

## Section 16: Definitions

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Words and terms used in this Land Use Bylaw shall have the same meaning and definition as those in the Municipal Government Act unless otherwise specifically defined in this Section.

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**accessory development** means a building or use which is subordinate, incidental and directly related to the principal use of the premises, building, or site and which does not substantially add to the patronage, volume of traffic, or intensity of the use of the premises building or site. An accessory building or use must be located on the same site as the principal use and shall not precede the development of the principal building or use.

**accommodation unit** means a room or suite of rooms operated as a temporary place to stay, with or without compensation, and does not include a Residence. It usually contains sleeping and sanitary facilities and may contain cooking and eating facilities. This includes all Visitor Accommodation units and any Shared Ownership accommodation units.

**accommodation use** means the use of an Accommodation Unit as defined in the Bylaw.

**Act or Municipal Government Act** means the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta, 2000 and any amendments thereto.

**adjacent** means land or a portion of land that is contiguous to a site and includes land that would be contiguous if it were not for a public thoroughfare, stream, pipeline, public utility lot, powerline, railway, or similar feature.

**administrative and sales office** means a temporary use which is incidental to the subdivision or development of a parcel of land which has received or is under consideration of subdivision, land use or development permit approval.

**amenity space** means an area comprised of on-site, communal or private, indoor or outdoor space designated for active or passive recreational use.

**amusement arcade** means a facility where four or more mechanical or electronic games are kept for the purpose of furnishing entertainment or amusement to the public for a fee.

**apartment building** means a single building comprised of three or more dwelling units with shared entrance facilities.

**apartment hotel** means a single building comprised of three or more visitor or resort accommodation units with shared entrance facilities, where the units are rented or are available for rent or occupation and includes limited room service and meeting rooms but does not include such facilities or services as restaurants, dining rooms and public convention rooms. Apartment Hotels shall be located within designated resort areas only.

**art and craft studio** means development used for the purpose of small scale, on-site, production of goods by hand manufacturing primarily involving the use of hand tools. Typical uses include pottery, ceramic, jewelry, toy manufacturing, and sculpture and artist studios.

**athletic and recreational facilities** means a facility for the purpose of active recreation or athletic activities where patrons are predominantly participants and any spectators are incidental. This includes skating and hockey rinks, swimming pools, rifle, archery and pistol ranges, bowling alleys and racquet courts.



**auction room** means a facility for auctioning of goods and equipment, including temporary storage of such goods and equipment.

**automotive and equipment repair shops** means a facility for the servicing of motor vehicles, motorcycles, snowmobiles or similar vehicles and includes the sale, installation and servicing of related accessories and parts. This includes oil change shops, engine repair shops, transmission shops, muffler shops, tire shops, automotive glass shops, auto body, paint and upholstery shops. This does not include car washes.

**automotive parts sales** means a facility for the purpose of selling automobile parts and accessories on a retail basis.

**automotive sales and rentals** means a facility for the retail sale or rental of new or used automobiles together with incidental maintenance services and sale of parts. This includes automobile dealerships and car rental agencies.

**auxiliary commercial uses** are uses serving an employee housing complex and immediate neighbourhood and may include, among other potential uses, such commercial facilities as convenience stores, eating establishments, and Laundromats, which are intended and designed to service primarily residents of the employee housing development. Maximum gross floor area shall be 150 m<sup>2</sup> per retail establishment.

**awning** means a fabric or lightweight metal shelter projecting from a building.

**awning, structural** means an awning which has been designed and constructed as a permanent part of a building and is architecturally compatible with the design and materials of the building.

**bank of waterbody** means the position of the line, as determined by a qualified surveyor, where the bed and shore of the body of water cease as further defined in the Surveys Act, RSA , Chapter S-26.

**bed and breakfast** means an ancillary commercial use operated by the permanent resident of the dwelling and providing a maximum accommodation of two guest rooms to a maximum of six persons (or pillows) for periods of 14 days or less with one meal provided by the operator to the registered guests on a daily basis. [2014-04]

**brewery** means a place where beer is made commercially.

**building** includes anything constructed or placed on, in, over, or under land but does not include a highway or public roadway or a bridge forming part of a highway.

**building height** means the vertical distance between any grade-point, as defined in this by-law, and the highest point of a building excluding a ventilating fan, skylight, steeple, chimney, smoke stack, exterior firewall, parapet wall, flagpole, antenna, or similar device not structurally essential to the building.

**building permit** means a certificate or document issued by the Town of Canmore pursuant to the Building Permit Bylaw authorizing commencement of construction.

**build to line** means the distance from property line to which a building must be built. [2014-07]

**bulk fuel station** means a facility for the purpose of storing fuel for distribution to customers and does not include a service station.

**campground** means a facility that has been planned and improved for the seasonal short term use of holiday trailers, motor homes, tents, campers and similar recreational vehicles, and is not used as year round storage, or accommodation for residential use. Typical uses include tourist trailer parks, campsites and tenting grounds.

**Canmore Planning Commission** means the Canmore Municipal Planning Commission constituted pursuant to the Municipal Planning Commission Bylaw.

**canopy** means a non-retractable, solid projection, which extends from the face of the building and includes a structure commonly known as the theatre marquee but does not include normal architectural features such as lintels, sills, moldings, architrave and pediments.

**car wash** means a facility for the washing, cleaning, or polishing of motor vehicles.

**carport** means a building or structure or part thereof, the perimeter or a majority of which is not enclosed and which is generally used for the parking or temporary storage of vehicles.

**cemetery** means a landscaped open space for the entombment of the deceased, and may include crematoria, cineraria, columbaria, and mausolea.

**clearance** means the shortest vertical distance between the underside of a sign and grade.

**construction trade shop** means a facility for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with such contractor services where all materials are kept within an enclosed building, and where there are no associated manufacturing activities.

**convenience store** means a retail outlet selling primarily groceries, including perishable items, to area residents on a day-to-day basis from business premises which do not exceed 300.0m<sup>2</sup> in gross floor area. [2014-07]

**convention facility** means a permanent facility for meetings, seminars and conventions. Eating establishments and drinking establishments may be incorporated into the facility as accessory uses.

