *buildings*.

FARMING – means cultivation of land and growing of crops and excludes any *livestock* operations or the spreading of manure.

FASCIA SIGN – means a sign placed flat and parallel to the face of the *building* so that no part projects more than one foot from the *building*.

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

FINANCIAL INSTITUTION – means a building or use for providing the service of banking or lending money, such as a bank, savings and loan institution or credit union.

FLOOR AREA – means the total area of all floors based on the external dimensions of the *building* not including *attached garages* or the *basement* level except that *basement* suites in an *apartment building* shall be included in the *gross floor area*.

FOUNDATION – means the supporting base structure of a *building*.

FOURPLEX – means a single *building* comprised of four *dwelling units*, each unit having a separate direct entrance from grade.

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

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

GARAGE – means a *building* or portion of a *building* designed or used for the storage of motor vehicles and is an accessory use to a *dwelling*.

GARDEN SHED – means a *building* up to 11.15m (120ft²) in area and up to 3.05m (10ft) in height.

GAS BAR – means a *development* used for the sale of gasoline, liquefied petroleum gas, lubrication oils and associated automotive fluids with underground and/or above ground storage tanks but the total above ground storage capacity cannot exceed 10,000 litres.

GOLF COURSE – means an outdoor use/establishment of varying size where the land is developed primarily to accommodate the game of golf. *Accessory uses* may include a pro shop, driving range, food service, and other commercial uses typically associated with a golf course clubhouse facility.

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

GRAIN HANDLING FACILITY – means a facility for the cleaning, collection, *grading*, sorting, storage, and transshipment of grains or other food crop.

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

GROUP CARE HOME – means a *dwelling unit* used for the care or rehabilitation of more than one person and involves the employment of on-site staff.

HIGHWAY SHOPPING CENTER – means ^{Bylaw 2013-04}

- (1) a *building* of 2 or more suites or *development* of 2 or more buildings containing any of the following uses: *eating and drinking establishment, financial institution, gas bar, laundromat, liquor store, office, personal service shop, retail, theatre, or*
- (2) a *retail building* with a minimum main floor area of 929m² (10,000ft²).

HOME OCCUPATION – means any occupation, trade, profession, or craft carried on by a family occupant of a *dwelling unit* as a use secondary to the residential use of the *building*.

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

HOSPITAL – means a facility providing room, board, and surgical or other medical treatment for the sick, injured or infirm including outpatient services, accessory staff residences, ambulance bays, and helipads. Typical uses include *hospitals*, sanatoria, convalescent homes, isolation facilities, psychiatric *hospitals*, and detoxification centers.

HOTEL – means a *building* containing either sleeping or *dwelling units*, or a combination of both, occupied and equipped to be occupied as a *temporary* abode for tourists or transients.

INDOOR RECREATION – means *development* providing facilities within an enclosed *building* for sports and recreation where patrons are predominately participants and spectators. Typical uses include but are not limited to arenas, health and fitness clubs, *bowling alleys*, pool halls, *curling rinks*, swimming pools, racquet clubs, and facilities providing table games and/or electronic games.

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

INTERIOR LOT – shall mean a *parcel* that is bounded by separate *parcels* on each of its sides.

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

- (1) natural *landscaping* consisting of vegetation such as trees, shrubs, hedges, grass, flowers and other ground cover or materials,
- (2) hard *landscaping* consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, and
- (3) walkways, driveways and *parking areas*.

LANE – means a public thoroughfare, which provides a secondary means of access to a *lot* or *lots*.

LAUNDROMAT – means a facility for the cleaning of clothing or other fabric goods on a self-serve basis or pay-for service, including dry cleaning service.

LIBRARY - means a collection of information, sources, resources, and services, and the structure in which it is housed. It is organized for use, and maintained, by a public body, an institution, or a private individual.

LIQUOR STORE – means an establishment, licensed by the provincial government, in which alcoholic beverages are sold to the public and intended to be consumed off the premises. *Retail liquor stores* may include the sale of ancillary complementary products, such as soft drinks and juices (mixes), pre-packaged snack foods (potato chips, pretzels), bar utensils (corkscrews, glasses) and de-alcoholized beer and wine.

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

LODGING HOUSE – shall mean a *building* other than a *hotel* or *motel* where lodging with or without meals is provided for compensation.

LOT means:

- (a) a quarter section, or
- (b) a river *lot* or settlement *lot* shown on an official plan referred to in Section 32 of the Surveys Act that is filled or lodged in a land titles office, or
- (c) a piece of land the boundaries of which are described in a certificate of title other than by reference to a legal subdivision, or
- (d) a piece of land the boundaries of which are described in a certificate of title by reference to a plan of subdivision.

LOT DEPTH – means the average distance between the front and rear property lines of a *lot* not including corner cuts, as determined by the *development officer*.

LOT WIDTH – means the average distance between the side property lines of a *lot* not including corner cuts, as determined by the *development officer*.

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

- (1) result in a significant impact on *adjacent land* uses due to appearance, noise, odour, emission of wastes, other *nuisance*, or potential health or safety hazards, or
- (2) require extensive space for storage.

MANUFACTURED DWELLING – means a residential *building* built in a factory in one or more sections and intended to be transported to the *site* to where it is to be occupied.

MANUFACTURED DWELLING SALES – means the use of land to temporarily display *manufactured dwellings* intended for sale and relocation to the *sites* to where they are to be occupied.

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

MOBILE HOME – means a *manufactured dwelling* constructed with a frame capable of supporting it and designed to be transported to a *site* where it is to be occupied and may be supported on blocking, piers or permanent *foundation*, and is designed to be connected to service utilities so as to be suitable for year-round, long term occupancy.

MOBILE HOME PARK – means a *parcel* of land under one ownership which has been planned, divided into *mobile home* lots, and improved for the placement of *mobile homes* for permanent residential use.

MOBILE HOME SUBDIVISION – means an area subdivided by registered plan, containing *lots* for freehold tenure and used for *mobile homes*.

MODULAR DWELLING – means a *manufactured dwelling* of one or more sections to be permanently installed on a *foundation* and is similar in design and style to a *single family dwelling*.

MONUMENT SIGN – means a sign set on the ground or close to the ground with a base or posts.

MOTEL – means a *building* or group of *buildings* containing sleeping units with sanitary facilities designed to be used temporarily by tourists or transients with parking spaces convenient to each unit.

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

MUNICIPAL PLANNING COMMISSION – means a *municipal planning commission* as established pursuant to Bylaw 95-15 as amended or replaced.

MUSEUM – means a *building* or *site* used for the preservation, collection, restoration, display, and/or demonstration of articles of historical significance and may include interpretive sessions and archival records of a geographic area or time period.

NON-CONFORMING BUILDING – means a *building*
(1) that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the *building* or land on which the *building* is situated becomes effective, and
(2) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw.

NON-CONFORMING USE – means a lawful specific use
(1) 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
(2) that on the date the land use bylaw becomes effective does not, or in the case of a *building* under construction will not, comply with the land use bylaw.

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

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

OFFICE – means a *building* or use providing for the administration of business or government, or the provision of professional services. This includes but is not limited to accountants, financial advising, insurance providers, medical services, and realtors.

PARCEL – means the aggregate of the one or more *lots*.

PARK – means land developed for recreational activities that do not include major *buildings* or facilities, and includes green space, picnic areas, playgrounds, pedestrian and bicycle paths, landscaped areas and associated public washrooms. This may include private land, not open to the public.

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

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

PERMITTED USE – means the use of land or a *building* provided for in the land use bylaw for which a *development permit* shall be issued (if it meets the land use bylaw regulations) upon an application having been made.

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

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

PRINCIPAL BUILDING – means a *building* which
(1) occupies the major or central portion of a *lot*,
(2) is the chief or main *building* on a *lot*, or
(3) constitutes, by reasons of its use, the primary purpose of which the *lot* is used.

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

PROJECTING SIGN – means a sign that is attached to a *building* or structure so that part of the sign projects more than one foot from the face of the *building* or structure.

PUBLIC UTILITY BUILDING – means a *building* used for a public utility as defined in the *Municipal Government Act* in which equipment required to operate the public utility is housed.

PYLON SIGN – means a sign on a standard(s) or column(s) permanently attached to the ground and which is not connected in any way to any *building* or other structure.

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

RECREATIONAL FACILITY – means a *building* and/or grounds for community recreation, entertainment, relaxation, social activity, and other leisure activities.

RECYCLING FACILITY – means a *building* or *site* used for the collection, packaging and/or *temporary* storage of recycled materials.

REGISTERED OWNER – means;

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

RETAIL – means land or a *building* where goods, merchandise, substances, articles, and other materials, are offered for sale at *retail* to the general public but excludes *adult entertainment establishments, automotive sales and service, building supplies, bulk fuel storage and sales, equipment rental and sales, gas bars and liquor stores.*

ROOF – means the top enclosure above or within the vertical wall of a *building*.

ROOF SIGN – means any sign placed on or over a roof.

ROW HOUSING – means a group of three or more *dwelling units* with each unit separated by a common wall at the side only with no *dwelling unit* placed above another in whole or in part and having a separate front and rear access to the outside grade.

SCHOOL – means a place of instruction offering courses of study. Included in the category are public, private, separate and post-secondary institutions.

SECONDARY SUITE – means *development* consisting of a self-contained *dwelling* located in a structure in which the *principal use* is a *single detached dwelling or duplex dwelling unit*. A *secondary suite* has cooking, food preparation, sleeping, and bathing facilities that are separate from those of the principal *dwelling* within the structure. For the purpose of this definition, “cooking facilities” includes any stove, hotplate, oven, microwave oven, toaster oven, or electric griddle as well as any wiring or piping containing the energy or power source for such facilities. A *secondary suite* also has an entrance separate from the entrance to the principal *dwelling*, either from a common indoor landing or directly from the exterior of the structure. This use class includes conversion of *basement* space to a *dwelling*, or the addition of new floor space for a *secondary suite* to an existing single detached *dwelling*. This use class does not include *duplexes*, multi-plexes, or *apartments* where the structure was initially designed for two or more *dwelling*s and does not include *lodging houses*.

SENIORS MANOR – means a building containing 5 or more *dwelling units* intended to be occupied by seniors under conditions established by the Provincial or Federal Government.

SETBACK – means the perpendicular or radial distance from a property line to the nearest portion of the *foundation* of the building including any columns supporting or appearing to support a roof load. In the case of a cantilevered floor, the *setback* shall be to the outer wall of the cantilevered section.

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

SIDE YARD – means that portion of a *site* abutting a side *lot* line extending from the *front yard* to the *rear yard*.

SIGN – means any word, letter, model, picture, symbol, device or representation used as, or which is in the nature of, wholly or in part, an advertisement, announcement or direction. Any structure, or portion thereof, which is used primarily to carry, hold, maintain, support or sustain a sign is constructed as part of the sign and, except as hereinafter provided, is subject to all regulations governing *signs*. Without restricting the generality of the foregoing, sign includes posters, notices, panels, boardings and banners.

SINGLE FAMILY DWELLING – shall mean a *building* designed for or occupied as a *dwelling* for one family or housekeeping unit, not including a mobile home.

SITE – means a *parcel* of land that is the subject of a *development* application.

STOP ORDER – means an order issued by the *Development Authority* pursuant to the *Act*.

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

SUBDIVISION & DEVELOPMENT APPEAL BOARD – means a *subdivision & development appeal board* pursuant to Bylaw 95-18, as amended or replaced.

TEMPORARY – means such time limit as set by the *Development Authority*.

THEATRE – means a facility intended for the showing of motion pictures or live performances.

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

TOWN – means the Town of Wainwright.

TRIPLEX – means a single *building* comprised of three *dwelling units*, each unit having a separate, direct entrance from grade or a landscaped area.

TRUCK STORAGE AND MAINTENANCE – means a facility for the purpose of storing and dispatching trucks and tractor-trailers for transporting goods and may include the maintenance and servicing of these vehicles.

WAREHOUSE – means a *building* for the storage of materials, products, goods or merchandise.

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

And all other words and expressions have the meaning respectively assigned to them in the *Act*.

PART 2 *DEVELOPMENT PERMITS, RULES, AND PROCEDURES*

2.1 *REQUIREMENT FOR DEVELOPMENT*

- 2.1.1 No *development* other than that designated in section 2.2 shall be undertaken within the *Town* unless a permit has been issued.
- 2.1.2 No person shall perform any work differing from or enlarging the work for which a *development permit* has been issued. If during the process of the work the *applicant* desires to deviate in any way from the terms of the original approved *development permit*, he shall notify the *development officer* and submit amended drawings, and if necessary, make application to the *development officer* for approval of the plan as amended.

2.2 *DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT*

The following *development* shall not require a *development permit* provided that such development complies with any regulations that may apply:

- 2.2.1 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.
- 2.2.2 The completion of a *building* which was lawfully under construction before the passage of this land use bylaw, provided that the *building* is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted and provided also that the *building*, whether or not a permit was granted in respect of it, is completed within a period of twelve months from the said date of the first posting of the official notice.
- 2.2.3 The use of any such *building* as is referred to in subsection 2.2.2 for the purpose for which construction was commenced.
- 2.2.4 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.
- 2.2.5 The maintenance and repair of public works, services, and utilities carried out by or on behalf of federal, provincial, or municipal public authorities on land which is publicly owned and controlled.
- 2.2.6 A single storey *accessory building* not greater than 11.15m² (120ft²) in *floor area* nor 3.05 m (10ft) in height.
- 2.2.7 A deck which has a walking surface less than 0.61 m (2ft) from the ground.
- 2.2.8 *Fences*.

2.3 NON-CONFORMING BUILDINGS AND USES

- 2.3.1 A *non-conforming use* of land or a *non-conforming use* of a *building* may be continued but if that use is discontinued for a period of six consecutive months or more, any future use of the land or *building* shall conform with the provisions of the land use bylaw then in effect.
- 2.3.2 A *non-conforming use* of part of a *building* may be extended throughout the *building*, whether or not it is a *non-conforming building*, but the *building* shall not be enlarged or added to and no structural alterations shall be made thereto or therein.
- 2.3.3 A *non-conforming use* of part of a *lot* shall not be extended or transferred in whole or in part to any other part of the *lot* and no additional *building* shall be erected upon the *lot* while the *non-conforming use* continues.
- 2.3.4 A *non-conforming building* may continue to be used but the *building* shall not be enlarged, added to, rebuilt or structurally altered except:
- (1) to make it a conforming *building*, or
 - (2) for the routine maintenance of the *building*, if the *Development Authority* considers it necessary.
- 2.3.5 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* shall not be repaired or rebuilt except in accordance with the current land use bylaw.
- 2.3.6 The use of land or the use of a *building* is not affected by reason only of a change of ownership, tenancy, or occupancy of the land or *building*.

2.4 APPLYING FOR A *DEVELOPMENT PERMIT*

2.4.1 An application for a *development permit* shall be made on Form A, attached hereto and forming part of this bylaw and shall be accompanied by the following information:

- (1) a site plan showing:
 - (a) the legal description,
 - (b) *setback* and *yards*,
 - (c) location of off-street loading and vehicle parking,
 - (d) ingress and egress points to the *site*,
 - (e) the position and distance of any existing *buildings* in relationship to the proposed *development*,
 - (f) utility service lines,
 - (g) location and position of structures on the *site*, including any “For Rent” or identification *signs*,
 - (h) location of an access to garbage storage areas and the fencing and *landscaping* of these facilities, and
 - (i) landscape plan of the entire *site*, which shall also show intended surfacing for drives and *parking areas*;
- (2) floor plans and elevations;
- (3) a statement of uses;
- (4) a statement of ownership of land and interest of the *applicant*;
- (5) the estimated dates of commencement and completion;
- (6) the estimated cost of project or contract price;
- (7) a fee set by resolution of *Council* and included in the Policy Book; and
- (8) such other information as may be required by the *Development Authority*.

