



**TO:** Mayor and Council  
**FROM:** Laurie Rudolph, CAO  
**DATE:** January 10, 2022  
**RE:** **Home Based – Discretionary Use**

---

**ISSUE:**

Home Based business at #85 Jim Headington Way for remote starter installations.

**BACKGROUND:**

The proposed business will be performed in the applicant's garage and is anticipated the clientele would be one to two persons per day. Clients will be required to park in the applicant's driveway.

On December 23, 2021, (15) letters were mailed to those properties located within 75 metres.

No verbal or written responses received.

This home-based business has been previously approved at this location. Renewal application.

**ALTERNATIVES:**

**Town Zoning Bylaw:**

Discretionary Use A use of land or a building that may be permitted in a district only at the discretion of the Council and which may be subject to specific development standards.

- A. Where an application for a Development Permit is made for a discretionary use, the development officer shall advise the Council as soon as practicable.
- B. As soon as practicable after Council is advised that an application has been made for a Development Permit for a discretionary use, Council shall consider the application. Prior to making a decision, Council may refer the application to whichever government agencies or interested groups as Council may consider appropriate.
- C. Upon approval of a discretionary use by resolution of Council, the Development Officer shall issue a Development Permit subject to any development standards prescribed by Council.
- D. Where an application for a Development Permit is made for a use subject to special regulations or standards, the Development Officer shall issue a permit including those special regulations or standards.
- E. Every decision shall be in writing and a copy sent to the applicant.
- F. A Development Permit is valid for a period of twelve months.



## General Development Standards Applicable to Discretionary Uses

- A. Sites shall be landscaped to maintain the character and amenity of the neighbourhood.
- B. Adequate on-site parking shall be provided and maintained.
- C. Parking, storage, and other non-landscaped areas shall be suitably screened from adjacent properties and streets.
- D. Adequate receptacles for refuse and litter shall be supplied.
- E. No sound, light, glare, heat, dust, or other emission shall be transmitted beyond the lot lines.
- F. Vehicle access and egress points shall be provided in suitable locations so as to minimize traffic congestion and possible hazards.

## Off-Street Parking

Off-street parking shall be provided as follows:

<u>Use</u>	<u>Parking Spaces Required</u>
i) Multiple-unit dwellings	1.25 for each dwelling unit
ii) Other dwellings	1 for each dwelling

## ***The Planning and Development Act:***

56(1) A council shall exercise its discretion respecting an application pursuant to section 54 for a discretionary use by resolution to:

- (a) reject the application;
- (b) approve the discretionary use in accordance with the provisions of the zoning bylaw;
- (c) approve the discretionary use subject to development standards or conditions in accordance with the zoning bylaw; or
- (d) approve the discretionary use for a limited time, if a time limit is authorized in the bylaw.

(2) A council may approve a discretionary use if the facts presented establish that the proposed discretionary use will:

- (a) comply with provisions of the zoning bylaw respecting the use and intensity of use of land for the discretionary use;
- (b) be consistent with the criteria in the zoning bylaw for approval of particular discretionary uses;
- (c) in the opinion of the council, be compatible with development in the district in the immediate area of the proposal; and
- (d) be consistent with provincial land use policies and statements of provincial interest.

(3) In approving a discretionary use, the council may prescribe specific development standards or conditions with respect to that use, but only if those standards or conditions:

- (a) are based on and are consistent with general development standards or conditions made applicable to discretionary uses by the zoning bylaw; and



---

(b) are, in the opinion of the council, necessary to secure the objectives of the zoning bylaw with respect to:

- (i) the nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of buildings;
- (ii) the accessibility and traffic patterns for persons and vehicles, the type and volume of that traffic and the adequacy of proposed off-street parking and loading;
- (iii) the safeguards afforded to minimize noxious or offensive emissions including noise, glare, dust and odour; or
- (iv) any treatment given, as determined by the council, to aspects including landscaping, screening, open spaces, parking and loading areas, lighting and signs, but not including the colour, texture or type of materials and architectural detail.

**Notice of decision**

57(1) If a council has approved an application for a discretionary use, with or without terms, conditions or time limits being imposed, the council or development officer shall provide written notice to the applicant that:

- (a) documents the decision and any development standards and conditions or time limits as authorized by the bylaw;

**FINANCIAL IMPLICATIONS:**

**ANALYSIS:**

**ADMINISTRATIVE RECOMMENDATION(S):**

That the Town approve the proposed remote starter installation business at #85 Jim Headington Way, subject to the following conditions:

- A. Adequate on-site parking shall be provided and maintained.
- B. Vehicle access and egress points shall be provided in suitable locations so as to minimize traffic congestion and possible hazards.