**corner visibility triangle** means a triangular area formed on the corner site by the two street property lines and a straight line, which intersects them 4.5 metres from the corner where the property lines meet.

**Council** means the Municipal Council of the Town of Canmore.

**crematorium** means an establishment with one or more cremation chambers used for the reduction of the human body by heat and the keeping of human bodies other than in cemeteries.

**cultural establishment** means a development that is available to the public for the purpose of assembly, instruction, cultural or community activity and includes such uses as a place for religious assembly, a library, a museum and a public art gallery.

**day care facility** means a facility for the provision of care, supervision or rehabilitation of persons for periods not exceeding twenty-four consecutive hours. This includes a Group Family Child Care Program or Day Care Licensed Facility.

*Note. A Group Family Child Care Program is the care of 7 to 10 children, including the license holder's own children, but does not include overnight accommodation. Where 7 or more children are present at a program, 2 care providers are required. A Day Care Licensed Facility is licensed by the Provincial Government for the provision of care, supervision or rehabilitation of children or adults for periods not exceeding twenty four consecutive hours.*

**density** means the number of dwelling, visitor or resort accommodation units on a site expressed in units per acre or hectare, or alternatively as the site area required per dwelling unit.

**development** means:

- a. an excavation or stockpile and the creation of either of them
- b. a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them
- c. a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building
- d. a change in the intensity 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 intensity of use of the land or building

**development area** means the area to be occupied by a building plus the reasonable area required for excavation and construction.

**development authority** means the Canmore Planning Commission, Council, or the Development Officer as the context provides.

**development completion certificate** means a certificate or document issued by the Development Officer confirming that the requirements and conditions of a development permit have been satisfactorily completed.

**development officer or "D.O."** means an official of the Town of Canmore charged with the responsibility of receiving and processing applications for development permits, and for deciding upon development permit applications, and issuing development permits and Development Completion Certificates and for enforcing the provisions of this Bylaw.

**development permit** means a document issued by a Development Authority pursuant to this Bylaw, which authorizes a development and includes the plans and conditions of approval.

**district** means an area of land designated on the Land Use District Maps for which a specific set of land uses and rules have been set forth in this Bylaw or, in the case of a Direct Control District, are determined by Council.

**dormitory** means a facility for temporary sleeping accommodations in rooms in a hostel-style facility containing 3 or more beds with shared washing, sanitary and kitchen facilities.

**drinking establishment** means a facility licensed by the Alberta Gaming and Liquor Commission where alcoholic beverages are served to the general public for consumption on the premises and where any preparation or serving of food is accessory thereto;

**drive-in food service** means a facility for eating and drinking which offers a limited menu produced in a manner that allows rapid customer service and includes one or more of the following features: car attendant services; drive-through food pickup services; or parking primarily intended for the on-site consumption of food within a motor vehicle.

**duplex** means a single building containing two dwelling units either side-by-side with a common wall extension from the foundation to roof, or one above the other, each having a separate entrance.

**dwelling unit** means a self-contained room or suite of rooms not available for public use, which normally provide sleeping, washing, sanitary and kitchen facilities, and which is intended for residential use, as opposed to vacation use. A dwelling unit shall not include more than one room which, due to its design, plumbing, equipment, and furnishings is or may be used primarily as a kitchen. A dwelling unit is characterized as a place in which a person or persons may reside as their primary or secondary residence, with the intent and ability to arrive and leave at their discretion, with the intent to remain for an undetermined or indefinite period (*except in accordance with a tenancy agreement under the Residential Tenancies Act, R.S.A. 2004, Chapter R-17.1 or the Mobile Home Sites Tenancies Act, R.S.A. 2000, Chapter M-20*) and with the intent to return to the dwelling unit following absences for such reasons as vacations. A dwelling unit does not include a Shared Ownership Accommodation.

**eating establishment** means a facility where food is prepared and served on the premises for sale to the general public and includes restaurants, delicatessens, and cafeterias but excludes drive-in food services. An eating establishment may be licensed to sell alcoholic beverages but is operated in a manner that allows for the presence of minors during all hours of operation of the premises.

**eaveline** means the horizontal line on a building that marks the extreme edge of the overhang of a roof and where there is no overhang, the eaveline shall be the horizontal line at the intersection of the roof and wall.

**employee** means a person who is primarily employed by an employer within the municipal boundaries of the Town of Canmore. For the purpose of this definition, a person is primarily

employed if that person is performing, or is reasonably expected to perform, the services of an employee for an employer, for a minimum of an average of twenty (20) hours per week.

The employee shall not be the same person as the employer. This provision may be varied at the discretion of the Development Authority where a proposed development meets the purpose of the applicable land use district and/or meets the intent of the Town's employee housing policies (e.g. in a building designed for live/work spaces where a person is self-employed and living adjacent to their place of employment).

In addition to the above, those individuals who can provide written proof (through such means as lease or rental agreements) of continuous residency within the Town of Canmore for a minimum of twenty-four (24) continuous months and who are primarily employed by an employer within the boundaries of the M.D. of Bighorn west of and including the hamlet of Seebe, or within the Town of Banff or Banff National Park, shall be considered an "employee" for the purposes of this Bylaw and shall be eligible to occupy a unit in an approved employee housing project.

**employee housing** means one or more dwelling units used exclusively for the residence of employees and members of their family.

**entertainment establishment** means a facility where entertainment is provided to the public, either exclusively or in combination with other activities and may, without restricting the generality of the foregoing, include a live theatre or cinema, but does not include a restaurant, drinking establishment, gaming establishment or adult mini-theatre.

**entertainment establishment, adult** means any premises or part thereof wherein live performances, motion pictures, video tapes, video discs, slides or similar electronic or photographic reproductions, the main feature of which is the nudity or partial nudity of any person, are performed or shown as a principal use or an accessory to some other business activity which is conducted on the premises.

**environmental education** means field trips related to publicly or privately sponsored educational and interpretive programs.

**essential public service** means a fire station, police station, or similar service.

**extensive agricultural pursuit** means systems of tillage and animal husbandry on large areas of land for the raising of crops or the rearing of livestock either separately or in conjunction with another in unified operations and includes buildings and other structures incidental to the operation.

