

## TOWN OF OYEN



## LAND USE BYLAW NO. 826-13

**BY-LAW NO. 826-13  
A BY-LAW OF THE TOWN OF OYEN  
IN THE PROVINCE OF ALBERTA  
TO REGULATE THE DEVELOPMENT AND USE OF LAND  
IN THE TOWN OF OYEN**

**WHEREAS**

pursuant to the provisions of Section 639(1) of the Municipal Government Act, as amended, the Council of the Town of Oyen must, by Bylaw in accordance with Section 692 of the Municipal Government Act, adopt a plan to be known as:

"THE TOWN OF OYEN LAND USE BYLAW"

**AND WHEREAS**

a Public Hearing was held on 9 April, 2013 as required by Section 230 of the Municipal Government Act.

**NOW THEREFORE**

The Council of the Town of Oyen, in the Province of Alberta, duly assembled, enacts as follows:

1. This Bylaw may be cited as "The Town of Oyen Land Use Bylaw".
2. Bylaw No. 723-98 being the "Town of Oyen Land Use Bylaw" currently in effect is hereby repealed including all amendments thereto and replaced by Bylaw No. 826-13.
3. Council adopts as the Land Use Bylaw for those lands contained within its civic boundaries, "The Town of Oyen Land Use Bylaw."
4. Council adopts as "The Town of Oyen Land Use Bylaw" this text and the accompanying Schedules.
5. This Bylaw takes effect on the date of the third and final reading.

Read a first time this 13<sup>th</sup> day of March, 2013.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

Read a second time this 9<sup>th</sup> day of April, 2013.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

Read a third time and passed this 9<sup>th</sup> day of April, 2013.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

## Table of Contents

PART I .....	5
Purpose & Definitions .....	5
1. Purpose .....	5
2. Definitions .....	5
PART II .....	15
Administrative Agencies .....	15
3. Development Officer .....	15
4. Municipal Planning Commission .....	15
5. Subdivision and Development Appeal Board .....	15
PART III .....	16
Development Permit Application .....	16
6. Control of Development .....	16
7. Development Permit Not Required .....	16
8. Application for a Development Permit .....	17
9. Deciding on Development Permit Applications .....	19
10. Development Permits & Notices .....	20
PART IV .....	23
Appeals .....	23
11. Appeal Procedure .....	23
12. Public Hearing .....	24
13. Decision .....	24
PART V .....	26
Enforcement & Administration .....	26
14. Orders of Compliance / Stop Order .....	26
15. Enforcement .....	26
16. Amendments to the Bylaw .....	27
17. Existing Land Use Bylaw .....	27
PART VI .....	28
Land Use Districts .....	28
18. Districts .....	28
19. District Boundaries .....	28
20. R-1 – Single Detached Residential District .....	30
21. R-2 – General Residential District .....	32
22. M-H - Manufactured Home District .....	35
23. C-1 - Central Commercial District .....	39
24. C-2 - Commercial Transitional District .....	41
25. HWY-C – Highway Commercial District .....	43
26. I - Industrial District .....	45
27. CS - Community Service District .....	47
28. UR - Urban Reserve District .....	48
PART VII .....	49
General Land Use Regulations .....	49
Subdivision of Land .....	49
Non-Conforming Buildings and Uses .....	49
Fencing and Hedges .....	49
Accessory Building & Uses .....	50
Off-Street Loading & Unloading for Non-Residential Development .....	50
Site Development .....	54
Home Occupations .....	54
Industrial Development .....	55
Drainage .....	55

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Bed and Breakfast Establishments .....	56
Motels.....	57
Site Requirements for Motels.....	57
Service Stations .....	57
Car Washing Establishments .....	58
Signs .....	58
Relocation of Buildings .....	60
Projection Over Yards.....	60
Daytime Child Care Services .....	61
Resource Conservation .....	61
Manufactured Homes.....	61
Modular Homes.....	62
Physical Environment .....	62
Dwelling Units on a Parcel .....	62
Storage Structures .....	62
Auto Body Shops .....	63
Small Wind Energy Systems.....	63
Renewable Energy Systems.....	64
PART VII.....	63
LAND USE DISTRICT MAP .....	63

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## **PART I**

### **Purpose & Definitions**

#### **1. Purpose**

The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the Municipality to achieve the orderly and economic development of the Town of Oyen.