2.4.2 In addition to Subsection 2.4.1, for each application for industrial use, the *Development Authority* may require any of the following information:

- (1) location,
- (2) type of industry,
- (3) size of *buildings*,
- (4) number of employees,
- (5) estimated water demand and anticipated source,
- (6) type of effluent and method of treatment,
- (7) transportation routes to be used (rail and road),
- (8) reasons for specific location,
- (9) any *accessory building or works* required (pipeline, railway spurs, etc.),
- (10) anticipated residence location of employees, and/or
- (11) any such other information as may be reasonably required by the *Development Authority*.

2.4.3 HERITAGE CONSIDERATIONS

- (1) *Council* may make policies or bylaws that apply to the *development*, alteration, or repair of a *building* that is on the Heritage Resource Inventory List, as adopted by *Council*.
- (2) For *development* of new *buildings* or the alteration, repair, or addition to existing *buildings* not on the Heritage Resource Inventory List in the Mainstreet Footprint (as determined by the Wainwright Mainstreet Program), *developers* shall consult with the *Development Authority* and Heritage Advisory Committee regarding the proposed design and conform as close as possible to the Guidelines for Non-Heritage Buildings as established by *Council* policy.

2.4.4 PAYMENT OF TAXES

As a condition of *development* approval, the *Development Authority* may require that all property taxes outstanding on the subject property are paid in full.

2.4.5 ENVIRONMENTAL IMPACT ASSESSMENT

Where, in the opinion of the *Development Authority*, a proposed *development* may create an unacceptable environmental impact, an environmental impact assessment of such detail that is acceptable to the *Development Authority* may be required prior to dealing with the application.

2.4.6 RELOCATED BUILDINGS

In addition to the requirements of this bylaw, *buildings* that have previously been occupied or permanently located and are proposed to be relocated shall only be allowed in areas where the existing *buildings* are of similar age, design, character, and appearance and are subject to any further requirements that may be established by *Council* policy.

2.4.7 PERFORMANCE AND DAMAGE SECURITY

- (1) In order to ensure the conformance to any thing required in this bylaw, *Council* may establish security to be paid by the *developer* upon application of a *development permit*, the form and amount of which to be determined from time to time by *Council* policy.
- (2) In order to account for any damage during construction to *Town* facilities such as curbs, sidewalks, property pins, and curb stops, *Council* may require a damage deposit to be paid by the *developer* upon application for a *development permit*, the form and amount of which to be determined from time to time by *Council* policy.

2.5 ROLE OF *DEVELOPMENT OFFICER*

2.5.1 A *development officer* shall receive all applications for a *development permit* and shall:

- (1) subject to clause 2.5.1 (3)(b), issue a *development permit* for a *permitted use* that complies with the minimum standards specified for such use; or
- (2) issue a *development permit* for a *temporary use* that complies with sentence (1) above. It shall be a condition of every *development permit* so issued that the *Town* is not liable for any costs involved in the necessary cessation and/or removal of *development* required upon the expiration of the permit; or
- (3) refer to the *Municipal Planning Commission*, together with an appropriate recommendation, an application
 - (a) for a *discretionary use* except for a *Home Occupation*, and
 - (b) for a *permitted use* that does not readily have utility services available to the land, will detract from the character or appearance of the general area, or cannot reasonably be made to comply with sentence (2) above; or
- (4) refuse the application; and
- (5) upon issuing a *development permit* for a *permitted use*,
 - (a) issue a copy of approval to the *applicant*, and
 - (b) cause a notice to be posted in a conspicuous place open to public view in the *Town Office*, or
 - (c) cause a notice to be published in a newspaper circulating in the *Town*, or
 - (d) mail a copy of the notice to adjacent landowners; or
- (6) when a *development permit* is approved by the *Municipal Planning Commission*,
 - (a) mail a notice in writing immediately to all persons who made representation on the application, and
 - (b) issue a *development permit* in conformity with the *Municipal Planning Commission's* decision, and
 - (c) give notice pursuant to sentence (5); or
- (7) upon refusing an application, send a copy of the decision to the *applicant* stating the reasons for refusal.

2.5.2 In making a decision, the *development officer* may approve the application unconditionally or impose conditions considered appropriate, permanently or temporarily.

- 2.5.3 With regard to any application for a *development permit*, the *development officer* may request verbal or written comments from any authority whose interest or jurisdiction may be affected.
- 2.5.4 For those applications which a *development officer* is empowered to deal with, he/she may approve an application for a *development permit* notwithstanding that the proposed *development* does not comply with this bylaw if, in the opinion of the *development officer*,
- (a) the proposed *development* would not
 - (i) unduly interfere with the amenities of the neighborhood, or
 - (ii) materially interfere with or affect the use, enjoyment, or value of neighboring properties, and
 - (b) the proposed *development* conforms with the use prescribed for the land or *building* in this bylaw.
- 2.5.5 *Council* may require with respect to a *development* that, as a condition of issuing a *development permit*, the *applicant* enter into an agreement to do all or any of the following:
- (a) construct or pay for the construction of a public roadway required to give access to the *development*;
 - (b) construct or pay for the construction of
 - (i) a pedestrian walkway system to serve the *development*, and/or
 - (ii) pedestrian walkways that will connect the pedestrian walkway system serving the *development* with a pedestrian walkway system that serves or is proposes to serve an adjacent *development*;
 - (c) install or pay for the installation of utilities that are necessary to serve the *development*;
 - (d) construct or pay for the construction of
 - (i) off-street or other parking facilities, and/or
 - (ii) loading and unloading facilities;
 - (e) pay an *off-site levy* or redevelopment levy imposed by bylaw; and/or
 - (f) provide security to ensure that the terms of the agreement under this sentence are carried out.
- 2.5.6 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 on it by the *Development Authority* within 40 days receipt of the application by a *development officer* and the person claiming to be affected may appeal in writing as provided for in section 2.8 of this bylaw as though he/she had received a refusal at the end of the period specified in this subsection.
- 2.5.7 A *development officer* may not accept another application for a permit on the same *parcel* of land and for the same or similar use of the land for six months after the date a *development permit* has been refused pursuant to this section or section 2.8 of this bylaw.

2.6 ROLE OF THE *MUNICIPAL PLANNING COMMISSION*

- 2.6.1 An application for *development* referred to the *Municipal Planning Commission* shall be decided upon having due regard to the scope and intent of this bylaw and any other statutory plan that may be applicable.
- 2.6.2 Prior to deciding upon an application, the *Municipal Planning Commission* may
- (a) post a notice in a conspicuous place on the *site* of the proposed *development*;
 - (b) publish a notice in a newspaper circulating in *Town*, at the *applicant's* expense; or
 - (c) mail a notice to all owners of property within a certain distance of the property that is the subject of the proposed development, such distance to be determined by the *Municipal Planning Commission* based on the extent of effect that the *Municipal Planning Commission* deems the proposed *development* may have on the surrounding properties.
- 2.6.3 The *Municipal Planning Commission* may afford an opportunity to any interested person to make representation to it and shall take into account any such representation when making a decision.
- 2.6.4 The *Municipal Planning Commission* may:
- (a) limit the period of time that a *discretionary use* is allowed and establish conditions under which it shall be terminated or discontinued; or
 - (b) issue a *development permit* for a *temporary* use. It shall be a condition of every permit so issued that the *Town* shall not be liable for any costs involved in the necessary cessation or removal of *development* required upon the expiration of the permit. It may be required that the *developer* post an acceptable security guarantee to cover the projected costs of cessation or removal.
- 2.6.5 The *Municipal Planning Commission* may refuse or approve with conditions any *development* that will detract from the character or appearance of the general area.
- 2.6.6 The *Municipal Planning Commission* may approve an application for a *development permit* notwithstanding that the proposed *development* does not comply with this bylaw if, in the opinion of the *Municipal Planning Commission*,
- (a) the proposed *development* would not
 - (i) unduly interfere with the amenities of the neighborhood, or
 - (ii) materially interfere with or affect the use, enjoyment, or value of neighboring properties, and
 - (b) the proposed *development* conforms with the use prescribed for the land or *building* in this bylaw.

2.7 STATUS OF PERMITS ISSUED

2.7.1 A *development permit* issued under this section becomes effective

- (1) 15 days after the date of the notice of decision is given, or
- (2) upon an appeal being decided pursuant to section 2.8 of this bylaw.

2.7.2 A *development permit* shall be considered void if the *development* is not

- (1) commenced within 6 months from the date of its issue, or
- (2) carried on with reasonable diligence for any 6 month period after the start of construction,

or within such extended period granted by the *development officer*.

2.7.3 When a *development permit* becomes void, a new application for a permit is required before *development* may proceed. There shall be no obligation to approve such application on the basis that a previous application had been approved for that *development*.

2.7.4 Any person claiming to be affected by the issuance of a *development permit* may file an appeal within 14 days after the notice of issuance is given and should such an appeal be received, the *development permit* shall become null and void.

2.8 APPEALS

2.8.1 RIGHT OF APPEAL

- (1) Where the *Development Authority*
 - (a) refuses to issue a *development permit*, or
 - (b) fails to issue a *development permit* within 40 days after receipt of a complete application, unless the *applicant* has entered into an agreement with the *Development Authority* to extend the 40-day period, or
 - (c) issues a *development permit* subject to conditions, or
 - (d) issues an order under the *Act*,the person applying for the permit or affected by the order may appeal to the *Subdivision and Development Appeal Board*.
- (2) In addition to an *applicant* under sentence (1), any person affected by an order, decision or *development permit* made or issued by a *Development Authority* may appeal to the *Subdivision and Development Appeal Board*.

- (3) Notwithstanding sentences (1) and (2), no appeal lies in respect of the issuance of a *development permit* for a *permitted use* unless the provisions of the land use bylaw were relaxed, varied, or misinterpreted.

2.8.2 APPEAL PROCEDURE

- (1) A *development* appeal to a *Subdivision and Development Appeal Board* is commenced by filing a notice of appeal, containing reasons, with the *Board* within 14 days,
 - (a) in the case of an appeal made by a person referred to under sentence 2.8.1(1) of this bylaw, after
 - (i) the date on which the person is notified of the order or decision or the issuance of the *development permit*, or
 - (ii) if no decision is made with respect to the application within the 40-day period or within any extension under clause 2.8.1(1)(b), the date the period or extension expires, or
 - (b) in the case of an appeal made by a person referred to under article 2.8.1(1)(b), after the date which the notice of the issuance of the permit was given in accordance with this bylaw.
- (2) The *Subdivision and Development Appeal Board* must hold an appeal hearing within 30 days after receipt of a notice of appeal.
- (3) The *Subdivision and Development Appeal Board* must give at least five days notice, in writing, of the hearing
 - (a) to the appellant,
 - (b) to the *Development Authority* whose order, decision or *development permit* is the subject of the appeal,
 - (c) to those owners required to be notified under the land use bylaw, and
 - (d) any other person that the *Subdivision and Development Appeal Board* considers to be affected by the appeal and should be notified.
- (4) The *Subdivision and Development Appeal Board* must make available for public inspection before the commencement of public hearing all relevant documents and materials respecting the appeal including
 - (a) the application for the *development permit*, the decision, and the notice of appeal, or
 - (b) the order made under the *Act*.

2.8.3 HEARING AND DECISION

- (1) In accordance with the *Act*, the *Subdivision and Development Appeal Board* must hear
 - (a) the appellant or any person acting on the behalf of the appellant,
 - (b) the *Development Authority* from whose order, decision or *development permit* the appeal is made, or a person acting on behalf of the *Development Authority*,
 - (c) any other person who was given notice of the hearing and who wishes to be heard or a person acting on behalf of that person, and
 - (d) any other person who claims to be affected by the order, decision, or permit and that the *Subdivision and Development Appeal Board* agrees to hear or a person acting on behalf of that person.

- (2) The *Subdivision and Development Appeal Board* must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

- (3) In determining an appeal, the *Subdivision and Development Appeal Board*
 - (a) must comply with the land use policies and statutory plans, and subject to clause (d), the land use bylaw in effect;
 - (b) may have regard to but is not bound by the subdivision and *development* regulations;
 - (c) may confirm, revoke, or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own; and
 - (d) may make an order or decision or issue or confirm the issue of a *development permit* even though the proposed *development* does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed *development* would not
 - A unduly interfere with the amenities of the neighborhood, or
 - B materially interfere with or affect the use, enjoyment or value of neighboring properties, and
 - (ii) the proposed *development* conforms with the use prescribed for that land or *building* in the land use bylaw.

2.9 APPLICATION TO AMEND BYLAW

- 2.9.1 Any person applying to have this bylaw amended shall apply in writing to the *development officer* furnishing reasons in support of the application and requesting that the *development officer* submit the application to *Council*.
- 2.9.2 The *Municipal Planning Commission* may, at any time on its own motion, present for the consideration of *Council* any proposed amendment to this bylaw, and the proposed amendment shall be accompanied by the report and recommendation of the *Municipal Planning Commission* and the *development officer*.
- 2.9.3 *Council* may, at any time, initiate an amendment to this bylaw, but prior to first reading of any proposed amendment, the proposal shall be referred to the *Municipal Planning Commission* or to the *development officer* for their reports and recommendations.
- 2.9.4 Proposed amendments to this bylaw are subject to those requirements and procedures set out in the *Act* regarding enactment of the bylaw.
- 2.9.5 A person making an application for an amendment to this bylaw shall do so using Form B attached hereto and forming part of this bylaw and shall include the following:
- (1) an application fee as set by *Council* from time to time and entered into the Policy Book,
 - (2) a certificate of title of the land affected or other documents satisfactory to the *development officer*, including the *applicant's* interest in the said land,
 - (3) any drawings specified by the development authority, such drawings to be on standard material and fully dimensioned, accurately figured, explicit, and complete, and
 - (4) where required, a document authorizing the right of entry by an officer of *Council* to such lands or *buildings* as may be required for investigation of the proposed amendment.

PART 3 LAND USE DISTRICTS AND REGULATIONS

3.1 ESTABLISHMENT OF DISTRICTS

3.1.1 The following land use districts are hereby established:

RESIDENTIAL-SINGLE FAMILY	R1
RESIDENTIAL-LARGE SINGLE FAMILY	R1A
RESIDENTIAL-SINGLE FAMILY SMALL LOT <small>BYLAW 2012-11</small>	R1B
RESIDENTIAL-TWO FAMILY	R2
RESIDENTIAL-MULTI-FAMILY	R3
RESIDENTIAL-MOBILE HOME SUBDIVISION	RMH1
RESIDENTIAL-SMALL LOT MOBILE HOME SUBDIVISION	RMH1A
RESIDENTIAL-MOBILE HOME PARK	RMH2
COMMERCIAL-CENTRAL	C1
COMMERCIAL-SECONDARY	C2
COMMERCIAL-HIGHWAY	C3
COMMERCIAL-SECONDARY HIGHWAY <small>BYLAW 2013-04</small>	C4
INDUSTRIAL-LIGHT	M1
INDUSTRIAL-HEAVY	M2
INSTITUTIONAL	I
PARKS AND RECREATION	PR
URBAN RESERVE	UR

3.1.2 District boundaries are as delineated on the Land Use District Map being Schedule A attached hereto.

Where uncertainty as to the boundaries of districts as shown on the Land Use District Map exists, the following rules shall apply:

Rule 1 Where a boundary is shown as following a road allowance including *lanes*, it shall be deemed to follow the centerline 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 situations not covered by Rules 1 and 2, the location of the boundary shall be determined,
(a) where dimensions are set out on the Land Use District Map, by those dimensions, or
(b) where no dimensions are given, by measurement using the scale of the Map.