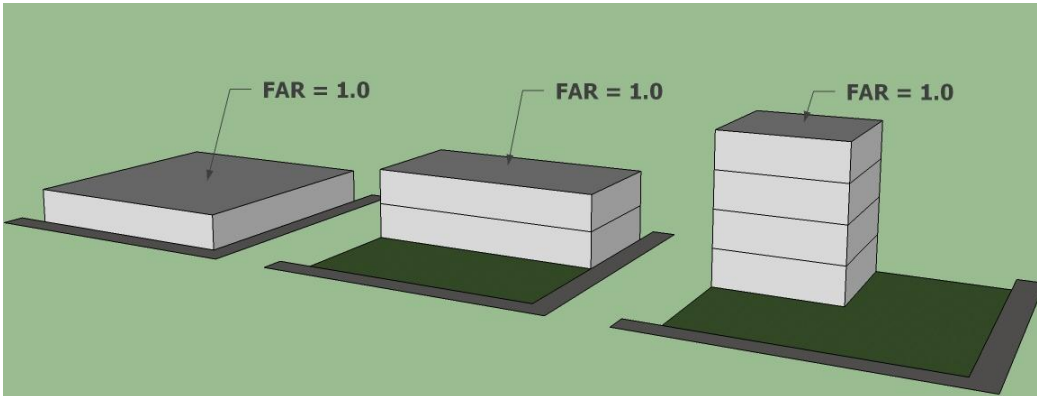
**family** means one or more persons who through marriage, blood relationship, adoption, or other circumstance, normally live together on a bona fide domestic basis.

**fence** means a vertical physical barrier constructed to provide visual screening or to prevent unauthorized access or both.

**financial institution** means a bank, trust company, credit union or similar establishment.

**floor, main** means the floor of a building that is accessed directly from grade or the floor nearest to grade. It is possible for a building constructed on a slope to have multiple main floors.

**floor area ratio (F.A.R.)** means the numerical value of the gross floor area of the building(s) located upon a lot divided by the lot area. Parking structures or portions of buildings used for parking are not included in the calculation of gross floor area.



For illustration purposes, each of the drawings above represents a Floor Area Ratio of 1.0 since the floor area of each building is equal to the area of the lot.

**freight terminal** means a facility accommodating the storage and distribution of freight shipped by rail, or highway transportation.

**frontage** means the boundary of a lot which abuts a street. On sites which abut two or more streets the frontage(s) shall be designated by the Development Officer and may include two or more frontages.

**funeral home** means an establishment for the arrangement of funerals, the preparation of the dead for burial or cremation, the holding of funeral services and the carrying out of cremations, where not more than one cremation chamber is provided.

**garden centre** means a facility with a limited amount of outside storage, primarily intended for the sale of trees, shrubs, plants and other gardening supplies and materials.

**garden suite** means a secondary dwelling unit detached from and located on the same site and serviced by the same utilities as a single family-detached principal dwelling unit. A Garden Suite may be attached to or be developed above a detached garage.

**gas bar** means a facility for the sale of gasoline and associated automotive fluids but is not a service station.

**grade** means the elevation of the existing ground in an undisturbed natural state or an approved design grade as described in a comprehensive grading plan approved by the Town of Canmore.

**grade-point** means the point(s) on a site which are used to measure the maximum permitted height of a building from grade. Where grade points have not been established as part of an

approved comprehensive grading plan, the location of grade points shall be determined by the Development Authority.

**green roof, extensive** is typically not accessible and is characterized, in contrast with intensive green roofs, by: relatively low weight; low capital cost; low plant diversity and minimum maintenance requirements.

**green roof, intensive** is typically accessible to the public or occupants of the building and, in contrast with extensive green roofs, are characterized by: deeper soil; greater weight; higher capital cost; greater plant diversity; and, substantial maintenance requirements.

**gross floor area (GFA), non-residential** means the sum of the areas of all floors of a building measured to the outside surface of the exterior walls, and includes all floors totally or partially above the finished ground surface, but excluding mechanical equipment areas, garbage storage areas and areas dedicated to the parking of motor vehicles.

**gross floor area (GFA), residential** means the sum of the areas of all habitable floors of a building measured to the outside surface of the exterior walls and includes all habitable floor space whether above or below grade including stairways and mechanical equipment rooms, but excluding areas dedicated to the parking of motor vehicles and areas which are not considered habitable in accordance with the Alberta Building Code (e.g. crawl spaces).

For suites, apartments, townhouses or other dwelling units partially enclosed by common walls the gross floor area shall be determined by measuring to the centre of the common walls.

**ground cover** means vegetation, other than grass, commonly used for landscaping purposes.

**habitat enhancement** means the manipulation of plant, animal and microbe habitat for the purpose of improving the capacity of the habitat as a source of food, shelter, or cover for an identified species or suite of species.

**heliport** means a facility for the use of helicopters landing or taking off on a frequent basis and includes development of passenger terminals, service, repair and storage facilities and other necessarily ancillary developments required for the purpose of operating a heliport in accordance with all applicable statutes and regulations.

**holiday trailer or travel trailer** means a trailer designed to be transported on its own wheels or by other means (including units permanently mounted or otherwise on trucks) designed or constructed in such manner as will permit its use for temporary dwelling accommodation for travel and recreational purposes only, but does not include a mobile home.

**holiday trailer park** means a parcel of land on which two or more holiday trailers are harboured.

**home improvement centre** means a facility where building materials, tools, domestic garden supplies, household accessories required for interior or exterior building renovations, and similar goods are stored, offered or kept for sale but does not include any outside storage yards.

**home occupation - Class 1** means an accessory use of a dwelling unit by a resident for a small scale business which is incidental to the primary use as a residence, undetectable from outside the dwelling unit.

**home occupation - Class 2** means an accessory use of a dwelling unit or private garage by a resident for a small scale business which is incidental to the primary use as a residence. In accordance with the foregoing, Class 2 uses may include such activities as music lessons, personal services, private day homes, approved family day homes, offices and indirect sales, but may not include such uses as medical clinics, veterinary clinics or retail sales, adult entertainment services, automobile repairs, automobile parts sales, automobile detailing, kennels, taxi services and eating and drinking establishments.