#### **2. Definitions**

In this Bylaw:

**"Act"** means the Municipal Government Act S.A. 1994 c. M-26.1, as amended;

**"Accessory Building" or "Accessory Use"** means a building or use which in the opinion of the Development Officer or Municipal Planning Commission is subordinate, or incidental to the principal building or use located on the same site;

**"Adjacent"** means land that is contiguous to a parcel of land and includes land that would be contiguous if not for a highway, road, river, stream or railway;

**"Airport"** means a site used or intended to be used either in whole or in part for the arrival and departure or servicing of aircraft, and includes any building, installation or equipment in connection therewith for which an airport license has been issued by the Ministry of Transport;

**"Attached Housing"** means a building designed and built to contain three or more dwelling units separated from each other by a fire rated wall each unit having separate entrances from grade level. (For the purposes of this Bylaw, garden, linked, row, townhouses, four-plex, five-plex, and six-plex units which meet these criteria are considered to be attached houses.);

**"Bed & Breakfast Establishment"** means accommodation facilities within an owner-occupied dwelling comprising up to four (4) guest rooms but no cooking facilities in guest rooms;

**"Boarding or Lodging House"** means a detached dwelling converted for gain or profit containing rooms for two or more persons where meals may or may not be served, not including the occupant and his or her immediate family, but does not include a hotel, motel, restaurant, café, coffee shop, drive-in refreshment stand or other similar use.

**"Building"** includes anything constructed or placed on, in, over, or under land, but does not include a primary highway or a public roadway;

**"Carport"** means a structure attached to a principal or accessory building, designed and used for the shelter and storage of vehicles which has no door through which the vehicle enters the structure;

**"Clinic"** means an establishment in which medical, dental or other professional healing treatment is given to human beings;

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**"Corner Site"** means a site at the intersection of two or more streets;

**"Council"** means the Council of the Town of Oyen;

**"Day Care Centre"** means a use that provides care, development and supervision for 7 or more children under 13 years of age for less than 24 consecutive hours in each day that the facility is operating. Day Care Centres are required to conform to the policies and requirements of Alberta Children's Services.

**"Daytime Child Care Services"** means development licensed by the Province of Alberta to provide daytime personal care and education to children, but does not include overnight accommodation. Typical uses include daycare centers, day nurseries, kindergartens, nursery schools, and play schools;

**"Development"** means:

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

**"Development Authority"** means

- (a) a person (or persons) appointed as Development Officer by Bylaw,
- (b) the Municipal Planning Commission appointed by Bylaw;

**"Development Officer"** means an official of the Town of Oyen authorized to administer this Bylaw and to decide upon applications for development permits in accordance with the provisions of this Bylaw;

**"Development Permit"** means a document issued pursuant to this land use bylaw authorizing a development;

**"Discretionary Use"** means a use of land or a building, provided for in this land use bylaw for which a development permit may be issued upon an application having been made

**"Discretionary Use"** means the use of land or a building which is considered on its individual merits and circumstances by the Development Authority and for which Development Permits may be issued only at the discretion of the Development Authority

**"Dwelling"** means any building or structure used exclusively for human habitation and which is supported on a permanent foundation as required by the Alberta Building Code and includes the following types:

- (a) **"Apartment"** means a residential building designed and built to contain three or more dwelling units with shared services, facilities and outside entrances.

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- (b) **"Attached Housing"** means a building designed and built to contain three or more dwelling units separated from each other by a fire wall with each unit having separate entrances from grade level. (For the purposes of this Bylaw, garden, linked, row, townhouses, four-plex, five-plex, and six-plex units which meet these criteria are considered to be attached houses.)
- (c) **"Detached"** means a conventional built-on-site residential building, not including manufactured or modular homes, that contains one dwelling unit.
- (d) **"Duplex"** means a single residential building containing two dwelling units divided horizontally, each of which is completely separated from the other by an unpierced ceiling and floor extending from exterior wall to exterior wall, and may contain a common stairwell to access both dwellings.
- (e) **"Garden Suite"** means a *temporary* moveable dwelling which is the second dwelling unit on the lot and accessory to a *single detached dwelling*. Garden suites may be occupied by elderly relatives of the owner of the principal residence, or other relatives needing care, and the unit is removed when it is no longer required.
- (f) **"Manufactured Home"** means a built off-site transportable, single or multiple section single detached dwelling unit conforming to CAN/CSA Z240 MH Series certified standards at time of manufacture. It is ready for residential occupancy upon completion of set-up in accordance with required factory recommended installation instructions and the Alberta Building Code and shall meet the requirements of **Part VII Manufactured Homes**.
- (g) **"Modular Home"** means a prefabricated or factory built frame or shell which comprises the wall or siding of a proposed dwelling. More specifically, a modular home represents only a section of the dwelling and such a unit has neither chassis, running gear, nor its own wheels, but units may be stacked side-by-side or vertically, and completed to form one or more complete dwelling unit(s) for year-round occupancy. Modular homes shall be constructed to the CSA A-277 Standard and are not to be considered as manufactured homes under this Bylaw and will be congruent in appearance to existing surrounding buildings.
- (h) **"Moved On"** means a structure used at a previous location that has now been relocated to a new parcel for use as a dwelling.
- (i) **"Park Model"** means a recreational vehicle conforming to CAN-CSA series Z241 that may be used as a permanent or semi-permanent dwelling. The minimum allowable size of a park model is 29.74m<sup>2</sup> (320 sq.ft.);
- (j) **"Ready-to-move (RTM)"** means a newly constructed single detached dwelling that is constructed in an off-site location in accordance with the Alberta Building Code and moved to the site to be set on a permanent foundation to be similar in function and appearance to a conventional built-on-site single-detached dwelling. This definition does not include modular or manufactured homes.
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- (k) **"Semi-detached"** means development consisting of two dwellings, each accommodating one household, situated side by side and sharing a vertical common wall. Each dwelling shall have separate, individual and direct access to grade, with no interior access connections, and no common means of access with other dwellings.