- 3.1.3 Where the application of the above rules do not determine the exact location a boundary, *Council* either on its own initiative or upon application being made to it by any person requesting the determination of the exact location of the boundary, shall fix the portion of the boundary in question in a manner consistent with the provisions of this bylaw and with the degree of detail as the circumstances may require.
- 3.1.4 After *Council* has fixed a boundary pursuant to subsection 3.1.3, the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this bylaw.

3.2 RESIDENTIAL DISTRICT - R1

3.2.1 EXPLANATION:

The general purpose of this district is to permit low-density detached *single family dwellings*.

3.2.2 LAND USE DISTRICT USES

(1) PERMITTED USES	(2) DISCRETIONARY USES
<ul style="list-style-type: none"> • <i>Single Family Dwelling</i> • <i>Accessory Building</i>¹ • <i>Home Office</i>² • <i>Park</i> • <i>Modular Dwelling</i>³ 	<ul style="list-style-type: none"> • <i>Home Occupation</i>² Bylaw 2012-02 • Public or quasi-public <i>buildings</i> or use, or <i>public utility building</i> or use, which is required to serve the adjacent residential area, such as a telephone exchange, sewage lift station, natural gas pressure regulating station, power transformer station, storm water retention, water reservoir, but in no way limited to these noted examples

Specific Requirements: ¹See 4.2.2, ²See 4.5.4, ³will be permitted if in the opinion of the *Development Authority*, the appearance is compatible to that of the *single family dwellings* in the area.

3.2.3 MINIMUM LOT SIZE – LANE SYSTEM

	<i>Lot Width</i>		<i>Lot Depth</i>	
	m	ft	m	ft
<i>interior lot</i>	15.24	50	33.53	110
<i>corner lot</i>	16.76	55	33.53	110

3.2.4 MINIMUM SETBACK DIMENSIONS– LANE SYSTEM

<i>PRINCIPLE USE</i>	<i>Front Yard</i>		<i>Side Yard</i>			<i>Rear Yard</i>	
	M	ft		m	ft	m	ft
<i>Interior lot</i>	7.62	25		1.52	5	7.62	25
<i>corner lot</i>	7.62	25	interior street	1.52 3.05	5 10	7.62	25

3.2.5 MINIMUM LOT SIZE – LANELESS

	<i>Lot Width</i>		<i>Lot Depth</i>	
	m	ft	m	ft
<i>interior lot</i>	16.76	55	36.58	120
<i>corner lot</i>	18.29	60	36.58	120

3.2.6 MINIMUM SETBACK DIMENSIONS – LANELESS

	<i>Front Yard</i>		<i>Side Yard</i>			<i>Rear Yard</i>	
<i>PRINCIPLE USE</i>	m	ft		m	ft	m	ft
<i>interior lot</i>	7.62	25		1.52	5	10.67	35
<i>corner lot</i>	7.62	25	interior street	1.52 3.05	5 10	10.67	35

3.2.7 MINIMUM FLOOR AREA

- (1) 83.6m² (900 ft²)

3.3 RESIDENTIAL DISTRICT - R1A

3.3.1 EXPLANATION:

The general purpose of this district is to permit low density detached, *single family dwellings* of a larger nature.

3.3.2 USES

(1) PERMITTED USES	(2) DISCRETIONARY USES
<ul style="list-style-type: none"> • <i>Single Family Dwelling</i> • <i>Accessory Building</i>¹ • <i>Home Office</i>² • <i>Park</i> • <i>Modular Dwelling</i>³ 	<ul style="list-style-type: none"> • <i>Home Occupation</i> ² Bylaw 2012-02 • Public or quasi-public <i>buildings</i> or use, or <i>public utility building</i> or use, which is required to serve the adjacent residential area, such as a telephone exchange, sewage lift station, natural gas pressure regulating station, power transformer station, storm water retention, water reservoir, but in no way limited to these noted examples

Specific Requirements: ¹See 4.2.2, ²See 4.5.4, ³will be permitted if in the opinion of the *Development Authority* the appearance conforms to the *single family dwellings* in the district

3.3.3 MINIMUM LOT SIZE – LANE SYSTEM

	<i>Lot Width</i>		<i>Lot Depth</i>	
	m	ft	m	ft
<i>interior lot</i>	15.24	50	33.53	110
<i>corner lot</i>	16.76	55	33.53	110

3.3.4 MINIMUM SETBACK DIMENSIONS – LANE SYSTEM

<i>PRINCIPLE USE</i>	<i>Front Yard</i>		<i>Side Yard</i>			<i>Rear Yard</i>	
	m	ft		m	ft	m	ft
<i>Interior lot</i>	7.62	25		1.52	5	7.62	25
<i>corner lot</i>	7.62	25	interior street	1.52 3.05	5 10	7.62	25

3.3.5 MINIMUM FLOOR AREA

(1) Single storey: 120.8 m² (1300 ft²)

(2) Multi storey:

(a) Baier Phase 2 subdivision, main floor: 111.5 m² (1200ft²)

(b) all other subdivisions: total *floor area*: 167m² (1800 ft²) with at least 92.9m² (1000 ft²) on one floor

3.3.6 ATTACHED GARAGE REQUIRED

An *attached garage* with a minimum *floor area* of 37.2m² (400 ft²) is required.

3.3A RESIDENTIAL DISTRICT - R1B Bylaw 2012-11

3.3A.1 EXPLANATION:

The general purpose of this district is to allow for smaller *lots* for *single family dwellings*.

3.3A.2 LAND USE DISTRICT USES

(1) PERMITTED USES	(2) DISCRETIONARY USES
<ul style="list-style-type: none"> • <i>Single Family Dwelling</i> • <i>Accessory Building</i>¹ • <i>Home Office</i>² • <i>Park</i> • <i>Modular Dwelling</i>³ 	<ul style="list-style-type: none"> • Public or quasi-public <i>buildings</i> or use, or <i>public utility building</i> or use, which is required to serve the adjacent residential area, such as a telephone exchange, sewage lift station, natural gas pressure regulating station, power transformer station, storm water retention, water reservoir, but in no way limited to these noted examples

Specific Requirements: ¹See 4.2.2, ²See 4.5.4, ³will be permitted if in the opinion of the *Development Authority*, the appearance is compatible to that of the *single family dwellings* in the area.

3.3A.3 MINIMUM LOT SIZE

	<i>Lot Width</i>		<i>Lot Depth</i>	
	m	ft	m	ft
<i>interior lot</i>	11.0	36.1	33.53	110
<i>corner lot</i>	12.5	41.0	33.53	110

3.3A.4 MINIMUM SETBACK DIMENSIONS

<i>PRINCIPLE USE</i>	<i>Front Yard</i>		<i>Side Yard</i>			<i>Rear Yard</i>	
	m	ft		m	ft	m	ft
<i>Interior lot</i>	7.62	25		1.52	5	7.62	25
<i>corner lot</i>	7.62	25	interior street	1.52 3.05	5 10	7.62	25

3.3A.5 BUILDING SIZE

- (1) The principal building shall be 2 storeys in height with a minimum 55.7m² (600 ft²) on the main floor.

3.4 RESIDENTIAL DISTRICT - R2

3.4.1 EXPLANATION:

The general purpose of this district is to create medium densities by mixing one and two family *dwelling*s.

3.4.2 USES

(1) PERMITTED USES	(2) DISCRETIONARY USES
<ul style="list-style-type: none"> • Duplex • Single Family Dwelling • Accessory Building¹ • Group Care Home • Home Office² • Park • Modular Dwelling³ • Secondary Suite⁴ 	<ul style="list-style-type: none"> • Child Care Facility • Church • Funeral Home • Home Occupation² • Lodging House • Offices and Child Care Facilities on Lot 14 Block 27 Plan 6445 V only • Parking Facility • Row Housing • Public or quasi-public <i>buildings</i> or use, or <i>public utility building</i> or use, which is required to serve the adjacent residential area, such as a telephone exchange, sewage lift station, natural gas pressure regulating station, power transformer station, storm water retention, water reservoir, but in no way limited to these noted examples

Specific Requirements: ¹See 4.2.2, ²See 4.5.4, ³will be permitted if in the opinion of the *Development Authority* the appearance conforms to the *single family dwellings* in the district, ⁴only one *secondary suite* per *parcel* is allowed in R2 districts and no *secondary suites* are allowed in *duplex dwelling units* in R2 districts.

3.4.3 MINIMUM LOT SIZE – LANE SYSTEM

	Lot Width		Lot Depth	
	m	ft	m	Ft
<i>interior lot</i>	15.24	50	33.53	110
<i>corner lot</i>	16.76	55	33.53	110

3.4.4 MINIMUM SETBACK DIMENSIONS – LANE SYSTEM

PRINCIPLE USE	Front Yard		Side Yard			Rear Yard	
	m	ft		m	ft	m	Ft
<i>interior lot</i>	7.62	25		1.52	5	7.62	25
<i>corner lot</i>	7.62	25	interior street	1.52	5	7.62	25
				3.05	10		

3.4.5 MINIMUM LOT SIZE – LANELESS

	<i>Lot Width</i>		<i>Lot Depth</i>	
	m	ft	m	Ft
<i>Interior lot</i>	16.76	55	36.58	120
<i>corner lot</i>	18.29	60	36.58	120

3.4.6 MINIMUM SETBACK DIMENSIONS – LANELESS

<i>PRINCIPLE USE</i>	<i>Front Yard</i>		<i>Side Yard</i>			<i>Rear Yard</i>	
	m	ft		m	ft	m	Ft
<i>interior lot</i>	7.62	25		1.52	5	10.67	35
<i>corner lot</i>	7.62	25	interior street	1.52 3.05	5 10	10.67	35

3.4.7 MINIMUM FLOOR AREA

	m ²	ft ²
<i>Modular Dwelling</i>	74.3	800
<i>Single Family Dwelling</i>	74.3	800

3.5 RESIDENTIAL DISTRICT - R3

3.5.1 EXPLANATION:

The general purpose of this district is to create medium to high densities by allowing a wide variety of *dwelling* types.

3.5.2 USES

(1) PERMITTED USES	(2) DISCRETIONARY USES
<ul style="list-style-type: none"> • <i>Apartment</i> • <i>Row Housing</i> • <i>Fourplex</i> • <i>Triplex</i> • <i>Duplex</i> • <i>Single Family Dwelling</i> • <i>Modular Dwelling</i>¹ • <i>Secondary Suite</i> • <i>Accessory Building</i>² • <i>Church</i> • <i>Group Care Home</i> • <i>Home Office</i>³ • <i>Lodging House</i> • <i>Nursing Home</i> • <i>Park</i> • <i>Parking Facility</i> 	<ul style="list-style-type: none"> • <i>Child Care Facility</i> • <i>Funeral Home</i> • <i>Home Occupation</i>³ • Public or quasi-public <i>buildings</i> or use, or <i>public utility building</i> or use, which is required to serve the adjacent residential area, such as a telephone exchange, sewage lift station, natural gas pressure regulating station, power transformer station, storm water retention, water reservoir, but in no way limited to these noted examples

Specific Requirements: ¹will be permitted if in the opinion of the *Development Authority* the appearance conforms to the *single family dwellings* in the district, ²See 4.2.2, ³See 4.5.4

3.5.3 MINIMUM LOT SIZE – LANE SYSTEM

	<i>Lot Width</i>		<i>Lot Depth</i>	
	m	Ft	m	Ft
<i>interior lot</i>	15.24	50	33.53	110
<i>corner lot</i>	18.28	60	33.53	110

3.5.4 MINIMUM SETBACK DIMENSIONS – LANE SYSTEM

<i>PRINCIPLE USE</i>	<i>Front Yard</i>		<i>Side Yard</i>			<i>Rear Yard</i>	
	m	ft		m	ft	m	Ft
<i>interior lot</i>	7.62	25		1.52	5	7.62	25
<i>corner lot</i>	7.62	25	interior street	1.52	5	7.62	25
<i>Apartments</i>	7.62	25		4.57	15	13.72	30

3.5.5 MINIMUM LOT SIZE – LANELESS SYSTEM

	<i>Lot Width</i>		<i>Lot Depth</i>	
	m	ft	m	Ft
<i>Interior lot</i>	16.76	55	36.58	120
<i>corner lot</i>	18.29	60	36.58	120

3.5.6 MINIMUM SETBACK DIMENSIONS – LANELESS SYSTEM

<i>PRINCIPLE USE</i>	<i>Front Yard</i>		<i>Side Yard</i>			<i>Rear Yard</i>	
	m	ft		m	ft	m	Ft
<i>interior lot</i>	7.62	25		1.52	5	10.67	35
<i>corner lot</i>	7.62	25	interior street	1.52 3.05	5 10	10.67	35
<i>Apartments</i>	7.62	25		4.57	15	12.19	40

3.5.7 MINIMUM DISTANCE BETWEEN UNITS ON THE SAME PARCEL

USE	Distance	
	m	ft
<i>Apartments</i>		
Between two facing each other	27.43	90
Between two backing onto each other	24.38	80
Between the sidewalls of two <i>buildings</i>	9.14	30
<i>Row Housing</i>		
Between two facing each other	27.43	90
Between two backing onto each other	21.34	70
Between the sidewalls of two <i>buildings</i>	3.05	10

3.6 RESIDENTIAL MOBILE HOME SUBDIVISION DISTRICT - RMH1

3.6.1 EXPLANATION:

The general purpose of this district is to permit *development of mobile home subdivisions*, in which each unit is located on a separately registered *parcel*.

3.6.2 USES

(1) PERMITTED USES	(2) DISCRETIONARY USES
<ul style="list-style-type: none"> • <i>Mobile Home</i>¹ • <i>Accessory Building</i>² • <i>Home Office</i>³ • <i>Park</i> 	<ul style="list-style-type: none"> • <i>Home Occupation</i>³ • <i>One Single Family Dwelling or Modular Dwelling</i> • Public or quasi-public <i>buildings</i> or use, or <i>public utility building</i> or use, which is required to serve the adjacent residential area, such as a telephone exchange, sewage lift station, natural gas pressure regulating station, power transformer station, storm water retention, water reservoir, but in no way limited to these noted examples

Specific Requirements: ¹See 4.3.1, ²See 4.2.2, ³See 4.5.4

3.6.3 MINIMUM LOT SIZE – LANE SYSTEM

	<i>Lot Width</i>		<i>Lot Depth</i>	
	m	ft.	m	ft.
<i>interior lot</i>	15.24	50	33.53	110
<i>corner lot</i>	15.24	50	33.53	110

3.6.4 MINIMUM SETBACK DIMENSIONS– LANE SYSTEM

<i>PRINCIPLE USE</i>	<i>Front Yard</i>		<i>Side Yard</i>			<i>Rear Yard</i>	
	m	ft		m	ft	m	Ft
<i>Interior lot</i>	7.62	25		1.52	5	4.57	15
<i>corner lot</i>	7.62	25	interior street	1.52 3.05	5 10	4.57	15

3.6.5 MINIMUM LOT SIZE – LANELESS

	<i>Lot Width</i>		<i>Lot Depth</i>	
	M	ft	m	Ft
<i>Interior lot</i>	15.24	50	36.58	120
<i>corner lot</i>	15.24	50	36.58	120

3.6.6 MINIMUM SETBACK DIMENSIONS – LANELESS

<i>PRINCIPLE USE</i>	<i>Front Yard</i>		<i>Side Yard</i>			<i>Rear Yard</i>	
	m	ft		m	ft	m	Ft
<i>Interior lot</i>	7.62	25		1.52	5	4.57	15
<i>corner lot</i>	7.62	25	interior street	1.52 3.05	5 10	4.57	15

3.6.7 MINIMUM BUILDING REGULATIONS

<i>PRINCIPLE USE</i>	<i>Floor Area</i>	
	m ²	ft ²
<i>Mobile Home</i>	46.45*	700*
<i>Single Family Dwelling or Modular Dwelling</i>	46.45*	700*

*excluding attached porches

3.7 RESIDENTIAL MOBILE HOME SUBDIVISION DISTRICT - RMH1A

3.7.1 EXPLANATION:

The general purpose of this district is to permit *development of mobile home subdivisions*, in which each unit is located on a separately registered smaller sized *parcel*, allowing for higher density *development*.