**hospital** means a facility providing room, board, and surgical or other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences. Typical uses include hospitals, sanatoria, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres.

**hostel** means a facility containing commercial accommodation and/or dormitory units operated to provide temporary accommodation with some communal kitchen and sanitary facilities and which may also provide services for longer-term guests. Hostels may include such ancillary uses as cafeterias, meeting rooms and outdoor recreational services as well as one auxiliary residential dwelling unit for the purpose of on-site management.

**household repair service** means a facility for the provision of repair services to goods, equipment and appliances normally found within the home. This includes radio, television, computer and appliance repair shops, and furniture refinishing and upholstery shops.

**industrial equipment sale and rental** means a facility for the sale or rental of equipment typically used in building, roadway, pipeline, oilfield and mining construction or agricultural production. This does not include "truck and mobile home sales and rentals".

**industrial operation** means a business engaged in secondary manufacturing, processing, assembling, disassembling, packaging, cleaning, servicing, testing, storing and distribution of materials, goods, products or equipment.

**intensive agricultural pursuit** means any concentrated method used to raise crops or to rear or keep livestock, animals, poultry or their products for market, including such operations as horse riding stables, poultry farms, pastures, rabbitries, fur farms, greenhouses, tree farms, sod farms, nurseries and similar specialty uses conducted as the principal use of a building or site.

**kennel** means a facility where dogs or cats or other domestic pets may be maintained, boarded, bred, trained or cared for or kept for the purposes of sale but excludes a veterinary clinic.

**kiosk** means a location or structure housing a seasonal/temporary business.

**laboratory** means a facility for the purpose of scientific or technical research, investigations or experimentation.



**landscaped area** means that portion of a site which is to be landscaped pursuant to a development permit, and excludes areas used for parking and driveways.

**landscaping** means the modification and enhancement of a site or development through the use of the following elements: natural landscaping native to Western Canada consisting of vegetation such as trees, shrubs, hedges, grass and other ground cover; hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, excluding monolithic concrete and asphalt; and excludes all areas utilized for driveways and parking.

**lane** means a public thoroughfare with a right-of-way width of not greater than 9.0 m and not less than 6.0 m as defined in the Engineering Design and Construction Guidelines.

**laundromat** means a facility for the cleaning of clothing or other fabric goods on a self-serve basis.

**laundry, retail** means a facility for the cleaning and pressing of clothing or other fabric goods.

**laundry, industrial** means a non-retail laundry facility serving business establishments, usually on a contract basis

**light manufacturing operation** means a business engaged in secondary manufacturing which involves no outdoor storage and which causes no environmental disturbances such as the creation of smoke, noise, dust or odors and may include such uses as arts and crafts studios, pottery manufacturing, microbrewery, electronics assembly and clothing manufacturing.

**liquor store** means a retail establishment licensed under provincial authority for the sale of any or all of beer, wine, or spirits for consumption off-premises. Full walls must physically separate the premises from any other business.

**loading space** means a space to accommodate a commercial vehicle while it is being loaded or unloaded.

**lodge** means a facility for tourists that complies with the definition of visitor accommodation except that a lodge has a minimum of 5 accommodation rooms and cooking facilities which are not located in the accommodation rooms and where there are no areas for public retail, public entertainment functions, meeting rooms and public convention rooms. Accessory uses may include rental cabins, accommodation for permanent staff and one or more beverage rooms, dining rooms, athletic and recreation facilities (indoor and outdoor) for use by the guests and other similar uses.

**lodging house** means the use of a dwelling unit for residential purposes by more than three (3) persons who do not constitute a "family" within the meaning of the Land Use Bylaw. For example, a family living in a house could rent rooms within that house to a maximum of two unrelated persons.

**loft** means the floor space above the eaveline and within the pitch of the roof of a building. The floor area of a loft measured to the walls or where the rooflines meet the floor, shall not exceed 60% of the area of the floor below the loft.

**logging or logging operation** means the cutting of trees where the total area subject to cutting is greater than 500.0 m<sup>2</sup> or where the merchantable timber being cut on the parcel contains over 25.0 m<sup>3</sup> of gross wood volume.

**long-term care facility** means a public or private health facility for the care, supervision or rehabilitation of individuals containing overnight accommodation and operated in accordance with relevant Province of Alberta Legislation and Regulations. Units within a long-term care facility may, at the discretion of the development authority, be considering as both long-term care units and dwelling units as these may be permanent residences for the occupants. [2014-07]

**lot** means:

- a. a quarter section; or
- b. a river lot shown on an official plan referred to in Section 32 of the Surveys Act that is filed or lodged in a land titles office; or
- c. a settlement lot shown on an official plan referred to in Section 32 of the Surveys Act that is filed or lodged in a land titles office; or
- d. a part of a parcel described in a certificate of title where the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision; or
- e. a part of a parcel described in a certificate of title where the boundaries of the part are described in a certificate of title by reference to a plan of subdivision.

**lumber yard** means a facility where bulk supplies of lumber and other building materials are stored, offered or kept for retail sale and includes storage on or about the premises of such material but does not include retail sales of furniture, appliances or other goods not ordinarily used in building construction.

**manufactured home** means a dwelling unit or series of dwelling units built in an enclosed off-site factory environment in one or more sections and intended to be delivered and assembled at a residential site. New manufactured homes shall be constructed to either the CSA Z241 or CSA A277 standards and installed to CSA Z240.10.1 standards or on a permanent foundation.

**manufactured home park** means a site which provides rentable space for long-term parking and occupancy of manufactured homes as defined under "manufactured homes."

**medical clinic** means a facility for the provision of human health services by professional, accredited practitioners such as doctors and dentists, without overnight accommodation for patients.

**multi-family residential** means a building that contains three or more dwelling units and includes townhouses, stacked townhouses and apartments. [2014-04]

**non-conforming building** means a building:

- a. that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and that

- b. on the date the land use bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with this Bylaw.

**non-conforming use** means a lawful specific use

- a. being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw or any amendment thereof affecting the land or building becomes effective, and which use
- b. on the date this Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, conform with the Land Use Bylaw.