**"Dwelling Unit"** means a complete building or self-contained portion of a building, containing a room or suite of rooms operated as a single housekeeping unit, intended to be used as a permanent or semi-permanent domicile by one or more persons and containing cooking, eating, living, sleeping, and sanitary facilities;

**"Easement"** means a right to use land generally for access to other property or as a right-of-way for a public utility;

**"Eating and Drinking Establishment"** means a development where food and beverages are prepared and served and includes supplementary alcoholic beverage service licensed by the Alberta Liquor Control Board. This term includes but is not limited to such uses as restaurants, cafes lunch and tea rooms, ice cream parlors, banquet facilities and take-out restaurants;

**"Existing"** means existing as of the effective date of passage of this Bylaw;

**"Extensive Agricultural"** means systems of tillage and animal husbandry through which one may gain livelihood from large areas of land by the raising of crops or the rearing of livestock either separately or in conjunction with one another in unified operations and includes buildings and other structures incidental to the operation but does not include feedlots, intensified hog operations or poultry farms.

**"Fabric Covered Building"** means a steel-framed, fabric-membrane pre-engineered building for temporary & permanent industrial, commercial & agricultural applications including warehouses, equipment storage, manufacturing facilities, barns, stables, arenas & event centers. All fabric covered buildings shall require the appropriate building permits to ensure all aspects of the development is in accordance with the Alberta Safety Codes including appropriate foundation construction and building anchoring.

**"Fence"** means a vertical physical barrier constructed out of typical building material for the purpose of providing privacy or preventing unauthorized access or both;

**"Front Lot Line"** means the boundary dividing the lot from an abutting street. In the case of a corner lot, the shorter boundary shall be deemed to be the front lot line;

**"Grade Level"** means the elevation of the finished ground surface. Where grade level is varied on the site the average elevation of finished ground surface calculated at the corners of the development shall determine grade level.

**"Garage, private"** means an accessory building designed and used for storage of motor vehicles;

**"Greenhouse"** means a building designated and used for the growing of vegetables, flowers and other plants for commercial purposes, transplanting or for sale;

**"Gross Floor Area"** means the total area of all floors of a building, excluding the area of basement floors, EXCEPT THAT basement suites in apartment buildings shall be included in the calculation of gross floor area;



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**"Group Care Facility"** means a development that includes both residential care and either health services, rehabilitation, counseling or treatment, including addiction treatment for a maximum of six (6) non-related individuals or, the development may provide for residential care including meals, sleeping accommodation and limited incidental care supplied by care-givers or staff wherein the maximum number of permitted residents plus staff may not exceed six (6);

**"Group Home"** means a building or portion of a building used for the care or rehabilitation of children, adolescents or adults;

**"Height"** means, when used with reference to a building or structure, the vertical distance between a horizontal plane through grade level and a horizontal plane through:

- (a) the highest point of the roof in the case of a building with a flat roof or a deck roof;
- (b) the average level of a one-slope roof;
- (c) the highest point in the case of a pitched, gambrel, mansard, or hipped roof;

**"Home Occupation"** means any occupation, trade, profession, or craft carried on by an occupant of a residential building or a use secondary to the residential use of the building, and which does not change the residential nature of the building nor the neighborhood or have any exterior evidence of such secondary use other than a small name plate, not exceeding 0.28 m<sup>2</sup> (3 sq. ft.) in area. A home occupation does not include the outside storage of materials, goods or equipment, nor the employment of more than one paid assistant other than the occupant and the occupant's family;

**"Hotel" or "Motor Hotel"** means a building used primarily for sleeping accommodations and ancillary services provided in rooms or suites of rooms which may contain bar/kitchen facilities;

**"Lane"** means a public thoroughfare which provides a secondary means of access to a site or sites;

**"Landscaping"** means to change or modify the natural features of a site so as to make it more attractive by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, drives, or other structures and materials;

**"Licensed Beverage Establishment"** means an establishment licensed by the Province of Alberta, in which alcoholic beverages are served for consumption on the premises and any preparation or serving of food is accessory thereto. This term includes but is not limited to bars, taverns, pubs and lounges.