3.7.2 USES

(1) PERMITTED USES	(2) DISCRETIONARY USES
<ul style="list-style-type: none"> • <i>Mobile Home</i>¹ • <i>Accessory Building</i>² • <i>Home Office</i>³ • <i>Park</i> 	<ul style="list-style-type: none"> • <i>Home Occupation</i>³ • <i>One Single Family Dwelling or Modular Dwelling</i> • Public or quasi-public <i>buildings</i> or use, or <i>public utility building</i> or use, which is required to serve the adjacent residential area, such as a telephone exchange, sewage lift station, natural gas pressure regulating station, power transformer station, storm water retention, water reservoir, but in no way limited to these noted examples

Specific Requirements: ¹See 4.3.1, ²See 4.2.2, ³See 4.5.4

3.7.3 MINIMUM LOT SIZE – LANE SYSTEM

	<i>Lot Width</i>		<i>Lot Depth</i>	
	m	ft.	m	ft.
<i>Mobile Home</i>	12.19	40	33.53	110
<i>Single Family Dwelling or Modular Dwelling</i>	12.19	40	33.53	110

3.7.4 MINIMUM SETBACK DIMENSIONS – LANE SYSTEM

<i>PRINCIPLE USE</i>	<i>Front Yard</i>		<i>Side Yard</i>			<i>Rear Yard</i>	
	m	ft		m	ft	m	Ft
<i>interior lot</i>	7.62	25		1.52	5	4.57	15
<i>corner lot</i>	7.62	25	interior street	1.52 3.05	5 10	4.57	15

3.7.5 MINIMUM LOT SIZE – LANELESS

	<i>Lot Width</i>		<i>Lot Depth</i>	
	m	ft	m	Ft
<i>interior lot</i>	12.19	40	36.58	120
<i>corner lot</i>	12.19	40	36.58	120

3.7.6 MINIMUM SETBACK DIMENSIONS – LANELESS

<i>PRINCIPLE USE</i>	<i>Front Yard</i>		<i>Side Yard</i>			<i>Rear Yard</i>	
	m	ft		m	ft	m	Ft
<i>Interior lot</i>	7.62	25		1.52	5	4.57	15
<i>corner lot</i>	7.62	25	interior street	1.52 3.05	5 10	4.57	15

3.7.7 MINIMUM BUILDING REGULATIONS

<i>PRINCIPLE USE</i>	<i>Floor Area</i>	
	m ²	ft ²
<i>Mobile Home</i>	46.45*	700*
<i>Single Family Dwelling or Modular Dwelling</i>	46.45*	700*

*excluding attached porches

3.8 RESIDENTIAL *MOBILE HOME PARK* DISTRICT - RMH2

3.8.1 EXPLANATION:

The general purpose of this district is to permit and regulate *mobile home parks* wherein stalls are provided on a rental basis.

3.8.2 USES

(1) <i>PERMITTED USES</i>	(2) <i>DISCRETIONARY USES</i>
<ul style="list-style-type: none"> • <i>Mobile Home</i>¹ • <i>Accessory Building</i>² • <i>Home Office</i>³ • <i>Park</i> 	<ul style="list-style-type: none"> • <i>Home Occupation</i>³ • <i>One Single Family Dwelling or Modular Dwelling</i> for manager/caretaker • Public or quasi-public <i>buildings</i> or use, or <i>public utility building</i> or use, which is required to serve the adjacent residential area, such as a telephone exchange, sewage lift station, natural gas pressure regulating station, power transformer station, storm water retention, water reservoir, but in no way limited to these noted examples

Specific Requirements: ¹See 4.3.1, ²See 4.2.2, ³See 4.5.4

3.8.3 MINIMUM *LOT* SIZE

	<i>Lot Width</i>		<i>Lot Depth</i>	
	m	ft.	m	ft.
<i>mobile home</i>	12.19	40	36.58	120

3.8.4 MINIMUM *SETBACK* DIMENSIONS

<i>PRINCIPLE USE</i>	<i>Front Yard</i>		<i>Side Yard*</i>			<i>Rear Yard</i>	
	m	ft		m	ft	m	ft
<i>interior lot</i>	6.10	20		1.52	5	3.05	10
<i>corner lot</i>	6.10	20	interior street	1.52 3.05	5 10	3.05	10

*except that the distance shall be 5.47m (15ft) from the *mobile home* unit on the side where the primary entrance to the unit is located and 1.52m (5ft) from any *addition*

3.8.5 BUILDING REGULATIONS

<i>PRINCIPLE USE</i>	<i>Maximum Height</i>		<i>Maximum Density # of units</i>		<i>Minimum Floor Area</i>	
	m	ft	per Ha	Per acre	m	ft
<i>Mobile Home</i>	4.57	15	3.24	8	46.45*	500*

*excluding attached *porches*

3.9 COMMERCIAL DISTRICT - C1 (CENTRAL)

3.9.1 EXPLANATION:

The purpose of this district is to provide for a variety of *retail* and *office* commercial as well as public and private service uses at a high density.

3.9.2 USES

(1) PERMITTED USES	(2) DISCRETIONARY USES
<ul style="list-style-type: none"> • <i>Animal Service</i> • <i>Bowling Alley</i> • <i>Curling Rink</i> • <i>Eating and Drinking Establishment¹</i> • <i>Financial Institution</i> • <i>Home Office²</i> • <i>Hotel</i> • <i>Indoor Recreation</i> • <i>Laundromat</i> • <i>Library</i> • <i>Liquor Store³</i> • <i>Office</i> • <i>Park</i> • <i>Parking Facility</i> • <i>Personal Service Shop</i> • <i>Retail</i> • <i>Theatre</i> 	<ul style="list-style-type: none"> • <i>Accessory Building</i> • <i>Adult Material Sales and Rental⁴</i> • <i>Apartment</i> • <i>Automotive Sales and Service</i> • <i>Bus Depot</i> • <i>Child Care Facility</i> • <i>Community Hall</i> • <i>Contractor Service^{Bylaw 2016-03}</i> • <i>Equipment Rental and Sales^{Bylaw 2016-03}</i> • <i>Emergency Service</i> • <i>Funeral Home</i> • <i>Gas Bar⁵</i> • <i>Home Occupation²</i> • <i>Museum</i> • <i>Recreational Facility</i> • <i>School⁶</i> • <i>Tower⁷</i> • Public or quasi-public <i>buildings</i> or use, or <i>public utility building</i> or use, which is required to serve the adjacent residential area, such as a telephone exchange, sewage lift station, natural gas pressure regulating station, power transformer station, storm water retention, water reservoir, but in no way limited to these noted examples

Specific Requirements:

¹See 4.5.2, ²See 4.5.4, ³See 4.5.5, ⁴See 4.5.1, ⁵See 4.5.3, ⁶See 4.5.6, ⁷See 4.1.14

3.9.3 MINIMUM SITE REGULATIONS

Bylaw 2012-02

PRINCIPLE USE	Site Area		Frontage	
	m ²	ft ²	m	ft
All Commercial	278.72	3000	7.62	25
<i>Hotel</i>			45.72	150

3.9.4 YARD DIMENSIONS

PRINCIPLE USE	Minimum Front Yard		Specified Side Yard		Minimum Rear Yard	
	m	ft	m	ft	m	ft
interior	0	0	0*	0*	1.82	6
abutting residential	0	0	min 1.52	min 5	1.82	6
corner	0	0	**	**	1.82	6
<i>Apartment</i>	0	0	0 or min 4.57	0 or min 15	9.14	30

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

** as determined by the *development officer*

3.9.5 ACCESSORY BUILDINGS

- (1) Cannot be located in *front* or *side yards*.
- (2) Maximum number per *site*: 1
- (3) Maximum site coverage: 10%.
- (4) Minimum side and rear *setback*: 0.61m (2ft).
- (5) If an opening for a door or doors in an *accessory building* is 2.44m (8ft) or wider, the wall with the opening shall be *setback* a minimum of 6.10m (20ft) from any property line.
- (6) Minimum distance from *principle building*: 0.91m (3ft).
- (7) Maximum height: 4.87m (16ft).
- (8) The exterior finish must be approved by the *development officer*.

3.9.6 FENCES

- (1) MAXIMUM HEIGHT

	m	ft
<i>Front Yard</i>	0.91	3
<i>Side Yard</i>	2.44	8
<i>Rear Yard</i>	2.44	8

- (2) CONSTRUCTION

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

3.9.7 CANOPIES

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

3.10 COMMERCIAL DISTRICT - C2 (SECONDARY)

3.10.1 EXPLANATION:

The purpose of this district is to provide for a mix of commercial uses including service businesses such as contractors and commercial establishments that require large sales or storage areas.

3.10.2 USES

(1) PERMITTED USES	(2) DISCRETIONARY USES
<ul style="list-style-type: none"> • <i>Animal Service</i> • <i>Bowling Alley</i> • <i>Community Hall</i> • <i>Curling Rink</i> • <i>Eating and Drinking Establishment¹</i> • <i>Emergency Service</i> • <i>Financial institution</i> • <i>Funeral Home</i> • <i>Home Office²</i> • <i>Indoor recreation</i> • <i>Laundromat</i> • <i>Library</i> • <i>Liquor Store³</i> • <i>Museum</i> • <i>Office</i> • <i>Park</i> • <i>Parking Facility</i> • <i>Personal Service Shop</i> • <i>Retail</i> • <i>Theatre</i> • <i>Warehouse</i> 	<ul style="list-style-type: none"> • <i>Accessory Building</i> • <i>Adult Material Sales and Rental⁴</i> • <i>Apartment</i> • <i>Auction Market</i> • <i>Automotive Sales and Service</i> • <i>Building Supplies</i> • <i>Bus Depot</i> • <i>Child Care Facility</i> • <i>Church^{Bylaw 2012-09}</i> • <i>Contractor Service</i> • <i>Equipment Rental and Sales</i> • <i>Fabricating</i> • <i>Greenhouse</i> • <i>Gas Bar⁵</i> • <i>Home Occupation²</i> • <i>Hotel</i> • <i>Recycling Facility</i> • <i>School⁶</i> • <i>Recreational Facility</i> • <i>Shipping Container⁷</i> • <i>Storage Yard</i> • <i>Tower⁸</i> • <i>Truck Storage and Maintenance</i> • <i>Public or quasi-public buildings or use, or public utility building or use, which is required to serve the adjacent residential area, such as a telephone exchange, sewage lift station, natural gas pressure regulating station, power transformer station, storm water retention, water reservoir, but in no way limited to these noted examples</i>

Specific Requirements:

¹See 4.5.2, ²See 4.5.4, ³See 4.5.5, ⁴See 4.5.1, ⁵See 4.5.3, ⁶See 4.5.6, ⁷See 4.1.15, ⁸See 4.1.14

3.10.3 YARD DIMENSIONS

<i>PRINCIPLE USE</i>	<i>Minimum Front Yard</i>		<i>Specified Side Yard</i>		<i>Minimum Rear Yard</i>	
	m	ft	m	ft	m	ft
Interior	0	0	0*	0*	1.82	6
abutting residential	0	0	min 1.52	min 5	1.82	6
Corner	0	0	**	**	1.82	6
<i>Apartment</i>	0	0	0 or min 4.57	0 or min 15	9.14	30

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

** as determined by the *development officer*

3.10.4 ACCESSORY BUILDINGS

- (1) Cannot be located in *front* or *side yards*.
- (2) Maximum number per *site*: 1
- (3) Maximum site coverage: 10%.
- (4) Minimum side and rear *setback*: 0.61m (2ft).
- (5) If an opening for a door or doors in an *accessory building* is 2.44m (8ft) or wider, the wall with the opening shall be *setback* a minimum of 6.10m (20ft) from any property line.
- (6) Minimum distance from *principle building*: 0.91m (3ft).
- (7) Maximum height: 4.87m (16ft).
- (8) The exterior finish must be approved by the *development officer*.

3.10.5 FENCES

- (1) MAXIMUM HEIGHT

	m	Ft
<i>Front Yard</i>	0.91	3
<i>Side Yard</i>	2.44	8
<i>Rear Yard</i>	2.44	8

- (2) CONSTRUCTION

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

3.10.6 CANOPIES

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

3.11 COMMERCIAL DISTRICT - C3 (HIGHWAY)

3.11.1 EXPLANATION:

The general intent of this district is to provide commercial uses servicing and catering to the traveling public and large retailers.

3.11.2 USES BYLAW 2013-04

(1) <i>PERMITTED USES</i>	(2) <i>DISCRETIONARY USES</i>
<ul style="list-style-type: none"> • <i>Eating and Drinking Establishment¹</i> • <i>Highway Shopping Center</i> • <i>Gasbar²</i> • <i>Hotel</i> • <i>Motel</i> 	<ul style="list-style-type: none"> • <i>Accessory Building</i> • <i>Automotive Sales and Service</i> • <i>Equipment Rental and Sales</i> • <i>Financial Institution</i> • <i>Indoor Recreation</i> • <i>Manufactured Dwelling Sales</i> • <i>Office on Lots 1-3 Block 72 Plan 5721 AD only</i> • <i>Park</i> • <i>Parking Facility</i> • <i>Shipping Container³</i> • <i>Theatre</i> • <i>Tower⁴</i> • <i>Public or quasi-public buildings or use, or public utility building or use, which is required to serve the adjacent residential area, such as a telephone exchange, sewage lift station, natural gas pressure regulating station, power transformer station, storm water retention, water reservoir, but in no way limited to these noted examples</i>

Specific Requirements:

¹See 4.5.2, ²See 4.5.3, ³See 4.5.5, ⁴See 4.1.15, ⁵See 4.1.14

3.11.3 MINIMUM YARD DIMENSIONS

<i>PRINCIPLE USE</i>	<i>Frontage</i>		<i>Front Yard</i>		<i>Side Yard</i>		<i>Rear Yard</i>	
	m	Ft	m	ft	m	ft	m	ft
All commercial uses	30.48*	100*	9.14	30	3.05	10	3.05	10

*except that a lesser frontage may be allowed if the *Municipal Planning Commission* deems it appropriate for a specific application

The *building setbacks* shall allow for the planned widening of streets and/or provision of services roads providing there is a road widening plan adopted by *Council*.

3.11.4 ACCESSORY BUILDINGS

- (1) Cannot be located in *front yard*.
- (2) Maximum number per *site*: 2
- (3) Maximum aggregate site coverage: 10%.
- (4) Minimum side and rear *setback*: 3.05m (10ft).
- (5) If an opening for a door or doors in an *accessory building* is 2.44m (8ft) or wider, the wall with the opening shall be *setback* a minimum of 6.10m (20ft) from any property line.
- (6) Minimum distance from *principle building*: 3.05m (10ft).
- (7) Maximum height: 7.62m (25ft).
- (8) The exterior finish must be approved by the *development officer*.

3.11.5 FENCES

(1) MAXIMUM HEIGHT

	m	ft
<i>Front Yard</i>	0.91	3
<i>Side Yard</i>	2.44	8
<i>Rear Yard</i>	2.44	8

(2) CONSTRUCTION

- (a) *Front yard fences* are to be decorative in nature and approved by the *Development Authority*.
- (b) *Side and rear yard fences* are to be constructed out of material as approved by the *Development Authority*. Bylaw 2013-04

3.11A COMMERCIAL DISTRICT – C4 (SECONDARY HIGHWAY)

3.11A.1 EXPLANATION:

The general intent of this district is to provide for a wider variety of commercial uses secondary to the Highway Commercial C3 District.