**offices** means a facility primarily for the provision of professional, management, administrative or consulting services. Typical uses include the offices of lawyers, accountants, engineers, architects, and real estate, insurance, clerical, secretarial, employment, telephone answering and office support services.

**outdoor athletic and recreational facility** means a facility available to the public for sports and active recreation conducted outdoors. Typical uses include golf courses, driving ranges, ski hills, ski jumps, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, riding stables and fitness trails.

**outdoor vehicle storage** means the outdoor storage of vehicles including automobiles, recreation vehicles and boats.

**outside storage** means the storing, stockpiling, or accumulating of goods, equipment or material in an area that is open or exposed to the natural elements, but does not include vehicles, waste materials, debris or garbage.

**PAH (perpetually affordable housing)** NOTE: The following description is for information purposes only. For a current definition of PAH contact the Canmore Community Housing Corporation (CCHC).

PAH refers to both equity and rental housing units that, through a variety of restrictions such as those imposed through a restrictive covenant, option to purchase, a land lease, or other document, is removed from the influence of the open real estate market. PAH units are not offered at market rates when ownership or tenancy changes, but remain at levels lower than the market would dictate. This means PAH Units are controlled in such a way to make them perpetually affordable over a long period of time, or in perpetuity.

**parcel** means the aggregate of one or more areas of land described in a certificate of title by reference to a plan filed or registered in the Land Titles Office.

**parking area** means a portion of land or of a building set aside for the parking of motor vehicles or bicycles as approved by the Development Authority.

**parking structure** means a structure for parking motor vehicles on tiers or floors which may be constructed above, below or at grade.

**parking, tandem** means two parking spaces, one behind the other, with one point of access to the maneuvering aisle.

**parks and playgrounds** mean land designated or reserved for active or passive recreational use by the general public and includes all natural and man-made landscaping, facilities, playing fields, gardens, buildings and other structures that are consistent with the general purpose of parks. Typical uses include tot lots, picnic grounds, pedestrian pathways and trails, landscaped buffers and playgrounds. [2014-04]

**pawnshop** means a place of business where personal property is received and on which money is advanced with the right or privilege granted to the person to whom the money is advanced to reclaim such property upon the repayment of said money so advanced. The use includes any business, other than banks, savings and loan institutions, and similar organizations otherwise regulated by law, which operates a loan or pawn office or which engages in the business of receiving any article in pledge for loans, or as security, or in pawn for the repayment of moneys, and exacts interest for such loans.

**peace officer** means

- a. a Bylaw Enforcement Officer appointed by the Town pursuant to the Municipal Government Act S.A. 1994 c. M-26.1 as amended
- b. a Special Constable pursuant to the Police Act, S.A. 1988, c. P-12.01 as amended and Regulations thereto
- c. a member of the Royal Canadian Mounted Police.

**pedestrian pathway** means a sidewalk, trail or other linear development or system designed to accommodate a variety of non-motorized modes of travel including but not limited to walking and riding bicycles.

**person** means any individual, corporation, firm, partnership, association, body corporate, company, society, owner, or occupant, but unless the context otherwise requires, does not include the Town, or its employees.

**personal service business** means a facility for the provision of services which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This may include such businesses as barbershops, naturopathic and holistic services, physiotherapy clinics, chiropractic offices, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops.

**pet care facility** means a facility for the cleaning, grooming and care of domestic pets where no overnight kenneling or keeping of any animals occurs.

**plan of subdivision** means a plan of survey prepared in accordance with the relevant provisions of the Land Titles Act for the purpose of effecting subdivision.

**pre-built structure** means a building the components of which are largely manufactured on a site other than the site on which it is intended to be used which is often pre-assembled and which is generally assembled in a fashion which would facilitate the building being disassembled

as opposed to demolished. Pre-built structures, without restricting the generality of the foregoing, include trailers, doublewide trailers, quonset huts and inflatable buildings.

**primary access** means the location and manner of the principal means of vehicular access and egress from a site or building.

**principal building** shall mean a building which accommodates the principal use of the site and shall include any attached private garage or carport.

**principal use** means the main purpose for which a building or site is used.

**printing establishment, commercial** means a retail business providing photocopying and/or commercial offset printing and retail services.

**printing establishment, industrial** means a facility providing non-retail commercial, industrial printing and publishing services normally using automated, web-type presses or full colour process printing.

**private club** means a facility, not open to the general public, for the meeting and social or recreational activities of members of philanthropic, social service, athletic, business or service organizations or of other groups of persons. Private clubs may include rooms for eating, drinking and assembly but constitute a different use from "Drinking Establishments" and "Eating Establishments".

**property line** shall mean any legal surveyed boundary of a parcel.

**public or quasi-public building or use** means a facility owned or operated by or for the Municipality, the Provincial Government, the Federal Government or a corporation which is an agent of the Crown under federal or provincial statute for the purpose of furnishing services or commodities to or for the use of the inhabitants of the municipality.

**public transportation terminal** means a facility utilizing a building, structure, land or any or all of them for the processing and loading and unloading of passengers and baggage to and from buses, vans, trains or similar conveyances available for use by the general public.

**public thoroughfare** means any pathway, sidewalk, bridge, lane, service road, local street, collector street, arterial street, or highway.

**public utility** means any one or more of the following works or systems used to provide for public consumption, benefit, convenience or use:

- a. water or steam;
- b. sewage disposal;
- c. public transportation operated by or on behalf of the community;
- d. irrigation;
- e. drainage, including storm water;
- f. fuel;
- g. electric power;

h. heat;  
i. waste management;  
j. telecommunications;  
and includes the product, service or matter that is provided for public consumption, benefit, convenience and use.

**rapid drive-through vehicle service** means a facility providing rapid cleaning, lubrication, maintenance or repair services to motor vehicles, where the customer typically remains within the vehicle or waits on the premises. Typical uses include automatic or coin operated car washes, rapid lubrication shops, or specialty repair establishments.

**recreational vehicle sale and rental** means a facility for the retail sale or rental of new or used motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar recreational vehicles, bicycles, and skis and may include incidental maintenance services and sale of parts.

**recreational vehicle sanitary pump out site** means a facility for the disposal of wastes from recreational vehicles.

**recycling depot** means a facility for the buying and temporary storage of bottles, cans, newspapers and similar household goods for reuse where all storage is contained within an enclosed building but excludes scrap yards.