**"Liquor Store"** means a use where alcoholic beverages are sold for consumption off the retail outlet premises that has been licensed by the Alberta Gaming and Liquor Commission;

**"Loading Space"** means a space for parking a commercial vehicle while it is being loaded or unloaded;

**"Lot"** means:

- (a) a quarter section;
- (b) a river lot or settlement shown on an official plan referred to in the Surveys Act that is filed or lodged in the Land Titles Office; or
- (c) a part of a parcel where the boundaries of the parcel are separately described in a certificate of title other than by reference to a legal subdivision; or

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- (d) a part of a parcel where the boundaries of the part described in a certificate of title by reference to a plan of subdivision;

**"Main Building"** means a building in which is conducted the main or principal use of the site on which it is erected;

**"Manufactured Home Park"** means a parcel of land under one title which has been planned and divided into manufactured home sites and improved for placement of manufactured homes for permanent residential use;

**"Manufactured Home Subdivision"** means an area subdivided by registered plan, containing lots for manufactured homes for free-hold or leasehold tenure;

**"Municipality"** means the area of land contained within the boundaries of the Town of Oyen's corporate limits, as delineated on the Land Use Map, being Schedule A of this Bylaw;

**"Municipal Planning Commission" or (M.P.C.)** means the Oyen Municipal Planning Commission established by Council pursuant to the Act;

**"Non-Conforming Building"** means a building lawfully constructed or lawfully under construction at the date this Bylaw becomes effective, as required by the Act, and which does not or will not comply with the requirements of this Bylaw;

**"Non-Conforming Use"** means a lawful specific use being made of land or a building or intended to be made of a building lawfully under construction at the date this Bylaw becomes effective, as required by the Act, and which does not or will not comply with the requirements of this Bylaw;

**"Parcel"** means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;

**"Permitted Use"** means the use of land or of a building which is listed in the column captioned, "Permitted Uses" in the lists of Permitted and Discretionary Uses appearing in this Bylaw and for which, when it meets the applicable provisions of this Bylaw, a Development Permit shall be issued;

**"Personal Service Establishment"** means a development used for the provision of personal services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects including barbershops, hairdresser, beauty salons, tanning salons, tailors, dressmakers, shoe repair shops and other similar uses;

**"Principal Building"** means a building in which is conducted the main or principal use of the site on which it is erected;

**"Principal Use"** means the main purpose for which a parcel is used;

**"Public or Quasi-Public Building, Facilities and Installations"** includes any building which is used by the public for the purpose of assembly, instruction, culture or enlightenment or for a communal activity, but does not include a church, school, or place of public entertainment for which an admission fee is customarily charged. In addition, it includes a building as defined in the Municipal Government Act in which the proprietor of the public utility maintains its office or offices or maintains or houses any equipment used in connection with the public utility;

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**“Recreational Vehicle”** means a vehicle or a portable structure designed to be carried on a vehicle providing temporary sleeping accommodation for travel and recreation purposes. Recreational vehicles include but are not limited to motor homes, campers and holiday trailers. Recreational vehicles do not include manufactured homes. Recreational Vehicles may be considered on a seasonal or semi-permanent basis in the districts where it is listed as a permitted or discretionary use.

**"Retail Store"** means a building where goods, wares, merchandise, substances, or articles are stored, offered or kept for sale and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, or articles, sufficient only to service such a store;

**“Reversed Corner Lot”** means a residential lot where the front façade of the dwelling is oriented toward the flankage side of the lot, rather than the frontage side of the lot.

**“Secondary Suite”** means an accessory dwelling unit that is located as part of the same building as a single detached dwelling that is owner occupied and which meets the requirements of this bylaw and any other applicable requirements or regulations and shall only be approved as one of the following:

- (a) Secondary Suite – Attached Above Grade: where the secondary suite is located above the first storey of a single detached dwelling;
- (b) Secondary Suite – Attached At Grade: Where the Secondary Suite is located at grade and is attached to the side or rear of a single detached dwelling;
- (c) Secondary Suite – Attached Below Grade: where the Secondary Suite is located below the first storey of a single detached dwelling;
- (d) Secondary Suite – Accessory building: where the Secondary Suite is a separate building or as a part of an accessory building and located on the same parcel as a single detached dwelling.

**“Self-Storage Facility”** means a use:

- (a) where goods are stored in a building;
- (b) where the building is made up of separate compartments and each compartment has separate access;
- (c) that may be available to the general public for the storage of personal items;
- (d) that may include the administrative functions associated with the use;  
and
- (e) that may incorporate security or custodial quarters for the facility.

**"Senior Citizens Housing"** means any multiple unit dwelling used as a residence for elderly persons that may or may not require medical care. Senior Citizen Housing may include assisted living, seniors lodge or supportive living in accordance with the applicable Provincial regulations and requirements.

