

RURAL MUNICIPALITY OF WOLVERINE NO. 340

BUILDING & DEVELOPMENT APPLICATION GUIDE

Permitted Use vs. Discretionary Use

Purpose. This guide is intended to help applicants understand the difference between a permitted use and a discretionary use when applying for development and building approval within the R.M. of Wolverine No. 340. The applicable zoning district and the R.M.'s Zoning Bylaw must always be reviewed for the specific parcel and proposed development.

1. Development Permit and Building Permit

Development approval and building approval are separate matters. A development permit addresses whether the proposed use and development comply with the Zoning Bylaw. A building permit addresses construction requirements under the applicable building legislation and codes. Where both approvals are required, obtaining one does not replace the requirement to obtain the other.

2. Permitted Use

A permitted use is a use that the Zoning Bylaw lists as permitted in the applicable zoning district. If the proposed development satisfies all applicable zoning requirements, including setbacks, site area, frontage, site coverage and other development standards, it may proceed through the normal development permit review process.

- The Administrator/Development Officer reviews the application against the applicable zoning requirements.
- The proposed use must be specifically permitted in the zoning district.
- All applicable development standards and permit requirements must be satisfied.
- A permitted use does not mean that construction may begin without any other required approvals.

3. Discretionary Use

A discretionary use is a use that the Zoning Bylaw identifies as discretionary in the applicable zoning district. It is not automatically approved. Council must consider the application and determine whether the proposed use is appropriate for the location, subject to the Zoning Bylaw and the required municipal process.

- The application is reviewed for completeness and compliance with the Zoning Bylaw.
- The required public notice and/or referral process must be completed where applicable.
- Council considers the application and any relevant planning considerations or representations received.
- Council may approve the discretionary use, approve it subject to conditions authorized by the Zoning Bylaw and legislation, or refuse it.
- The applicant should not commence development or construction until the required approvals and permits have been issued.

4. Quick Comparison

Question	Permitted Use	Discretionary Use
Listed in zoning district?	Yes - as a permitted use	Yes - as a discretionary use
Council decision normally required for the use?	No, if all requirements are met	Yes
Public notice/process?	Normally not for the use itself	Required where prescribed
Approval automatic?	Only if the application complies with all applicable requirements	No - Council exercises discretion under the Bylaw
Conditions?	Must comply with applicable Bylaw standards	May be subject to authorized conditions

5. Lakeshore District Example

Example from the L - Lakeshore District. The uploaded Lakeshore District pages list a single detached dwelling and a mobile home or modular home on a permanent foundation as permitted residential uses. Other uses identified under the district's Discretionary Uses section require the discretionary-use process and Council consideration.

For a Single Unit - Lakeshore Lot, Section 9.3.1 provides: minimum site area 450 m² (4,844 sq. ft.); maximum site area 1 hectare (2.47 acres); minimum frontage 15 m (49.2 ft.); front yard 6 m (19.7 ft.); rear yard 6 m (19.7 ft.); and side yard 1.5 m (4.9 ft.) in the printed table.

Administrative caution: the R.M. copy reviewed contains a handwritten notation beside the side-yard requirement indicating "2.4 m - now." The applicable enacted amending bylaw should be confirmed before relying on that notation.

6. Application Review Checklist

- ☐ Confirm the legal land description and zoning district.
- ☐ Identify the proposed principal use and all accessory uses/structures.
- ☐ Determine whether each proposed use is permitted, discretionary, or not listed in the district.
- ☐ Verify lot area, frontage, setbacks, site coverage and any special district regulations.
- ☐ Determine whether a development permit is required.
- ☐ If discretionary, complete the required municipal notice/referral and Council decision process.
- ☐ Determine whether a building permit and any other provincial or agency approvals are required.
- ☐ Do not authorize construction until all required approvals have been issued.

Important

This document is an administrative guide only. It does not replace the R.M. of Wolverine No. 340 Zoning Bylaw No. 03-09, any duly adopted amending bylaws, applicable provincial legislation, or the specific conditions of an approval. Where there is a conflict, the applicable legislation and enacted bylaws govern.