**relocation of dwelling unit** means the relocation of an existing dwelling to a lot or lots within the Town of Canmore.

**required right-of-way (R.O.W.) setback** means the land contiguous to the right-of-way of a public thoroughfare, designated by the Town as being required as additional future right-of-way.

**residence** has the same meaning as a Dwelling Unit.

**residential use** means the use of specific real property for the purpose of a residence by a person or persons, and does not include an Accommodation Unit or use, Tourist Home, Visitor Accommodation, a shared Ownership Accommodation, Resort Accommodation – TSMV, or other non-residential uses such as multiple, periodic occupancy through mechanisms such as fractional ownership. For clarity, a residential use is one where the occupant has exclusive use of the specific property for an indefinite amount of time except in accordance with a tenancy agreement under the Residential Tenancies Act, RSA 2004, Chapter R-17.1 or the Mobile Homes Site Tenancies Act, RSA 2004, Chapter M-20 and for the use of which GST is not payable in accordance with the requirements in the Excise Tax Act of Canada.

**resort** means a comprehensively planned and operated development offering recreational, educational, cultural, convention and conference facilities, together with visitor accommodation, in a location chosen for the unique qualities and attributes of its natural physical setting. Appropriate uses within a resort could include, but are not limited to: visitor accommodation, private residences, convention and conference facilities, indoor and outdoor recreation facilities (e.g. golf courses, riding stables, tennis courts, health spas), retail and personal service facilities and other uses suitable to the location and compatible with adjacent land uses.

**resort accommodation** means a facility for visitors to a resort, which may be in the form of visitor accommodation, apartment hotels, lodges, campground or other forms of tourist accommodation.

**resort accommodation – TSMV** means a building or group of buildings for visitors to the resort area, which may be utilized for non-residential tenancies, is not intended to be used for permanent living accommodation, and shall include visitor accommodation and other tourist accommodation, and fractionally owned property. Resort Accommodation may be in the form of visitor accommodation units, apartment resort accommodation units, and townhouse resort accommodation units/stacked townhouse resort accommodation units, and shall in all cases be considered as a commercial land use for the purposes of municipal assessment and taxation, with no restrictions or minimum or maximum occupancy periods.

**retail food store** means the use of a building or a portion thereof for the sale of foodstuffs for consumption off-premises and includes a supermarket, grocery, bakery or butcher shop.

**retail thrift store** means a store which sells a variety of donated secondhand household goods usually operated by a not-for-profit organization and does not include premises for the retailing of goods and chattels in pawn and does not include a pawnshop.

**retail store** means the use of a building or portion thereof where goods, wares, merchandise substances, articles or things are stored, offered or kept for sale or rent and includes storage within the premises of quantities sufficient only to service such store but does not include any other retail outlet specifically listed or defined in this Bylaw. e.g. “retail food store”, “convenience store”, “warehouse store”.

**retaining wall** means a vertical structure that serves to hold soils/fill materials and which creates a difference in ground elevation between the faces of the structure.

**satellite dish antenna** means a parabolic antenna including foundation used for the reception of satellite transmitted television or radio waves.

**school, commercial** means a place of instruction operated for profit but does not include a private school.

**school, post secondary** a public or private educational establishment providing academic, professional, trade, craft or other educational curriculum to post-secondary students.

**school, private** means a school, other than a school operated by a School Board under the School Act, that provides grade and secondary school instruction to pupils through courses prescribed or approved by the Minister of Education.

**school, public or separate** means a place of instruction operated with public funds pursuant to The School Act.

**scrap yard** means a facility where materials are stored temporarily on the site for reprocessing into scrap materials for sale or where useable parts for used goods, equipment or vehicles are sold.

**screening** means a visual separation between sites, districts, or land use activities provided by a fence, wall, berm or natural landscaping.

**seasonal/temporary business** means a business which normally is operated for fewer than six months per year.

**secondary suite** means development consisting of an ancillary, self-contained dwelling unit located in a structure in which the primary use is a single family dwelling unit. A secondary suite has an entrance separate from the entrance to the primary dwelling unit, either from a common indoor landing or directly from the exterior of the structure, and may be connected by an interior door directly connecting the primary dwelling unit to the secondary suite. Exterior access to the secondary suite is subordinate in both size and appearance to the access of the primary dwelling unit.

NOTE: This Use Class does not include Duplex Housing or Apartment Housing, where the structure was initially designed for two or more Dwellings.

**semi-detached dwelling** has the same meaning as “duplex”.

**seniors housing/supportive living facility** means a facility designed for persons 65 years of age or over or a person less than 65 years of age with special circumstances appropriate to an approved Supportive Living Facility as determined by Provincial Regulations and/or the Town of Canmore and operated in accordance with the Alberta Housing Act, the Supportive Living Accommodation Licensing Act and any other applicable Regulations established by the Province of Alberta. Units within a seniors housing/supportive living facility may, at the discretion of the development authority, be considered as both seniors housing/supportive living units and dwelling units as these may be permanent residences for the occupants. [2014-07]

**service station** means a facility for the service and repair of motor vehicles and for the sale of gasoline or other energy sources, lubricating oils and accessories for motor vehicles and which may provide towing service or a car wash.

**shared ownership accommodation** means a unit or units that may include sleeping, washing, sanitary and kitchen facilities, and which are intended for use by an owner, owners or invitees of the owner, and where the ownership and use of the unit or units is shared between the owners, and includes such things as fractional ownership, residence clubs, resort clubs, points ownership systems, right to use programs and timeshare ownership. Shared Ownership Accommodation is not a residential use.

Shared Ownership Accommodation may demonstrate any one or more of the following characteristics:

- a. The ability of, or need for, an owner to reserve a unit through a reservation system;
- b. The monitoring and tracking of the use of a unit or units by an owner;
- c. The possible collection and remittance of GST in accordance with the requirements of the Excise Tax Act of Canada in relation to the use of the unit or units by the owners;
- d. The ability of an owner to use or have a right to use a unit for a defined limited period of time on a renewing basis;



- e. The ability of an owner to use or have a right to use a unit for a defined period of time within a time period such as a month or a year;
- f. The ability of an owner to use more than one unit within a development or developments;
- g. The ability of an owner to trade or exchange use of a unit or units with other owners in the same or other development or developments;
- h. The ability of an owner to use a unit or units for less than a 28 day period.