**“Screening”** means a fence, wall, berm, hedge or other barrier providing visual and/or acoustic separation of sites;

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**"Senior Citizens Housing"** means any multiple dwelling constructed in compliance with the Senior Citizens Housing Act;

**"Shopping Centre"** means a group of commercial establishments planned, developed, owned, and managed as a unit with all parking provided on the site;

**"Sign"** means a device or structure for providing direction or providing information or calling attention to such things as a development, business, product, service, location, object, event or person;

- (a) **"Area of Sign"** means the total surface area within the outer periphery of the said sign, and, in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of surface area;
- (b) **"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;
- (c) **"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;
- (d) **"Free-standing Sign"** means a sign on a standard or column permanently attached to the ground and which is not connected in any way to any building or other structure;
- (e) **"Illuminated Sign"** means any sign that uses internal or exposed illumination including, but not limited to, electric lamps, neon tubing, light emitting diodes and liquid crystal displays. Illuminated Signs shall not employ the use of strobe lighting. All illuminated signs shall be considered as a discretionary use;
- (f) **"Portable Sign"** means a *temporary* sign mounted on a stand or similar support and which together with the support can be relocated to another location on or off a site and may include copy that can be changed manually through the use of attachable characters. Such signs are typically operated by a business which leases these signs to other businesses
- (g) **"Projecting Sign"** means a sign which 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;
- (h) **"Roof Sign"** means any sign placed on or over a roof;
- (i) **"Sandwich Board"** means a portable sign placed on the ground surface only within the frontage area of the business which is advertised;
- (j) **"Bench Sign"** means any sign which is placed or erected on an immobile seat.

**"Site"** means a lot or parcel of land on which a development exists or occurs or for which an application for a development permit is made;

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**“Site Coverage”** means the ratio of all principal and accessory buildings or structures (including verandas, porches, enclosed/ covered/ decks) on a site to the total lot area. Such buildings and structures do not include steps, eaves, cornices and open decks;

**“Small Wind Energy System”** means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity in accordance with the Alberta Utilities Commission regulations, and which is intended to primarily provide electrical power for the on-site consumption requirements, either on or off-grid, and may provide residual power to the grid but is not intended to produce power primarily for resale. A SWES shall be in accordance with **Part VII**.

**“Structural Alterations”** means adjustments or changes made to load bearing walls within a structure;

**Storage Structure”** means a structure that does not meet the definition of an accessory building and is used for the storage of goods or equipment. A storage structure may be in the form of a shipping container, trailer or other structure.

**“Storage Yard”** means a use:

- (a) where goods, motor vehicles or equipment used in road construction, building construction, oilfield services and similar industries are stored when they are not being used are stored outdoors;
- (b) where the vehicles and equipment stored may also be serviced, cleaned or repaired;
- (c) that may involve the storage of construction material such oil and gas pipeline materials;
- (d) that does not involve the storage of any derelict vehicles or derelict equipment;
- (e) that does not involve the production or sale of goods as part of the use; and
- (f) that may have a building for the administrative functions associated with the use.

**“Subdivision and Development Appeal Board”** means the Oyen Subdivision and Development Appeal Board established by Council pursuant to the Act;

**“Temporary Development”** refers to a proposed development, where the intent is to operate the use or structure for a specified period of time, not to exceed one (1) year from the effective date of the permit issued in relation to the temporary development unless otherwise approved by the development authority in consideration of a land use that is temporary but has longer term requirements due to the specific use or project. . Any temporary development permit will state a date on which the development will cease. Temporary Development shall be considered a discretionary use in all land use districts;

**“Utilities”** means any one or more of the following:

- (a) systems for the distribution of gas, whether artificial or natural;
- (b) facilities for the storage, transmission, treatment, distribution or supply of water;
- (c) facilities for the collection, treatment, movement, or disposal of sanitary sewage;
- (d) storm sewer drainage facilities;
- (e) systems for electrical distribution and lighting;
- (f) systems for telephone & cable television distribution;

**“Warehousing”** means a use:

- (a) where goods are stored and packaged inside a building;

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- (b) where goods are transported to and shipped from the use;
  - (c) where the building has loading docks and overhead doors;
  - (d) that does not accommodate the manufacture of any goods;
  - (e) that does not accommodate any display or sales area; and
  - (f) that may have administrative functions associated with the use.

**"Work Camp"** means a residential complex used to house employees by various contracting firms on a temporary basis, and without restricting the generality of the above, the camp is usually made up of a number of mobile units, clustered in such fashion as to provide sleeping, eating, recreation, and other basic living facilities. The units may be dismantled and removed from the site from time to time. A Work Camp may contain accessory uses such as temporary offices and storage areas.