3.11A.2 USES

(1) PERMITTED USES	(2) DISCRETIONARY USES
<ul style="list-style-type: none"> • <i>Automotive Sales and Service</i> • <i>Eating and Drinking Establishment¹</i> • <i>Financial Institution</i> • <i>Highway Shopping Center</i> • <i>Gasbar²</i> • <i>Hotel</i> • <i>Liquor Store³</i> • <i>Office</i> • <i>Personal Service Shop</i> • <i>Retail</i> 	<ul style="list-style-type: none"> • <i>Accessory Building</i> • <i>Animal Service</i> <small>Bylaw 2015-01</small> • <i>Building Supplies</i> • <i>Bus Depot</i> • <i>Equipment Rental and Sales</i> • <i>Funeral Home</i> • <i>Indoor Recreation</i> • <i>Motel</i> • <i>Park</i> • <i>Parking Facility</i> • <i>Shipping Container⁴</i> • <i>Theatre</i> • <i>Tower⁵</i> • Public or quasi-public buildings or use, or public utility building or use, which is required to serve the adjacent residential area, such as a telephone exchange, sewage lift station, natural gas pressure regulating station, power transformer station, storm water retention, water reservoir, but in no way limited to these noted examples

Specific Requirements:

¹See 4.5.2, ²See 4.5.3, ³See 4.5.5, ⁴See 4.1.15 ⁵See 4.1.14

3.11A.3 MINIMUM YARD DIMENSIONS

PRINCIPLE USE	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All commercial uses	9.14	30	3.05	10	3.05	10

*except that a lesser frontage may be allowed if the *Municipal Planning Commission* deems it appropriate for a specific application

3.11A.4 ACCESSORY BUILDINGS

- (1) Location must be approved by the *development officer*.
- (2) The exterior finish must be approved by the *development officer*.
- (3) The height must be approved by the *development officer*.
- (2) Maximum number per *site*: 2
- (4) Minimum side and rear *setback*: 3.05m (10ft).
- (5) If an opening for a door or doors in an *accessory building* is 2.44m (8ft) or wider, the wall with the opening shall be *setback* a minimum of 6.10m (20ft) from any property line.
- (6) Minimum distance from *principle building*: 3.05m (10ft).

3.11A.5 FENCES

(1) MAXIMUM HEIGHT

	m	ft
<i>Front Yard</i>	0.91	3
<i>Side Yard</i>	2.44	8
<i>Rear Yard</i>	2.44	8

(2) CONSTRUCTION

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

3.12 INDUSTRIAL DISTRICT – LIGHT – M1

3.12.1 EXPLANATION:

The general intent of this district is to provide opportunities for light industrial uses.

3.12.2 USES

(1) PERMITTED USES	(2) DISCRETIONARY USES
<ul style="list-style-type: none"> • Accessory Building¹ • Animal Service • Auction Market • Automotive Sales and Service • Bowling Alley • Building Supplies • Bulk Fuel Storage and Sales • Bus Depot • Contractor Service • Curling Rink • Emergency Service • Equipment Rental and Sales • Fabricating • Funeral Home • Gas Bar² • Greenhouse • Indoor Recreation • Laundromat • Manufactured Dwelling sales • Office • Park • Parking Facility • Recycling Facility • Shipping Container³ • Storage Yard • Tower⁴ • Truck Storage and Maintenance • Warehouse 	<ul style="list-style-type: none"> • Abattoir • Adult Material Sales and Rental⁵ • Animal Outdoor Facility • Auto Salvage • Concrete Plant • Crematorium • Grain Handling Facility • Liquor Store⁶ • Livestock • Manufacturing • Museum • Recreational Facility • Retail • Public or quasi-public buildings or use, or public utility building or use, which is required to serve the adjacent residential area, such as a telephone exchange, sewage lift station, natural gas pressure regulating station, power transformer station, storm water retention, water reservoir, but in no way limited to these noted examples

Specific Requirements:

¹See 4.4.1, ²See 4.5.3, ³See 4.1.15, ⁴See 4.1.14, ⁵See 4.5.1, ⁶See 4.5.5

3.12.3 MINIMUM SETBACK DIMENSIONS

PRINCIPLE USE	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
<i>interior or corner site</i>	6.10	20	3.05	10	9.14	30

3.13 INDUSTRIAL DISTRICT- HEAVY – M2

3.13.1 EXPLANATION:

The general intent of this district is to provide opportunities for heavy industrial and *manufacturing* uses.

3.13.2 USES

(1) PERMITTED USES	(2) DISCRETIONARY USES
<ul style="list-style-type: none"> • <i>Abattoir</i> • <i>Accessory Building¹</i> • <i>Animal Outdoor Facility</i> • <i>Animal Service</i> • <i>Auction Market</i> • <i>Automotive Sales and Service</i> • <i>Building Supplies</i> • <i>Bulk Fuel Storage and Sales</i> • <i>Concrete Plant</i> • <i>Contractor Service</i> • <i>Crematorium</i> • <i>Emergency Service</i> • <i>Equipment Rental and Sales</i> • <i>Fabricating</i> • <i>Grain Handling Facility</i> • <i>Greenhouse</i> • <i>Livestock</i> • <i>Manufactured Dwelling Sales</i> • <i>Park</i> • <i>Parking Facility</i> • <i>Recycling Facility</i> • <i>Shipping Container²</i> • <i>Storage Yard</i> • <i>Tower³</i> • <i>Truck Storage and Maintenance</i> • <i>Warehouse</i> 	<ul style="list-style-type: none"> • <i>Auto Salvage</i> • <i>Bowling Alley</i> • <i>Curling Rink</i> • <i>Incinerator</i> • <i>Indoor Recreation</i> • <i>Manufacturing</i> • <i>Office</i> • <i>Recreational Facility</i> • <i>Public or quasi-public buildings or use, or public utility building or use, which is required to serve the adjacent residential area, such as a telephone exchange, sewage lift station, natural gas pressure regulating station, power transformer station, storm water retention, water reservoir, but in no way limited to these noted examples</i>

Specific Requirements:

¹See 4.4.1, ²See 4.1.15, ³See 4.1.14

3.13.3 MINIMUM SETBACK DIMENSIONS

<i>Principle Use</i>	<i>Front Yard</i>		<i>Side Yard</i>		<i>Rear Yard</i>	
	m	ft	m	ft	m	ft
<i>interior or corner site</i>	6.10	20	3.05	10	9.14	30

3.14 INSTITUTIONAL DISTRICT - I

3.14.1 EXPLANATION:

The purpose of this district is to permit *development* of either a public or private nature which provide community services or amenities of an institutional nature.

3.14.2 USES

(1) <i>PERMITTED USES</i>	(2) <i>DISCRETIONARY USES</i>
<ul style="list-style-type: none"> • <i>Accessory Building</i> • <i>Child Care Facility</i> • <i>Church</i> • <i>Community Hall</i> • <i>Emergency Service</i> • <i>Group Care Home</i> • <i>Hospital</i> • <i>Library</i> • <i>Museum</i> • <i>Nursing Home</i> • <i>Park</i> • <i>Parking Facility</i> • <i>School</i>¹ 	<ul style="list-style-type: none"> • <i>Lodging house</i> • <i>Office</i> • <i>Tower</i>² • A public or quasi-public <i>buildings</i> or use, or <i>public utility building</i> or use, which is required to serve the adjacent residential area, such as a telephone exchange, sewage lift station, natural gas pressure regulating station, power transformer station, storm water retention, water reservoir, but in no way limited to these noted examples

Specific Requirements:¹See 4.5.6, ²See 4.1.14

3.14.3 MINIMUM *SETBACK* DIMENSIONS

<i>PRINCIPLE USE</i>	<i>Front Yard</i>		<i>Side Yard</i>		<i>Rear Yard</i>	
	m	ft	m	ft	m	ft
Institutional	7.62	25	4.57	15	9.14	30

3.14.4 ACCESSORY BUILDINGS

- (1) Cannot be located in *front yard*.
- (2) Maximum area: 92.9m² (1000 ft²) unless otherwise approved by the *Municipal Planning Commission*.
- (3) Minimum side and rear *setback*: 3.05m (10ft).
- (4) If an opening for a door or doors in an *accessory building* is 2.44m (8ft) or wider, the wall with the opening shall be *setback* a minimum of 6.10m (20ft) from any property line.
- (5) Minimum distance from *principle building*: 3.05m (10ft).
- (6) Maximum height: 4.87m (16ft) unless otherwise approved by the *Municipal Planning Commission*.
- (7) The exterior finish must be approved by the *development officer*.
- (8) Only one *accessory building* is permitted per *site* unless otherwise approved by the *Municipal Planning Commission*.

3.14.5 FENCES

- (1) MAXIMUM HEIGHT

	m	ft
<i>Front Yard</i>	1.52	5
<i>Side Yard</i>	2.44	8
<i>Rear Yard</i>	2.44	8

- (2) CONSTRUCTION

Fences are to be constructed out of chainlink or an equivalent as approved by the *Development Authority*.

3.15 PARKS AND RECREATION DISTRICT - PR

3.15.1 EXPLANATION:

The general purpose of this district is to permit the use and *development* of public areas to meet the active or passive recreational and leisure pursuits at the local, neighborhood, municipal, and district level.

3.15.2 USES

(1) <i>PERMITTED USES</i>	(2) <i>DISCRETIONARY USES</i>
<ul style="list-style-type: none"> • <i>Accessory Building</i> • <i>Bowling Alley</i> • <i>Community Hall</i> • <i>Curling Rink</i> • <i>Golf Course</i> • <i>Indoor Recreation</i> • <i>Library</i> • <i>Livestock</i> • <i>Museum</i> • <i>Park</i> • <i>Parking Facility</i> • <i>Recreational Facility</i> • <i>Theatre</i> 	<ul style="list-style-type: none"> • <i>Tower</i>¹ • A public or quasi-public <i>buildings</i> or use, or <i>public utility building</i> or use, which is required to serve the adjacent residential area, such as a telephone exchange, sewage lift station, natural gas pressure regulating station, power transformer station, storm water retention, water reservoir, but in no way limited to these noted examples

Specific Requirements: ¹See 4.1.14

3.15.3 MINIMUM *SETBACK* DIMENSIONS

<i>PRINCIPLE USE</i>	<i>Front Yard</i>		<i>Side Yard</i>		<i>Rear Yard</i>	
	M	ft	m	ft	m	ft
All Developments in PR Districts	7.62*	25*	4.7	15	7.62	25

3.15.4 *ACCESSORY BUILDINGS*

- (1) Cannot be located in *front yard*.
- (2) Maximum area: 92.9m² (1000 ft²) unless otherwise approved by the *Municipal Planning Commission*.
- (3) Minimum side and rear *setback*: 3.05m (10ft).
- (4) If an opening for a door or doors in an *accessory building* is 2.44m (8ft) or wider, the wall with the opening shall be *setback* a minimum of 6.10m (20ft) from any property line.
- (5) Minimum distance from *principle building*: 3.05m (10ft).
- (6) Maximum height: 4.87m (16ft) unless otherwise approved by the *Municipal Planning Commission*.
- (7) The exterior finish must be approved by the *development officer*.
- (8) Only one *accessory building* is permitted per *site* unless otherwise approved by the *Municipal Planning Commission*.

3.15.5 FENCES

(1) MAXIMUM HEIGHT

	m	ft
<i>Front Yard</i>	1.52	5
<i>Side Yard</i>	2.44	8
<i>Rear Yard</i>	2.44	8

(2) CONSTRUCTION

Fences are to be constructed out of chainlink or an equivalent as approved by the *Development Authority*.

3.16 URBAN RESERVE DISTRICT – UR

3.16.1 EXPLANATION

- (1) The purpose of this district is to reserve undeveloped land until it is subject to orderly and economical development pursuant to the *Town's* planning bylaws and policies.
- (2) No premature subdivision or *development* shall be permitted in Urban Reserve districts.

3.16.2 USES

(1) <i>PERMITTED USES</i>	(2) <i>DISCRETIONARY USES</i>
<ul style="list-style-type: none">• <i>Farming</i>• <i>Park</i>	<ul style="list-style-type: none">• <i>Accessory Building</i>• <i>Recreational Facility</i>• <i>Livestock</i>• Public or quasi-public <i>buildings</i> or use, or <i>public utility building</i> or use, which is required to serve the adjacent residential area, such as a telephone exchange, sewage lift station, natural gas pressure regulating station, power transformer station, storm water retention, water reservoir, but in no way limited to these noted examples

3.16.3 RECLASSIFICATION OF LAND

- (1) A reclassification of the land from Urban Reserve district into other land use districts shall be permitted only on the basis of an overall plan, covering a minimum area of one self-contained neighborhood, which is to be related to the overall *development* of the *Town* or such part of the *Town* that forms a self-contained community.
- (2) No land shall be reclassified from Urban Reserve district into other land use districts unless the *development* of the same land shall constitute an orderly and economic development, having due regard for the provisions of *schools, parks, roads, utilities and services*, and such *development* as in the opinion of the *Council* shall not detract or disrupt any other orderly and economic *development* already initiated in the *Town*.

3.16.4 ACCESSORY BUILDINGS

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

PART 4 GENERAL DEVELOPMENT REGULATIONS

4.1 GENERAL REGULATIONS FOR ALL LAND USE DISTRICTS

4.1.1 SUBSTANDARD LOT SIZE

Development may be permitted in any district on a *lot* which is substandard in terms of width, depth, or area provided that

- (a) such a *lot* was legally registered and existing at the time of final passage of this bylaw, and
- (b) the *development* meets all other requirements of this bylaw regarding that district.

4.1.2 SITE DEVELOPMENT

- (1) **Removal of Topsoil:**
No person shall commence or continue the removal of topsoil without first obtaining a *development permit*.
- (2) **Landscaping of Open Space Areas:**
 - (a) As a condition of the *development permit* and to the satisfaction of the *development officer*, all *landscaping* and planting must be carried out within 24 months of occupancy.
 - (b) Off-street *parking lots* shall be landscaped in a manner satisfactory to the *development officer*.
 - (c) There shall be provided upon occupancy of the development, a minimum topsoil coverage of 0.15m (0.5ft) and the affected area shall be landscaped to the satisfaction of the *development officer*. All *landscaping* requirements shall include adjacent *boulevard* areas.
- (3) The design, siting, external finish, architectural appearance and *landscaping* generally of all *buildings*, including any *accessory buildings* or structures and *signs* and any reconstruction, shall be to the satisfaction of the *development officer* in order that there shall be general conformity in such matters with adjacent *buildings*.
- (4) No construction (such as *garages*, sheds, enclosed decks, etc.) shall be allowed over or on top of any service gas line, except where there is no other alternative and the gas line has been sleeved and vented.
- (5) No deck or other obstruction shall be permitted in front of or within 0.61m (2ft) horizontally of a gas meter-regulator assembly (GMA). If a deck or other obstruction comes within 3.05m (10ft) of one side of a GMA, no other deck or obstruction shall be permitted within 3.05m (10ft) of the other side of the GMA.

4.1.3 PROJECTIONS

- (1) The following are allowed to project into the required *setbacks* by up to a total of 0.90m (3ft):
 - (a) *Front and rear yards*: awnings, cantilevered bays with a *floor area* not exceeding 2.32m² (25 ft²), decks, and eaves.
 - (b) *Side yards*: awnings, chimneys, decks, eaves, landings, ramps, and stairs.
- (2) A landing not exceeding 2.32m² (25 ft²) and stair or barrier free ramp is permitted to project into the *front* or *rear yard*.

4.1.4 DOOR SWING

Any door or gate of a *building, fence, or enclosure* is not permitted to swing out over a property line.

4.1.5 DRAINAGE

Sufficient drainage of the *site* shall be provided. *Lot* drainage is to be directed to adjacent streets or *lanes* and not onto an adjacent property except, where permitted by the *development officer*, an adjacent reserve or utility *lot*.