**shopping centre** means a unified group of retail stores or personal service businesses on a site which is planned, developed and managed as a single operating unit with on-site parking.

**show home** means a residential dwelling unit within a residential building, which is used for display or “show” by a developer or builder as an example of the type of dwelling unit which may be constructed within an approved subdivision or development. A “show home” unit does not have a permit for residential occupancy and shall not be used as an “office” other than on an occasional or casual basis by developers, realtors or other individuals for the purpose of showing or selling dwelling units within the development.

**sight angle** means the angular deviation, measured in degrees, of a sight line from a horizontal plane established from a point of origin.

**similar use** means a specific use of land or of a building that is not expressly mentioned in this Bylaw but which the Development Officer or Municipal Planning Commission has determined to be similar in character and purpose to a listed Permitted or Discretionary Use in the district in which such use is proposed.

**single family detached dwelling** means a single detached building containing one dwelling unit only, and used exclusively for the Residence of not more than one Family.

**single family detached plus dwelling** means a single detached building designed to contain one primary dwelling unit and one secondary suite, under one title, used exclusively for the residence of not more than one family per dwelling unit and where the primary dwelling unit and secondary suite may be connected by an interior door directly connecting the primary dwelling unit to the secondary suite. Exterior access to the secondary suite is subordinate in both size and appearance to the access of the primary dwelling unit.

**site** means an area of land on which a development exists or for which an application for a development permit is made containing not less than one lot.

**site area** means the total horizontal area enclosed within the property lines of a site.

**site coverage** means the figure obtained when the projected area of the outside of the outermost walls, excluding steps, eaves, cantilevered balconies and decks less than 4.0 metres above grade, of all the principal and auxiliary buildings is expressed as a percentage of the total parcel area.

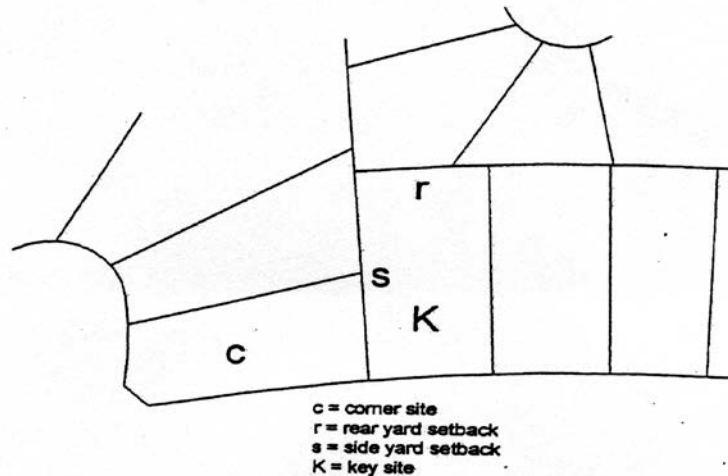
**site depth** means the mean horizontal distance between the front and the rear boundaries of the site.

**site width** means the distance between the side property lines of the lot calculated as the average between the length of two straight lines connecting points located at the front and rear yard setbacks on the side property lines.

**site, corner** means a site situated at the intersection of two or more streets, or at the intersection of two parts of the same street, which parts have an intersection of not more than 135 degrees.

**site, interior** means a site other than a key site and bounded on both sides by a lot.

**site, key** means an interior site lying immediately to the rear of a corner site.



**slope adaptive housing** means housing which incorporates specific building and site design methods that minimize the impact of site development on the natural environment, ensures slope stability, and responds positively to the aesthetic opportunities presented by construction on sloping lands. Techniques to achieve this normally include: design of rooflines and building massing designs to echo the angles and shapes of the surrounding landscape; breaking up of the building mass to conform to the slope; and the use of indigenous materials and compatible colours.

**souvenir shop** means a retail store which sells various souvenirs and mementos and generally caters to the shopping needs of visitors.

**special needs housing** means housing designed and provided for individuals or groups of individuals with special housing and transportation needs due to their limited mobility.

**staff accommodation** means housing units located on the same site as a business for providing accommodation for employees of that business and their dependents. Staff accommodation units may take the form of self-contained units or dormitories. The maximum occupancy for staff accommodation units is 2 adults per bedroom. Staff accommodation are ancillary to the business for which they are providing housing and therefore are not intended to be on a separate title from that of the business. [2014-07]

**storage facility** means a building or group of buildings used for internal storage of materials and goods that are not considered hazardous or toxic. [2014-04]

**storage yard** means the use of a site for the storage of materials, products, goods, equipment, or more than one unlicensed vehicle.

**storey** means the space between the top of any floor and the top of the next floor above it and, if there is no floor above it, the portion between the top of the floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.8 metres above grade, such basement shall be considered a Storey for the purposes of this Bylaw.

**storey, half** means a storey under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 0.6 m above the floor of such storey.

**street** means a public thoroughfare including a bridge affording the principal means of access to abutting sites and includes the sidewalks and the land on each side of and contiguous to the prepared surface of the thoroughfare.

**street line** means a lateral boundary of a street right-of-way.

**street, arterial** means a public thoroughfare that carries large volumes of all types of traffic with limited access points as described and identified in the current Engineering Design Standards for the Town of Canmore.

**street, collector** means a roadway designated in the current Engineering Design and Construction Guidelines for the Town of Canmore as a collector road intended to gather traffic from local roads in order to conduct it to arterials.

**street, local or residential** means an undivided roadway where all intersections are at grade, having direct access permitted from adjacent properties and designed to permit low speed travel within a neighbourhood.

**structure** means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground and includes buildings, walls and light standards, but does not include fences or signs.

**subdivision** means the division of a parcel by a legal instrument and the word "subdivide" is the corresponding verb.

**Subdivision Authority** means the body designated by the Town of Canmore pursuant to the Municipal Government Act as having the authority to exercise subdivision powers.