**"Worship Facility"** means any facility used for the purpose of spiritual worship. Examples may be, but are not limited to churches, temples, mosques, and synagogues;

**"Yard"** means a part of a parcel upon or over which no main building is erected.

**"Front Yard"** means a yard extending across the full width of a parcel from the front lot line of the parcel to the front foundation of the main building situated on the parcel;

**"Rear Yard"** means a yard extending across the full width of a parcel from the rear foundation of the main building situated on the parcel to the rear boundary of the parcel;

**"Side Yard"** means a yard extending from the front wall of the main building situated on a parcel to the rear wall of the main building and lying between the side boundary of the parcel and the side foundation of the main building;

**All other words and expressions have the meanings respectively assigned to them in the Municipal Government Act.**

**PART II****Administrative Agencies****Development Authority**

The development authority shall exercise development powers and perform duties on behalf of the municipality in accordance with Section 642 of the MGA and may include:

**3. Development Officer**

- (1) The position of Development Officer shall include such duties as are specified in Part III of this Bylaw.

**4. Municipal Planning Commission**

- (1) The Municipal Planning Commission (M.P.C.) established by Bylaw 539 shall perform such duties as are specified in Part III of this Bylaw.

**5. Subdivision and Development Appeal Board**

- (1) The Subdivision and Development Appeal Board (S.D.A.B.) established by Bylaw No. 540 shall perform such duties as are specified in Part IV in this Bylaw.

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## **PART III**

### **Development Permit Application**

#### **6. Control of Development**

No development other than those designated in Section 7 shall be undertaken within the Municipality unless an application for it has been approved and a development permit has been issued.

#### **7. Development Permit Not Required**

It shall not be necessary to obtain a Development Permit prior to commencement of the following developments but the developments shall otherwise comply with the provisions of this Bylaw.

- (1) The carrying out of works of maintenance or repair to a building provided that such works:
  - (a) do not include changes that would affect any of the regulations in this land use bylaw (i.e. Building footprint, setbacks, height, etc.);
  - (b) do not change the use, or intensity of use, of the structure and;
  - (c) any structural alterations shall require the appropriate safety codes permits.
- (2) The completion of a building which could be prohibited by this Bylaw, but was lawfully begun on or before the date of the first official notice (Sections 606 and 692 of the Act) of this Bylaw provided that the building:
  - (a) is completed within 12 months of the notice; and
  - (b) complies with any development permit issued for it.
- (3) The use of any such building as is referred to in subsection (2) for the purpose for which construction was commenced;
- (4) The erection or construction or replacement of one (1) garden/tool shed per site, which does not exceed 9.29 m<sup>2</sup> (100 sq. ft.) in floor area. Additional structures shall be considered a discretionary use;
- (5) A temporary construction site building or storage structure, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit was issued under this Bylaw and which is removed from the site upon completion of construction/alteration;
- (6) The maintenance or repair of public works, services or utilities carried out by or on behalf of Federal, Provincial and Municipal public authorities on land which is publicly owned or controlled;
- (7) The use of a building or part thereof as a temporary polling station for a Federal, Provincial, or Municipal election, referendum or plebiscite;
- (8) The construction, maintenance and repair of private walkways, pathways, driveways, and similar works;



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- (9) The placement of signs that:
- (a) Are for the purpose of identification, direction and warning, not exceeding  $0.93\text{m}^2$  (10 ft.<sup>2</sup>) and limited to one sign per parcel;
  - (b) Are temporary and are for the advertising sale or lease of property, not exceeding  $0.56\text{ m}^2$  (6 ft.<sup>2</sup>) in area and not more than 1.83 m (6 ft.) in height;
  - (c) Relate to a person, partnership or company carrying on a profession, business or trade, not exceeding  $.28\text{ m}^2$  (3 ft.<sup>2</sup>) and limited to one sign per parcel;
  - (d) Relate to an institution of a religious, educational, cultural, recreational, or similar character or to a residential motel, apartment block, club or similar institution, not exceeding  $0.93\text{ m}^2$  (10 ft.<sup>2</sup>) and limited to one sign per parcel;
  - (e) Related to the function of Local Authorities and Utilities Boards; and
  - (f) Relate to a Home Occupation and which do not exceed  $0.28\text{ m}^2$  (3 sq.ft.) and are fixed to the principal or accessory building.
- (10) An official notice, sign, placard or bulletin required to be displayed pursuant to provisions of Federal, Provincial or Municipal Legislation.

## 8. Application for a Development Permit

- (1) Any owner of a parcel, an authorized agent, or other persons having legal or equitable interest in the parcel may make application for a development permit to the Development Officer using the approved form and shall be accompanied by information as may be required by the Development Authority to evaluate the application including, but not limited to:
- (a) a site plan in duplicate, drawn to scale, which shows the following:
    - (i) legal description of the site with north arrow;
    - (ii) area and dimensions of the land to be developed including the front, rear and side yards if any;
    - (iii) area and external dimensions including the heights of all buildings and structures to be erected on the land;
    - (iv) any provisions for off-street loading and vehicle parking, including all access and exit points to the site; and
    - (v) the position and distances of any existing building, roads, water bodies, trees or other physical features on the land to be developed.
  - (b) floor plans, elevations, sections in duplicate and an indication of the exterior finishing materials and colour if required by the Development Authority;
  - (c) pictures of the interior and exterior of an existing building that is proposed to be moved on to a parcel within the Municipality;