4.1.6 RESTRICTIONS ON CORNER LOTS

Notwithstanding anything elsewhere contained in this bylaw a person using a *corner lot* in any district shall comply with all restrictions, limitations, and conditions relating to visibility approaching road intersections as may be required by the *Development Authority*.

4.1.7 OFF-STREET PARKING – GENERAL REGULATIONS

- (1) All parking spaces provided shall be on the same *lot* as the *building* or use, except that the *Municipal Planning Commission* may approve parking space on a *parcel* within 61m (200ft) of the *building* or use if it determines that it is impractical to provide parking on the same *lot*. Where such other parking space is provided, a caveat, to the approval of *Council* shall be registered against the title of the affected *parcel*.
- (2) Where the *Municipal Planning Commission* deems the off-street parking requirements impractical to enforce, the *Municipal Planning Commission* may deny the application or shall require a *developer* to pay an amount of money into a special parking fund to develop new off-street parking. The fee for parking stalls shall be at a rate set from time to time by *Council*.

- (3) Hard-surfacing and curbing of off-street *parking areas*:
- (a) In all districts, if the access to the parking is from a street or *lane* which is hard-surfaced, every off-street parking space and the access thereto including the *boulevard* crossing shall be hard surfaced.
 - (b) Where hard surfacing is provided or required such shall mean the provision of a durable dust-free, hard surface and the same shall be drained, developed and maintained to the satisfaction of the *development officer*.
 - (c) Adequate curbs and *fences* shall be provided to the satisfaction of the *development officer* if in his/her opinion, it is or becomes necessary to protect adjacent *fences*, walls, *boulevards*, landscaped areas or *buildings* on the *site* from the contact with vehicles using such parking space or area(s).
- (4) Any lighting proposed to illuminate off-street parking shall be located and arranged so that all direct rays of light are directed upon the *parking area* only and not on adjoining properties.
- (5) In the case of *development* applications for an *addition* to an existing structure, the *developer* shall be required to supply parking as follows:
- (a) for the portion of the *development* that was existing prior to the enactment of Bylaw 84-01, and whether major renovations are done or not, the *developer* shall provide one third (1/3) of the number of parking stalls indicated in the parking schedule (subsection 4.1.9), and
 - (b) parking for the new *addition* and any *floor area* constructed after the enactment of Bylaw 84-01 shall be as provided in the parking schedule.
- (6) In the case of *development* applications for major renovations to an existing structure, and where the *development* will require a certain number of parking stalls, one third (1/3) of the number of stalls required in the parking schedule (subsection 4.1.9) shall be provided.
- (7) In commercial and industrial districts and for *apartment* projects, the required hard surfacing shall be completed before occupancy of the *building* and in all other districts, the hard-surfacing shall be completed within 24 months of occupancy.

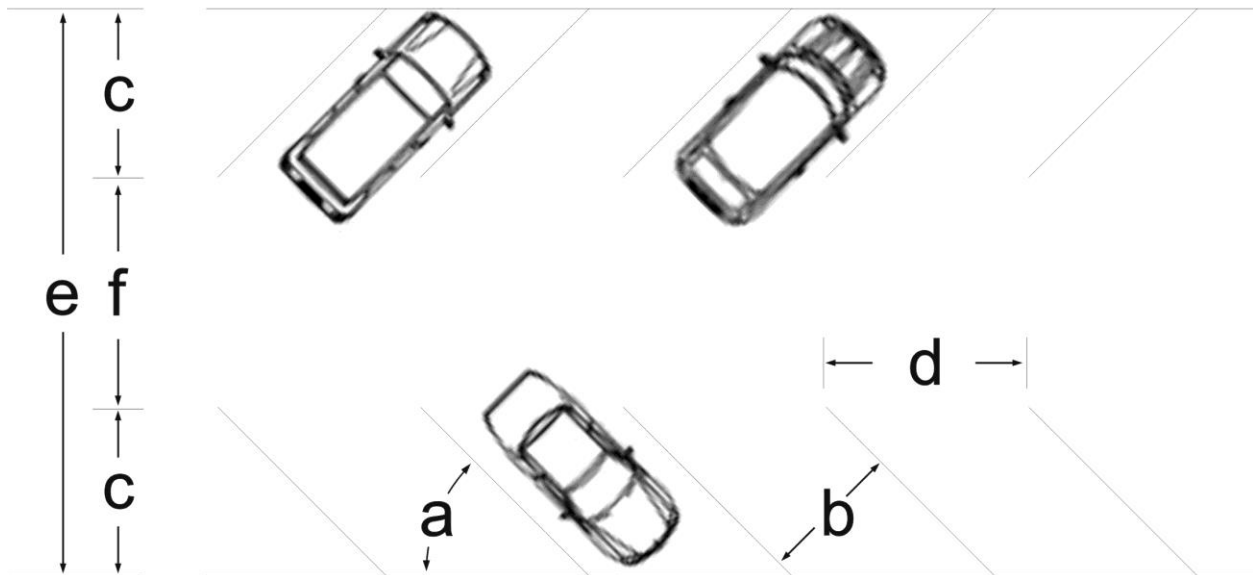
4.1.8 PARKING FACILITY STANDARDS

- (1) The provision of off-street parking spaces as required under section 4.1.9 shall meet the minimum dimensions shown on the following table:

MINIMUM DIMENSIONS FOR THE DESIGN OF PARKING FACILITIES

a Parking Angle	b Stall Width	c Stall Depth Perpendicular To Aisle	d Stall Width Parallel to Aisle	e Overall Depth	f Aisle Width
0°	2.7m (9')	2.7m (9')	7.0m (23')	9.1m (30')	One Way 3.6m (12')
30°	2.7m (9')	5.2m (17')	5.5m (18')	14.0m (46')	One Way 3.6m (12')
45°	2.7m (9')	5.8m (19')	4.0m (13')	15.2m (50')	One Way 3.6m (12')
60°	2.7m (9')	6.1m (20')	3.0m (10')	18.3m (60')	One Way 6.0m (20')
90°	2.7m (9')	6.1m (20')	2.7m (9')	19.5m (64')	Two Way 7.3m (24')

Figure 1 – *Parking Facility Layout*



4.1.9 OFF-STREET PARKING SCHEDULE

Provision shall be made for off-street vehicular parking or garage spaces for any *development* including change in use, in accordance with the following standards (where the number of parking spaces is determined by the reference of a unit such as the number of seats or *floor area*, the next higher number shall be taken where the calculation results in a fractional number of parking spaces):

USE OF <i>BUILDING</i> OR <i>SITE</i> TYPE OF DEVELOPMENT	MINIMUM NUMBER OF PARKING NUMBER OF SPACES
ALL USES NOT SPECIFIED BELOW	As required by the <i>Development Authority</i>
RESIDENTIAL:	
<i>Single Family Dwelling</i>	2 per <i>dwelling unit</i> including garage
<i>Duplex</i>	2 per <i>dwelling unit</i> including garage
<i>Apartments, Row Housing Triplex, Fourplex</i>	1.5 per <i>dwelling unit</i> excluding access
<i>Secondary Suite</i>	1 per <i>dwelling unit</i>
<i>Lodging House</i>	1 per bed or 1 per 4 seats in dining houses room, whichever is greater
COMMERCIAL:	
<i>Highway shopping center</i>	1 per 23.23m ² (250ft ²)
<i>Office</i>	1 per 46.45m ² (500ft ²) of gross <i>floor area</i> of the <i>building</i>
<i>Retail, Personal Service Shop and Equipment Rental and Sales</i>	1 per 46.45m ² (500 ft ²) of gross <i>floor area</i> of the <i>building</i>
Eating and Drinking Establishments	1 per 4 seats
<i>Hotel and Motel</i>	1 per <i>dwelling</i> or sleeping unit plus 1 per 2 staff members
<i>Automotive Sales and Service</i>	1 per 46.45m ² (500 ft ²) of gross <i>floor area</i> of the <i>building</i>
INDUSTRIAL:	
<i>Office</i>	1 per 46.45m ² (500ft ²) of gross <i>floor area</i> of the <i>building</i>
<i>Manufacturing, Warehouse, Truck Storage and Maintenance, Public Utilities Buildings</i>	1 per 1.5 employees based on working shift with most employees

4.1.9 OFF-STREET PARKING SCHEDULE - continued

USE OF <i>BUILDING</i> OR <i>SITE</i>	MINIMUM NUMBER OF PARKING
TYPE OF DEVELOPMENT	NUMBER OF SPACES
RECREATIONAL:	
<i>Indoor Recreation</i>	1 per 46.45m ² (500 ft ²) of gross <i>floor area</i> of the <i>building</i>
<i>Bowling Alley</i>	4 per <i>bowling alley</i> plus <i>eating and drinking establishment</i> parking regulations, if applicable
<i>Curling rink</i>	8 per sheet of ice plus <i>eating and drinking establishment</i> parking regulations, if applicable
<i>Community Hall</i>	1 per 5 seating spaces for the public or 1 per 4.65m ² (50ft ²) used by the patrons, whichever is greater
INSTITUTIONAL:	
<i>Funeral Home</i>	1 per 10 seats for persons attending services plus 1 space per funeral home vehicle, or 1 per 46.45m ² (500ft ²) of gross <i>floor area</i> of the <i>building</i> if services are not held within the <i>building</i>
<i>Church</i>	1 per 10 seating spaces
<i>Museum</i>	As required by <i>Development Authority</i>
SCHOOL:	
Elementary and Junior High <i>School</i>	1.5 space per <i>classroom</i> or 1 space for every 9.29m ² (100ft ²) of area used for assembly (auditorium or gymnasium), whichever is greater
Senior High School	5 spaces per <i>classroom</i> or 1 space for every 9.29m ² (100ft ²) of area used for assembly (auditorium or gymnasium), whichever is greater
College, business or commercial technical <i>School</i>	1 space per 5 seats, or 1 space for every 9.29m ² (100ft ²) of area used for assembly (auditorium or gymnasium), whichever is greater
HOSPITAL AND SIMILAR USES:	
<i>Hospital</i>	1 per 1,000 square feet (92.9m ²) of gross <i>floor area</i>
<i>Nursing home</i>	1 per 92.9m ² (1,000ft ²) of gross <i>floor area</i>
<i>Seniors Manor</i>	1 per room

4.1.10 OFF-STREET LOADING

(1) GENERAL REQUIREMENTS

Unless exempted by the *development officer*, a *development* shall:

- (a) provide adequate loading spaces with vehicular ingress and egress from a street or *lane* such that no backing or turning movements of vehicles going to or from the *site* would cause interference with traffic in the abutting streets or *lanes*, and
- (b) provide each loading space with dimensions of not less than 6.09m (20ft) in width, 6.09m (20ft) in length, and 4.26m (14ft) in height.

(2) NUMBER OF OFF-STREET LOADING SPACES

USE OF <i>BUILDING</i> OR <i>SITE</i>	MINIMUM NUMBER OF LOADING SPACES REQUIRED
All uses in commercial districts	1 space for each loading door with a minimum of 1 space to be provided
All uses in industrial districts	1 space for each loading door with a minimum of 1 space to be provided
All institutional uses	1 space for every 2,787m ² (30,000ft ²) of gross <i>floor area</i> or fraction thereof
All other uses	As required by the <i>development officer</i>

4.1.11 GARBAGE AREAS

In all districts, garbage areas shall be wholly provided on the same *site* as the *buildings* to be served, unless otherwise approved by the *Municipal Planning Commission*.

4.1.12 MAXIMUM HEIGHT

Except for industrial *buildings*, the height of any *building* shall not exceed six storeys ^(Bylaw 2016-03), as determined by the *Development Authority*.

4.1.13 CURB CUTTING

- (1) Proximity to Intersections: As approved by the *development officer*.
- (2) Limitations: *Curb cuts* will not be permitted on 10th Street from 1st Avenue to 14th Avenue.
- (3) Maximum Width of *Curb Cutting*: 10.67m (35ft).
- (4) Sides of Edges of *Curb Cutting*: The side or edges of driveway approaches crossing sidewalks or *boulevards* may be constructed on an angle with the curb line, but the angle subtended between the curb and the edge of the driveway shall not be less than 30 degrees. When angular crossings over sidewalks are built, excessive slopes or cross falls shall be avoided for the protection of pedestrians.
- (5) Minimum Distance of Adjacent *Curb Cutting*: The minimum distance between adjacent *curb cutting* on the same side of the property shall be not less than 6.1m (20ft) measured at the property line, provided that the *development officer* may increase the minimum clear distance where he or she feels that because of the width of adjacent sidewalks or *boulevards* or traffic conditions, such increase is necessary for the reasons of public safety or convenience.

4.1.14 TOWERS

- (1) Maximum *Tower Height*: 9.14m (30ft).
- (2) *Towers* shall be *setback* from any property line at least the distance equal to the height of the *tower* plus the furthest extent of any attachment mounted on the *tower*.
- (3) Communications *towers* regulated by Industry Canada are not regulated by this bylaw but are subject to Industry Canada requirements.

4.1.15 SHIPPING CONTAINERS

- (1) *Shipping containers* shall be well maintained to the satisfaction of the *Development Authority*.

4.2 GENERAL REGULATIONS FOR RESIDENTIAL DISTRICTS

4.2.1 DWELLING UNITS PER PARCEL

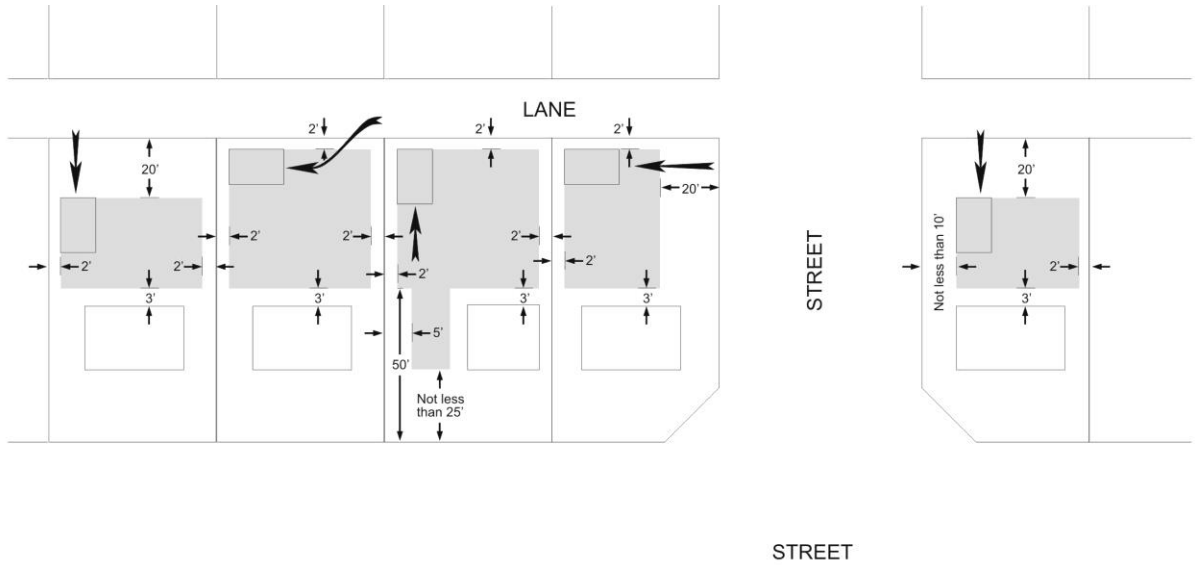
	DISTRICT						
	R1	R1A	RMH1	RMH1A	RMH2	R2*	R3
MAXIMUM # OF UNITS PER PARCEL	1	1	1	1	2 or more	1 or 2 with the exception that an approved row house can be >2	1 or more

*a duplex dwelling unit or row housing dwelling unit that has its own separate title shall not have more than one dwelling unit per parcel.