**taxi broker** means a person who holds a subsisting Taxi Broker's License pursuant to Town bylaws.

**taxi broker's office** means the business premise of a Taxi Broker located within the corporate boundaries of the Town of Canmore.

**taxi dispatch office** means an office located in a building within a land use district which allows for “offices” or “taxi dispatch offices” and from which taxi cabs are directed by means of a dispatch system.

**taxi stand** means a development used for the stationing of in-service taxis.

**temporary staff housing** means the temporary conversion of a visitor accommodation unit to provide housing for employees. [2014-07]

**temporary storage yard** means development used exclusively for temporary outside storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical uses include storage yards for construction vehicles, equipment and materials or recreation vehicles.

**tourist home** means a dwelling unit operated as a temporary place to stay, with or without compensation, and includes all vacation rentals of a dwelling unit. The characteristics that distinguish a tourist home from a dwelling unit used as a residence may include any of the following:

- a. the intent of the occupant to stay for short term vacation purposes rather than use the property as a residence; and/or
- b. the commercial nature of a tourist home; and/or
- c. the management or advertising of the dwelling unit as a tourist home or “vacation property”; and/or
- d. the use of a system of reservations, deposits, confirmations, credit cards or other forms of electronic payment.

These examples do not represent an exhaustive list of operating practices that may constitute a tourist home.

**Town of Canmore or “Town”** means the corporation of the Town of Canmore or the land lying within the corporate limits of the Town, as the context requires.

**townhouse** means a single building comprised of three or more dwelling units separated from each other by walls extending from foundation to roof, with each dwelling unit having a separate, direct, at grade entrance. This includes all row, linked, patio, garden court or other housing which meet these criteria. A townhouse development may consist of a group of buildings each of which contains three or more dwelling units.

**townhouse, stacked** means a multiple dwelling comprised of three or more dwelling units and constructed such that one or more dwelling units are located totally or partially above another dwelling unit, and each having a separate, direct entrance from grade or a landscaped area. A stacked townhouse development may consist of a group of buildings each of which contains three or more dwelling units.

**truck and manufactured home sale and rental** means development used for the sale or rental of new or used trucks, motor-homes, manufactured homes, and automobiles together with incidental maintenance services and the sale of parts and accessories. Typical uses include truck dealerships, recreation vehicle sales and manufactured home dealerships.

**truck repair and servicing** means a facility for the servicing and repair primarily of licensed motor vehicles with a gross vehicle rating in excess of 4000 kg.

**trucking establishment** means a facility for the purpose of storing and dispatching trucks and tractor trailers for transporting goods.

**vegetation management** means the manipulation of plant material for purposes such as the spread of wildfires, or the control of plants or diseases.

**veterinary clinic** means a facility for the care of animals but does not include outdoor pens, runs or enclosures.

**violation tag** means a form requesting voluntary payment for a fee respecting breach of this bylaw which form does not commence court proceedings pursuant to the Provincial Offenses Procedures Act, R.S.A. 1980, c.P-21.5 and any amendments thereto. This form shall contain the information, and shall be in the format required by the Chief Administrative Officer or the Chief Administrative Officer's designate.

**violation ticket** means a violation ticket issued pursuant to Part 2 or Part 3 of the Provincial Offenses Procedures Act, R.S.A. 1980, c.P-21.5, and any amendments thereto, which ticket commences court proceedings under that legislation.

**visitor** means a person visiting someone or somewhere, especially socially or as a tourist rather than for employment purposes.

**visitor accommodation** means a building or group of buildings not intended for residential use where sleeping facilities are provided for persons for periods of up to 30 days and which may also contain recreational facilities, commercial uses and additional facilities including but not limited to eating establishments, drinking establishments, room service, meeting rooms, public convention rooms, and laundry service.

Where the majority of visitor accommodation units within the visitor accommodation contain suites of more than 1 room, two or more of the following services shall be provided: eating establishment, drinking establishment, room service, public convention room, or laundry service.

Visitor accommodation approved after January 3, 2012 shall also include the following:

- a. a central management, a reservation service, and key disbursement
- b. a single address for mail (not for individual units)
- c. not serve as a residential address for utility billing or electoral enumeration purposes
- d. signage designating the development as a "hotel" or similar visitor accommodation use;

and may include a supervised front desk with attendant and be served by a single utility meter.

The Development Authority may allow alternatives to the above list where the intent is maintained to provide short-term visitor accommodation. **[05(Z)2012]**

**visitor accommodation, small scale** means a development that contains a maximum of twelve visitor accommodation units without cooking facilities and one residential dwelling unit with private cooking facilities for the on-site management and operation, and a common kitchen and a dining facility for the provision of meals to guests visitors.

**warehouse store** means a facility for the wholesale or retail sale of a limited range of bulky goods from within an enclosed building where the warehouse or storage component occupies at least fifty percent of the gross floor area and retail uses occupy 50 percent or less of the gross floor area. Typical uses include furniture, carpet and appliance warehouses.

**warehousing** means the use of a building for the storage of materials, products, goods and merchandise.

**wildlife corridor** means an area which provides or is designed to provide connectivity between patches of wildlife habitat. Wildlife corridors generally do not fulfill the requirements of wildlife habitat patches except for the physical security provided by vegetative cover or other buffers from development.

**wildlife habitat** means an area accessible to wildlife via wildlife corridors or other routes and is an area large enough to provide for one or more of the following wildlife needs: feeding, breeding, thermal regulation, security and resting.

**yard** means an open space on site, unoccupied and unobstructed.

**yard, front** means the yard which extends in width between the side boundaries of a site and in depth from the front property line of the site to the front of the principal building. In the case of a corner site the narrower of the two boundary lines abutting the street may be considered the front yard. In circumstances where the front yard is not clearly defined, the Development Authority may determine what constitutes the front yard.

**yard, rear** means the yard which extends between the rear property line of a site and the rear yard setback as prescribed in the district. In circumstances where the rear yard is not clearly defined, the Development Authority may determine what constitutes the rear yard or yards.

**yard, side** means the yard which extends between a side property line of a site and the sideyard setback as prescribed in a land use district. In circumstances where a sideyard is not clearly defined, the Development Authority may determine what constitutes the sideyard(s) of a site.