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- (d) a statement of the proposed use or uses;
  - (e) a statement of ownership of land and the interest of the applicant therein;
  - (f) the estimated commencement and completion dates;
  - (g) the estimated cost of the project or contract price;
  - (h) the development permit fee as prescribed by Council;
  - (i) a surveyor's certificate or real property report if required by the Development Officer;
  - (j) professionally prepared grading and drainage plans to the satisfaction of the development officer to ensure grade level is sufficiently considered with regard to adjacent properties and infrastructure requirements;
  - (k) written agreement of the registered land owner(s) of the property with regard to the proposed development;
  - (l) Damage Deposits:
    - (i) A damage deposit per lot at the discretion of the Development Officer with the amount determined in consideration of the potential for damage to public infrastructure shall be paid upon receipt of a development permit. This requirement may be waived if, in the opinion of the Development Officer, there are no improvements abutting the property that could sustain damage during construction.
    - (ii) The damage deposit shall be used by the Municipality to repair or replace damaged curb stops, valve boxes, manhole cover, catch-basins, culverts, pipelines, sidewalks, curbs and gutters, lanes, roads and any surface or underground improvement on or abutting the land which is covered by the construction or demolition activity.
    - (iii) It is the owner's or agent's responsibility to ensure, prior to commencement of construction or demolition, there is no previous damage. If there is existing damage, it shall be reported to the Municipal office before the work commences.
    - (iv) Rough landscaping (spreading of topsoil) must be completed before the damage deposit is refunded.
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- (v) The property owner or agent is responsible to have the necessary improvement cleared and visible for the initial and final inspection by the Municipality.
  - (vi) The property owner or agent shall apply to the Town of Oyen for the refund of the damage deposit.
  - (vii) When an application is made, the Public Works Department shall inspect the site for damage.
  - (viii) If no damage has occurred, the deposit shall be refunded in full.
  - (ix) If damage has occurred, the deposit shall be used to cover the cost and any outstanding amount shall be directed to the property owner.
  - (x) Damage deposits cannot be transferred to another property.
- (2) The Development Officer may require additional copies of the application or of plans and specifications as well as such additional information as the Development Officer may deem necessary.

## **9. Deciding on Development Permit Applications**

- (1) The Development Officer shall:
- (a) receive, consider and decide on an application for a development permit for those uses listed as permitted for the relevant land use district and that comply with the minimum standards for that district;
  - (b) receive, consider and decide on an application for gates, fencing, retaining walls, or other means of enclosure, of any height;
  - (c) refer, at his discretion, a permit application for an industrial development to those authorities (provincial and regional) whose interest or jurisdiction may be affected, for comments on the proposed development;
  - (d) refer with recommendations, to the Municipal Planning Commission for its consideration and decision, applications for a development permit for Discretionary Uses and those uses which have been assigned to it for consideration and decision; and
  - (e) refer to the Municipal Planning Commission any application which in his opinion should be decided by the Commission.
- (2) The Municipal Planning Commission shall:
- (a) decide on applications for a development permit for those Discretionary Uses in the relevant land use district (excepting applications for Home Occupations and fencing);
  - (b) approve the application unconditionally or impose conditions considered appropriate, either permanently or for a limited period of time, or refuse the application.

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- (3) An application may be approved where the proposed development does not comply with the required minimum standards of any district in this Bylaw if in the opinion of the Municipal Planning Commission the proposed development would not:
    - (a) unduly interfere with the amenities of the neighborhood;
    - (b) materially interfere with or affect the use, enjoyment or value of the neighboring properties and the amount of variance does not exceed 20% for front, side, rear yard and/or floor area requirements in any district.
  - (4) In the case where a proposed specific use of land or a building is not provided for in the Bylaw, the Municipal Planning Commission may determine that such a use is similar in character and purpose to a permitted or discretionary use prescribed for that district.
  - (5) The Municipal Planning Commission may require, as a condition of issuing a development permit, the applicant to enter into an agreement to construct or pay for the construction of public roadways or parking facilities, to install or pay for the installation of utilities or to pay an off-site levy or redevelopment levy imposed by Bylaw.
  - (6) In addition to subsection (5) the Development Authority, with respect to a Discretionary Use, may impose such conditions as deemed appropriate, having regard to the regulations of this Bylaw and the provisions of any statutory plan including, but not limited to the following conditions:
    - (a) limiting hours of operation;
    - (b) limiting number of patrons;
    - (c) establishing landscaping requirements;
    - (d) requiring noise attenuation;
    - (e) requiring special provisions be made for parking;
    - (f) regarding the location, character and appearance of a building;
    - (g) regarding the grading of a site or such other procedures as is necessary to protect the site from other developments or to protect other developments from the site;
    - (h) establishing the period of time during which a development may continue;
    - (i) ensuring the development is compatible with surrounding development.
  - (7) If a development permit application is refused, the Development Officer need not accept another application for the same or similar use on the same parcel for six months after the refusal.
  - (8) If a decision is not made on a development permit application within 40 days after its receipt by the Development Officer, the applicant may deem it to be refused at the end of the 40 day period.
  - (9) The Development Officer or Municipal Planning Commission may issue a temporary Development Permit, for a period not exceeding one year unless a longer term is required in consideration of a specific use or project requirements that is temporary but requires a longer time frame.