4.2.2 ACCESSORY BUILDINGS

- (1) Where a structure is attached to the principle *building* on *site* by a *roof*, an open or enclosed structure, or a *foundation*, it is to be considered a part of the principle *building* and shall conform to the regulations applicable to the principal *building* except that clause (5)(d) applies.
- (2) Any *accessory building* or any part thereof erected on a *site* in a residential district shall not be used as a *dwelling*.
- (3) Maximum overall height: 4.88m (16 ft); one storey.
- (4) Maximum height of wall: 3.66m (12 ft).
- (5) The siting of *accessory buildings* shall be as follows:
 - (a) an *accessory building* shall be located not less than 15.24m (50 ft) from the front property line unless it complies with the *yard* requirements applicable to the principle *building*,
 - (b) except as required in clauses (a), (c), & (d), minimum side and rear yards: 0.61m (2ft),
 - (c) except as required in clause (d), minimum *side yards* on the street side of *corner lots*: 3.05m (10ft) for single family, *duplex*, *triplex*, *fourplex* or rowhouse *buildings*; 4.57m (15ft) for *apartment buildings*,
 - (d) minimum setback from the property line to the vehicle doors of a garage when the doors face a *lane* or street: 6.1m (20 ft),
 - (e) minimum separation for an *accessory building* from the *principal building*: 0.91m (3.0ft),
 - (f) the siting of an *accessory building* on an irregular shaped *parcel* shall be as approved by the *development officer*, and
 - (g) an *accessory building* shall not be located in the *front yard*.

Figure 2 – Accessory Building Envelope in Residential District



LEGEND

■ ACCESSORY BUILDING ENVELOPE

- total area of accessory buildings not to exceed 12% of site area
- height of wall not to exceed 12 feet and overall height not to exceed 16 feet
- buildings under 108 sq. ft. in area and 10 ft. in height are exempt
- a structure attached to the principle building is considered to be part of the principle building and is not an accessory building

4.2.3 GARDEN SHEDS

- (1) Under this subsection, *garden sheds* are referred to as a *buildings* up to 11.15m² (120 ft²) in area and up to 3.05 m (10ft) in height.
- (2) *Garden sheds* shall not be located in the *front yard*.
- (3) If a *garden shed* exceeds the height of an adjacent *fence*, it shall be located no less than 0.61m (2 ft) from the *fence*.

4.2.4 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

No person shall keep in any part of the *yard*:

- (1) A commercial vehicle loaded or unloaded, classified as a commercial truck with a registered gross vehicle weight over 12020.19 kg (26,500 lbs) provided that such vehicle may remain on a *site* for such a period of time as it is reasonably necessary to load or unload such a vehicle.
- (2) Any dismantled or wrecked vehicle for more than seven successive days.
- (3) Any object or chattel, which, in the opinion of the *development officer* is unsightly or tends to adversely affect the amenities of the district.
- (4) Any excavation, storage or piling up of materials required during the construction stage, unless all safety measures are undertaken, and the owner of such materials or excavation assumes full responsibility, and the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction.
- (5) No satellite dishes greater than .91m (3ft) across will be allowed in the *front yard*.
- (6) *Towers*
- (7) *Livestock*

4.2.5 FENCES

- (1) Maximum Height of *Fence*

<i>Front yard</i>		<i>Side yard*</i>		<i>Rear yard*</i>	
M	ft	m	ft	m	Ft
0.91	3	2.01	6.5	2.01	6.5

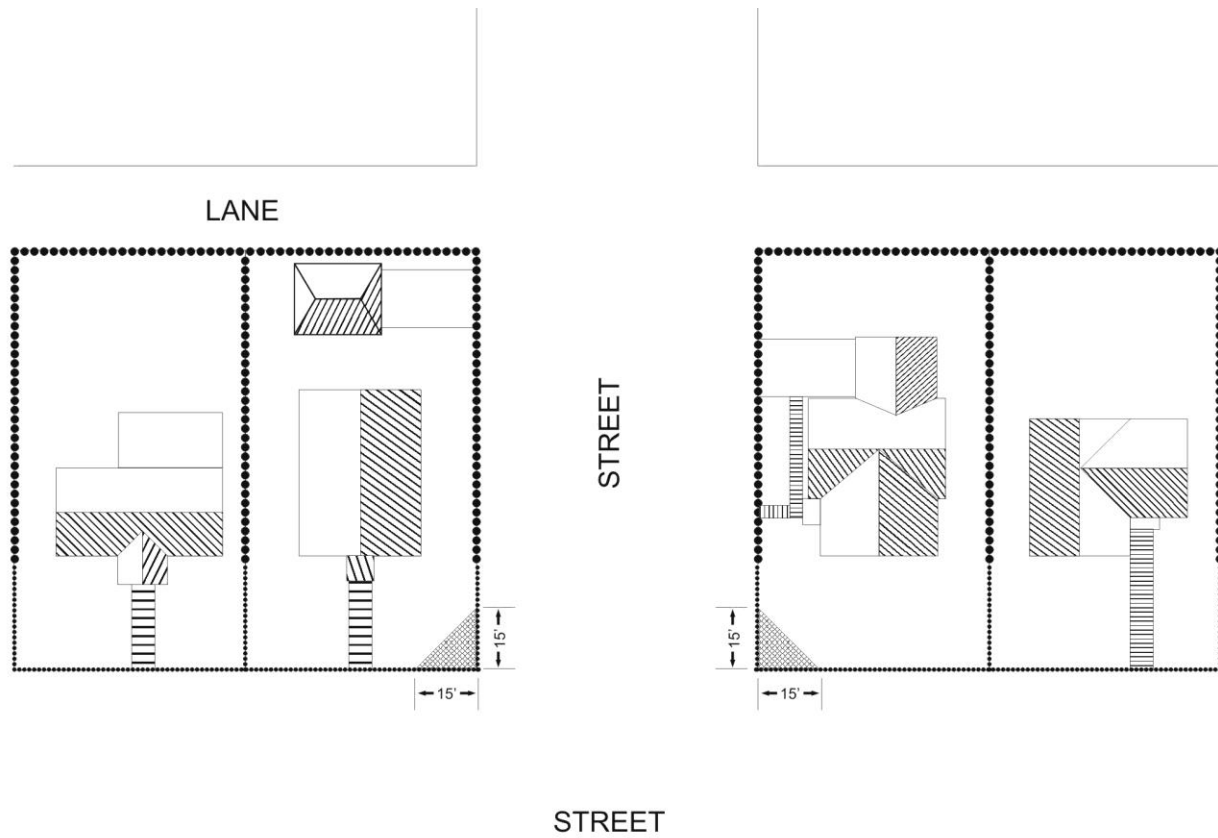
**fences* in *side* or *rear yards* may be increased to 2.44m (8ft) in height if they face onto a collector or arterial road or *adjacent land* that is not in a residential district or, if they face onto *adjacent land* in a residential district, with the written approval from the owner of that *adjacent land*.

- (2) Construction Material and design must be approved by the *Development Authority*.
- (3) No barbed, page, or chicken wire or rough sawn slabs are permitted.

4.2.6 CORNER DEVELOPMENT

No *development* over 0.91m (3ft) shall be allowed on a *corner lot* within the area shown on Figure 3.

Figure 3 – Boundary *Fences* and Corner *Development*



LEGEND

- 0.91m (3ft)
- 2.01m (6.5ft) except may be increased to 2.44m (8ft) in height if they face onto a collector or arterial road or *adjacent land* that is not in a residential district or, if they face onto *adjacent land* in a residential district, with the written approval from the owner of that *adjacent land*.
- ▨ No *development* over three feet in height.

4.2.7 PRIVATE SWIMMING POOL AND HOT TUB REGULATIONS

- (1) Interpretation: These regulations are to cover all private swimming pools and hot tubs, both above and below ground, having a depth greater than 0.61m (2ft) or water surface area greater than 9.29m² (100ft²).
- (2) Private swimming pools or hot tubs shall not be located in the *front yard*.
- (3) Private swimming pools or hot tubs shall be located a minimum of 3.05m (10ft) from a structure or the property line.

4.2.8 DWELLING ORIENTATION

The front of *single family, duplex, and row housing dwelling units* shall face the frontage or flankage street of the *lot*, unless otherwise authorized by the *Development Authority*.

4.3 GENERAL REGULATIONS FOR RESIDENTIAL MOBILE HOME DISTRICTS

4.3.1 REGULATIONS FOR *MOBILE HOMES*

- (1) A *mobile home* unit shall be skirted from the floor level to the ground level and shall match the existing external finish of the *mobile home*.
- (2) The hitch is to be removed from the *mobile home*.
- (3) The following regulations also apply to *mobile home parks*:
 - (a) All roads in a *mobile home park* shall be hard surfaced, well drained and maintained to the satisfaction of the *development officer*. Minimum right of way width shall be 9.14m (30ft).
 - (b) All *mobile home parks* shall be provided with safe, convenient, all-season pedestrian access of at least 0.91m (3ft) in width, for intended use between individual *mobile homes*, the park, street and all community facilities provided for *mobile home park* residents.
 - (c) Visitors parking space shall be provided at a ratio of at least one space for every two mobile home units and shall be located at convenient locations throughout the *mobile home park*, and shall not be used for the storage of boats, trailers, etc.
 - (d) The design of *mobile home parks* shall be to the satisfaction of the MPC.
 - (e) In a *mobile home park*, a minimum of 5% of the gross *site* area shall be devoted to recreational use. This recreation space shall be placed in locations convenient to all park residents, free from traffic hazards, shall not be included in areas designated as buffer strips, and shall be clearly defined.
 - (f) All areas of a *mobile home park* not occupied by *mobile homes* and their additions, internal roads, footpaths, driveways, permanent *buildings*, and any other developed facilities shall be fully landscaped to the satisfaction of the *development officer*. Screen *fences* or walls shall be erected where deemed necessary by the *development officer* around laundry areas, refuse collection points, and playgrounds.
 - (g) No part of the park shall be used for non-residential purposes except such uses as are required for the direct servicing and well being of the park residents and for the management and maintenance of the park.
 - (h) Each *mobile home* stall shall be clearly marked off by means of stakes, countersunk steel posts, *fences*, curbs, or hedges.
 - (i) Street lighting in a *mobile home park* shall be to the same standard as that in a conventional residential neighborhood.

- (j) Only one main, *monument* identification *sign* of residential character and appearance shall be erected at the entrance to a *mobile home park* unless the *development officer* is of the opinion that a further and similar *sign* shall be allowed under exceptional circumstances involving the layout, location, and size of the park in relation to the surrounding areas. The *sign* shall be of a size, type, and construction acceptable to the *development officer*.
- (k) Directional *signs* within the *mobile home park* must be integrated in design and appearance, be kept in scale with the immediate surroundings, and constructed of durable material.

4.4 GENERAL REGULATIONS FOR INDUSTRIAL DISTRICTS

4.4.1 ACCESSORY BUILDINGS

- (1) An *accessory building* cannot be located in the *front yard*.
- (2) Must be located at least 3.048m (10ft) from any property line.
- (3) If an opening for a door or doors in an *accessory building* is 2.44m (8ft) or wider, the wall with the opening shall be *setback* a minimum of 6.10m (20ft) from any property line.
- (4) Must be located at least 3.048m (10ft) from the *principle building*.
- (5) The exterior finish of an *accessory building* must be approved by the *development officer*.

4.4.2 FENCES

- (1) MAXIMUM HEIGHT

	m	ft
<i>Front Yard</i>	2.44	8
<i>Side Yard</i>	2.44	8
<i>Rear Yard</i>	2.44	8

- (2) CONSTRUCTION

Fences are to be constructed out of chainlink or an equivalent as approved by the *Development Authority*.

4.5 SPECIAL REGULATIONS

4.5.1 ADULT MATERIAL SALES AND RENTAL

- (1) The property line of a lot containing an *adult material sales and rental* use shall not be permitted within 152m (500ft) of a residential district, *school, church, park*, or other use which may have a playground as an ancillary element, or another *adult material sales and rental* use.
- (2) On any signage for an *adult material sales and rental*, the advertisement shall be text only.

4.5.2 DRIVE-IN FOOD SERVICE

A person applying to develop a *site* as a drive-in food service, where permitted under this bylaw, shall comply with the following special provisions:

- (1) Maintenance of *Site* and Business: The owner, tenant, operator, or person or in charge of a drive-in shall at all times:
 - (a) maintain the *site* and the *buildings*, structures, and improvements in a clean, neat, tidy, and attractive condition, and free from all rubbish and debris;
 - (b) provide receptacles for the purpose of depositing therein garbage, rubbish, and debris sufficient in number and size as may be required by the *development officer* and shall use such receptacles for such purpose;
 - (c) ensure that operators of motor vehicles do not obstruct the sidewalks, *boulevards*, or roadways adjacent to the *site*;
 - (d) ensure that operators of motor vehicles enter and leave the *site* only at the entrances and exits provided for such purposes and not elsewhere; and
 - (e) maintain on the boundary between the site and all adjacent residential districts an appropriate fence not less than 0.91m (3ft) in height designed so as to contain rubbish or debris.

4.5.3 GAS BAR

- (1) *Site* Location:
 - (a) No fuel pump or storage tank shall be located within 91.4m (300ft) of a fire hall, *school*, playground, *library, church, hospital, nursing home*, or other similar public or quasi-public institutions.
 - (b) No fuel pump shall be located within 6.10m (20ft) from any property line.

4.5.4 HOME OCCUPATION (INCLUDING HOME OFFICE)

The following regulations are applicable to any *home occupation* within the Town of Wainwright:

- (1) Density: No more than one paid assistant other than the occupant and the occupant's family shall be engaged in such occupations at the occupant's residence.
- (2) Display and Storage of Goods: The use shall not involve a fixed display of goods upon the premises, but goods may be stored subject to the approval of the *development officer*, provided the storage of such shall not be exposed to the public view, nor shall involve a change in the appearance of the residence or its *accessory buildings*.
- (3) Appearance: No variation from the external appearance and residential character of land or *buildings* shall be permitted.
- (4) Advertising: No advertising shall be permitted, other than a small nameplate not exceeding 0.19m² (2 ft²).
- (5) Traffic: The use shall not generate traffic or parking problems within the district.
- (6) Nuisance: No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced by the use, or cause interference with T.V. or radio reception within the area.
- (7) Time Limit on *Development Permit*: All permits shall be issued for no longer than a 12 month period, at which time the permit may be renewed at the discretion of the *development officer*.
- (8) Occupancy Condition on *Development Permit*: The *permitted use* shall only be applicable for the period of time that the property is occupied by the *applicant*.
- (9) *Stop Order*: All permits issued for *home occupations* shall be subject to the above conditions. If in the opinion of the *development officer*, the use is or has become detrimental to the amenities of the neighborhood, a *stop order* shall be issued.

4.5.5 LIQUOR STORE

- (1) Any *site* containing a *liquor store* shall have a minimum radial separation distance of 91.4m (300ft) or more from the property line of any *site* containing a *school*, *church*, or other use which may have a playground as an ancillary element.

4.5.6 SCHOOL

Consideration shall be given to:

- (1) Maximum number of students to attend.
- (2) Playfields and playgrounds.
- (3) Adequate provision shall be made for the safe loading and unloading of *school* buses on *school* property, and shall not include any area designated for parking.

PART 5 SIGN REGULATIONS

5.1 EXEMPTION FROM SIGN REGULATIONS

5.1.1 The following shall be exempted from the provisions of these *sign* regulations:

- (1) *signs* displayed on enclosed land where they are not readily visible to the public,
- (2) *signs* displayed within a *building*,
- (3) *signs* displayed in or on an operational vehicle, and
- (4) *signs* displayed on doorplates or kick plates.

5.1.2 The following specified *signs* are also exempted from these *sign* regulations, provided that the permission hereby granted shall be subject to any conditions or limitations specified in the case of the particular *signs*, and be subject to all other orders, bylaws, and regulations affecting such *signs*:

- (1) statutory and official notices and functional advertisements of local authorities and public transport authorities;
- (2) traffic and directional *signs* authorized by *Council*;
- (3) notices of identification in respect of the land or *buildings* on which they are displayed, and professional business and trade name plates relating to the occupants of the land or *buildings* on which they are displayed, providing that:
 - (a) each notice or name plate shall not exceed 0.19m² (2ft²) in area, and
 - (b) there shall be a limit of one notice for each occupant and for each side of the land or *buildings* on a different street;
- (4) notices relating to the sale, lease or rental of the *buildings*, or land to which they are attached, provided that:
 - (a) the notices shall not be illuminated,
 - (b) each notice shall not exceed 4.65m² (50ft²) in area, and
 - (c) there shall be a limit of one notice for each side of the land or *buildings* on a different street;
- (5) posters relating specifically to a pending election, provided that such posters shall be removed within fourteen days after the election;
- (6) notices of land or *buildings* used for religious, educational, cultural, recreational, medical, or similar public or quasi-public purposes, provided that
 - (a) each notice shall not exceed 1.12 m² (12 ft²), and
 - (b) there shall be a limit of one notice for each side of the land or *buildings* on a different street;
- (7) signs identifying *Town* facilities;
- (8) *signs* of *building* contractors relating to construction work in progress on the land on which *signs* are erected, provided that:

- (a) such *signs* shall be removed within fourteen days of occupancy, and
- (b) such *signs* shall be limited in size to a maximum of 2.97m² (32ft²) and in number to one *sign* for each boundary of the property under construction which fronts onto a public street;
- (9) *temporary signs* referring to sales which are displayed upon the property upon or within which such sales will be or are being conducted, provided that:
 - (a) the *signs* shall not be illuminated and shall be constructed of paper, canvas, cardboard, or other light materials or painted on glass and intended to be displayed for a short period of time only, and
 - (b) such *signs* shall not be erected more than seven days before the commencement of the sale to which they refer and shall be removed within eight days of the completion of the said sale;
- (10) free-standing portable *signs*, provided that
 - (a) any *sign* shall be placed wholly within the property lines of the property on which it's located,
 - (b) the overall height shall not be greater than 1.83m (6ft) above ground level, and
 - (c) the maximum area of the *sign* shall not exceed 4.65m² (50ft²)
- (11) *signs* on *merchandising aids*, provided that
 - (a) any device shall be placed wholly within the property lines,
 - (b) the overall height of any *sign* shall not be greater than 2m (6.5ft) above ground level, and
 - (c) the maximum area of any *sign* shall not exceed 0.93m² (10ft²); and
- (12) sidewalk sandwich board *signs*, provided that:
 - (a) the *signs* must be portable,
 - (b) the maximum size of any *sign* is 0.61m x 1.21m (2 ft wide x 4 ft high),
 - (c) the number of *signs* is limited to 1 *sign* per business frontage,
 - (d) the *signs* must be placed in line with street light poles, trees, garbage cans (to allow for a straight path for pedestrian traffic),
 - (e) the *signs* must be constructed of painted wood, metal, or firm plastic such that a rigid frame is provided and debris such as torn paper and cardboard is not present,
 - (f) the *signs* are to be in place only during the hours of business operations,
 - (g) the *signs* must be recessed from street corners by a minimum of 3.66m (12ft) to preserve sight lines and not obstruct pedestrian traffic, and
 - (h) the *signs* must be placed directly in front of the business.

In the event of conflicts or unforeseen problems, the *Town* reserves the right to request the removal of offending *signs* and/or remove the *sign*.

5.2 DETAILS OF APPLICATION

- 5.2.1 Application for a *development permit* shall be made to the *development officer* and shall be supported by drawings that include
- (1) a site plan showing the location of the *sign*,
 - (2) an elevation showing the overall dimensions of the *sign*,
 - (3) the size of the letters or letter,
 - (4) the amount of projection from the face of the *building*,
 - (5) the amount of projection over the property line,
 - (6) the height of the *sign* and its supporting structure above grade and clearance from grade of any horizontal components *building*,
 - (7) the manner of illuminating the *sign* and any form of animated or intermittent lights that may be embodied in the construction, and
 - (8) the least distance that the *sign* will be erected from an intersection of one street with another and the least distance from any device for the control of traffic at such an intersection.

5.3 GENERAL PROVISIONS

- 5.3.1 All proposed *signs*, with the exception of the exemptions as provided for in section 5.1, shall be authorized by the *development officer* prior to any development permit being issued.
- 5.3.2 Except for the following exemptions or where specifically permitted in another part of this bylaw, and only if a valid *development permit* is issued for a *sign* where required, no *sign* shall be permitted in a residential district:
- (1) those exemptions provided for in subsections 5.1.1 and 5.1.2 sentences 1-9,
 - (2) a *sign* identifying a *church* or *funeral home*, or
 - (3) a *sign* identifying a multi-family *building* or complex, *nursing home*, or *mobile home park*.
- 5.3.3 With the exception of the special provisions relating to *billboards*, all *signs* shall only contain advertising pertaining to the site on which they are displayed.
- 5.3.4 No *sign* shall be permitted which is attached to a fence pole, tree, or any object in a public street or publicly owned place.
- 5.3.5 Except for the provisions of subsection 5.1.2 sentence 12, no *sign* shall be permitted which is attached to or standing on the ground in any public street or publicly owned land.
- 5.3.6 No *sign* shall be erected so as to obstruct free and clear vision of vehicular traffic or at any location where it may interfere with, or be confused with, any authorized traffic *sign*, signal, or device.
- 5.3.7 All *signs* must be maintained in a manner satisfactory to the *Development Authority* or notice will be served to perform the necessary repairs or remove the sign(s) within 30 days.

5.4 FASCIA SIGNS

5.4.1 *Fascia signs* shall:

- (1) not project more than 0.46m (1.5ft) above the top of the vertical face of the wall to which they are attached,
- (2) not exceed in total area 25% of the area of the wall on which they are placed, and
- (3) be located on a business frontage.

5.4.2 *Fascia signs* on a flank or gable wall which does not face a commercial or industrial district shall not be permitted.

5.5 CANOPY SIGNS

5.5.1 *Canopy signs* shall be considered as *fascia signs* and subject to the provisions of section 5.4 and the following:

- (1) no additional supporting wires or stays shall be attached to the canopy,
- (2) no portion of the *sign* shall project below the bottom edge of the canopy, and
- (3) a *sign* not exceeding 0.31m (1ft) in height by 1.22m (4ft) in width may be suspended below a canopy provided that no part of the *sign* shall be closer than 2.45m (8ft) to the ground or sidewalk.

5.6 PROJECTING SIGNS

5.6.1 *Projecting signs* may project over the property line by up to 1.83m (6ft) in C1 and C2 districts.

5.6.2 All projecting signs shall be erected so that

- (1) no part of the *sign* shall be less than 3.05m (10ft) above the ground or sidewalk grade,
- (2) no part of the *sign* shall project more than 0.46m (1.5ft) above the top of the vertical face of the wall to which it is attached,
- (3) the space between the *sign* and supporting structure shall not be more than 0.61m (2ft),
- (4) there shall be only one *projecting sign* for each business frontage, providing that if a business frontage exceeds 15.24m (50ft), a further *projecting sign* shall be permitted for each additional 15.24m (50ft) or portion thereof, and
- (5) support shall not be provided by an "A" frame.

5.7 PYLON SIGNS

5.7.1 *Pylon signs* shall be erected so that

- (1) the maximum height is 9.14m (30ft),
- (2) the maximum width is 6.10m (20ft),
- (3) the minimum clearance from the ground to any horizontal portion of the *sign* is 2.44m (8ft),
- (4) no part of the *sign* shall project beyond the property line,

- (5) there shall be only one *sign* for each business frontage, and
- (6) the portion used for support is to be painted and/or finished to the satisfaction of the *development officer*.

5.8 BILLBOARD SIGNS

5.8.1 *Billboards* shall be considered by the *development officer* according to the merits of each individual application and shall be subject to the following conditions:

- (1) the *sign* dimensions shall be 3.05m (10ft) high by 6.10m (20ft) wide or 2.44m (8ft) high by 4.88m (16ft) wide,
- (2) the minimum clearance from the ground to any horizontal portion of the *sign* is 3.05m (10ft),
- (3) the vertical posts supporting the structure shall not project above the upper edge of the boardings,
- (4) any additional bracing shall be contained within the front and rear faces of the vertical support posts,
- (5) the rear of any single faced *billboard* which is plainly visible from a public roadway shall be covered with wooden slats or trellis fixed against the rear edge of the vertical posts and painted,
- (6) no part of the structure shall project over the property line or be placed on a road allowance,
- (7) no *billboard* shall be erected less than 152.4m (500ft) from any existing *billboard*, and
- (8) the structure shall at all times be maintained in a manner satisfactory to the *Development Authority*.

5.9 ROOF SIGNS

5.9.1 *Roof signs* may only be permitted in C1, C2, C3, M1, and M2 districts. They shall be considered by the *Municipal Planning Commission* according to the merits of each individual application provided that:

- (1) the *Municipal Planning Commission* shall be satisfied that the purpose of the sign cannot be achieved by another type of sign,
- (2) no part of the sign shall be more than 4.57m (15ft) above the level of the *roof*, and
- (3) the sign must refer to the *principal use* of the *building* on which it is erected.

5.10 MONUMENT SIGNS

5.10.1 *Monument signs* shall be erected so that

- (1) the maximum height is 2.44m (8ft),
- (2) the maximum width is 3.05m (10ft), and
- (3) the location does not cause an obstruction to traffic sight distances.

PART 6 ENFORCEMENT

6.1 CONTRAVENTION

- 6.1.1 If the *Development Authority* finds that a *development*, land use, or use of a *building* is not in accordance with
- (1) the *Act* or land use bylaw or regulations under the *Act*, or
 - (2) a *development permit* or subdivision approval,
- the *Development Authority* may, by written notice, order the owner, the person in possession of the land or *building*, or the person responsible for the contravention or any or all of them to
- (1) stop the *development* or use of the land or *building* in whole or in part as directed by the notice,
 - (2) demolish, remove, or replace the *development*, or
 - (3) carry out such other actions required by the notice so that the *development* or use of the land or *building* complies with the *Act*, the land use bylaw, or regulations under the *Act*, a *development permit* or a subdivision approval,
- within the time set out in the notice.
- 6.1.2 A person who receives a notice referred to in subsection 6.1.1 may appeal to the Subdivision and Development Appeal Board in accordance with the *Act*.
- 6.1.3 If a person fails or refuses to comply with an order directed to the person under this section, or an order of the Subdivision and Development Appeal Board under article 2.8.3(3) of this bylaw, the *Town* may, in accordance with the *Act*, enter on the land or *building* and take any action necessary to carry out the order.
- 6.1.4 The *Town* may register a caveat under the Land Titles Act in respect of an order referred to in subsection 6.1.3 against the certificate of title for the land that is the subject of the order.
- 6.1.5 If the *Town* registers a caveat under subsection 6.1.4, the *Town* must discharge the caveat when the order has been complied with.
- 6.1.6 Where the *Council* or person appointed by it 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.

PART 7 ENACTMENT

7.1 SUSPENSION OF EXISTING CONTROLS

Bylaw 89-12 and all amendments thereto are hereby repealed.

7.2 DATE OF COMMENCEMENT

This bylaw comes into effect on the date of final reading.

7.3 SCHEDULES

7.3.1 Schedule A – Land Use District Map

7.4 FORMS

7.4.1 Form A – Application for *Development Permit*

7.4.2 Form B – Application to amend the land use bylaw

READ a First Time in Council this 19th day of May, A.D., 2009.

Mayor

Chief Administrative Officer

ADVERTISED the 1st and 8th days of May, 2009 in the *Wainwright Edge*.

PUBLIC HEARING held the 19th day of May, 2009.

READ a Second Time in Council this 2nd day of June A.D., 2009.

Mayor

Chief Administrative Officer

READ a Third Time in Council and Finally Passed this 2nd day of June A.D., 2009.

Mayor

Chief Administrative Officer

APPLICATION FOR DEVELOPMENT PERMIT



I hereby make application under the provisions of the Land Use Bylaw for a Development Permit in accordance with the plans and supporting information submitted herewith and forming part of this application.

Applicant: _____ Telephone: _____

Mailing Address: _____

Address of property to be developed: _____

Legal description: Lot: _____ Block: _____ Plan: _____ Land Use District: _____

Registered Owner: _____ Telephone: _____

PROPOSED DEVELOPMENT: _____

Principal Use: Set Backs: Front: _____ Rear: _____ Sides: _____

Floor Area: Total: _____ ft² Main Floor: _____ 2nd Floor: _____ 3rd Floor: _____ 4th Floor: _____

Height of Building: _____ No. of On-site Parking Stalls: _____

Accessory Use: Set Backs: Front: _____ Rear: _____ Sides: _____

Height of Building: _____ Percentage of Lot Occupied: _____

Estimated Cost of the Project: (not including land) _____

Estimated Start Date: _____ Estimated Completion Date: _____

I hereby give my consent to allow all authorized persons the right to enter the herein described land and / or buildings with respect to this application only.

Signature: _____ Date: _____

OFFICE USE ONLY

Business License #: _____ Off-site Levy: _____ Total: _____

Permit Number: _____ Date of Issue: _____ Issued By: _____ Fee: _____

This permit is issued with the following conditions attached:

- This permit does not come into effect until 15 days after the date that the notice of issuance:
 - is posted in the town office or appears in a local newspaper
- The development is in accordance with the Land Use Bylaw and any approved plans and specifications,
- Any person claiming to be affected by the issuance of this permit may file an appeal within 14 days after the notice of issuance is given and should such an appeal be received, this permit shall become null and void,
- This permit is valid for a period of 6 months from the date of issue after which it shall expire and become null and void if the development has not commenced or been carried out with reasonable diligence,

- The applicant will be responsible for any town engineering costs that might be incurred throughout the project,
 - The applicant is responsible for taking out the proper building permits (if applicable) with Superior Safety Codes. They can be reached at 403-358-5545 or at superiorsafetycodes.com to begin the permit process.
 - other: **on reverse**
-

GENERAL CONDITIONS OF DEVELOPMENT

Conformance to Plans

The permit is approved as per plans submitted with this application.

Hard-Surfacing

The front driveway is to be hard-surfaced within 24 months of occupancy.

Landscaping

The site is to be landscaped within 24 months of occupancy.

Development Agreement

The developer shall enter into a development agreement with the Town to address the timing for the required hard-surfacing and landscaping and the agreement shall be registered on the title of the subject property.

Containment of Materials and Equipment

All excavated and construction materials and equipment associated with the construction shall be contained within the boundaries of the property.

Site Maintenance

- The construction site shall be kept in a state satisfactory to the Town at all times.
- All construction wastes, material packaging, and other debris shall be contained on the site until properly disposed of at an approved waste handling facility.
- Loose debris shall be collected and restrained prior to wind being able to blow it off the site.
- Weeds shall be controlled to prevent the spread of seeds to other properties.

Business License

It is the responsibility of the applicant to ensure that all contractors and subcontractors have a business license with the Town of Wainwright. If one is needed, please contact the town at

780-842-3381 or online at www.wainwright.com or email recreation@wainwright.ca



APPLICATION TO AMEND THE LAND USE BYLAW

I hereby make application to amend Land Use Bylaw 2009-02.

Applicant: _____ Telephone: _____

Mailing Address: _____

Legal Description of Subject Property: (if applicable) _____

Owner of Subject Property: _____ Telephone: _____
(if more than one owner, attach list)

Mailing Address: _____

Proposed Amendment: _____

Reasons For Amendment: (provide as much detail as possible, attach supporting documentation if desired)

I enclose the required **non-refundable** application fee of **\$200.00** and agree to pay for any advertising required by this application.

Signature: _____ Date: _____