## **10. Development Permits & Notices**

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- (1) A development permit granted pursuant to this Bylaw does not come into effect until it is determined that no notice of appeal has been served on the Subdivision and Development Appeal Board within the 14 day appeal period. Any development proceeded with by the applicant prior to the expire of this period is done solely at the risk of the applicant;
  - (2) Notwithstanding subsection (1), a development permit granted pursuant to this Bylaw, for a permitted use, where the provisions of this Bylaw have not been relaxed or varied, comes into effect on the date that the decision is made.
  - (3) Where an appeal is made pursuant to Section 11 of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.
  - (4) When a decision on a development permit has been made, the following notification procedures shall be followed:
    - (a) in the case of a permit issued for a permitted use where the provisions of this Bylaw have not been relaxed or varied, the Development Officer is not required to notify adjacent or affected land owners;
    - (b) for all Home Occupation permit applications, a notice in writing shall be immediately mailed to all adjacent landowners who, in the opinion of the Development Officer, may be affected;
    - (c) in all other circumstances, a notice shall immediately be posted conspicuously on the property for which the Development Permit application has been made; and/or
    - (d) a notice, in writing, shall be immediately mailed to all adjacent landowners and to all registered owners of land who, in the opinion of the Developer Officer, may be affected; and/or
    - (e) a notice shall be immediately published in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved.
  - (4) If the Development authorized by a permit is not commenced within the 12 months from the date of its issue, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Officer or Municipal Planning Commission.
  - (5) A decision by the Development Officer or Municipal Planning Commission on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
  - (7) When the Development Officer or Municipal Planning Commission refuses an application for a development permit, the decision shall contain the reasons for the refusal.
  - (8) If after the issuance of a development permit it becomes known to the Development Officer or Municipal Planning Commission that:
    - (a) the application for a development permit contains a misrepresentation;
    - (b) facts have not been disclosed which should have been disclosed at the time of consideration of the application for the development permit; or
    - (c) the development permit was issued in error;
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the development permit may be suspended or cancelled by notice in writing, issued by the Development Officer or M.P.C. to the applicant at the address given in the development permit application.

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## **PART IV**

### **Appeals**

#### **11. Appeal Procedure**

- (1) An appeal may be made to the Subdivision and Development Appeal Board where the Development Officer, Municipal Planning Commission or Subdivision Approval Authority as the case may be:
  - (a) refuses or fails to issue a development permit to a person within 40 days of receipt of the application. If the applicant has entered into an agreement with the Development Officer or Municipal Planning Commission to extend the 40 day time period this clause comes into effect at the time the extension expires;
  - (b) issues a development permit or subdivision approval subject to conditions;
  - (c) issues an order under Section 14 of this Bylaw;
  - (d) cancels or suspends a development permit under Section 10(7) of this Bylaw; or
  - (e) refuses or fails to approve a subdivision application within 21 or 60 days (whichever period is applicable) of receipt of the completed application, unless the applicant has entered into an agreement with the subdivision approval authority to extend the 21 or 60 day time period, as the case may be.
- (2) The person applying for a development permit or subdivision approval or any other person complying with the appeal requirements, as set out in the Act, may appeal the decision of the Development Officer, Municipal Planning Commission, or Subdivision Approval Authority to the Subdivision and Development Appeal Board.
- (3) Notwithstanding subsections (1) and (2), no appeals are allowed in respect of the issuance of a development permit for a Permitted Use listed in a Land Use District, unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
- (4) An appeal shall be made by serving a written notice of appeal, stating the reasons for the appeal, to the Secretary of the Subdivision and Development Appeal Board within 14 days after the notice of the order, decision or permit issued by the Development Officer or Municipal Planning Commission or Subdivision Approval Authority was either:
  - (a) first published in a newspaper circulating in the area; or
  - (b) posted on the property which is the subject of the application; or
  - (c) received by the applicant, whichever of these occur first.
- (5) Each appeal made to the Subdivision and Development Appeal Board shall be accompanied by a processing fee, the amount of which shall be set from time to time by resolution of Council.

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- (6) For the purpose of subsection 4(c), the date of receipt of the decision is deemed to be five (5) days from the date the decision is mailed.

## **12. Public Hearing**

- (1) Within 30 days of receipt of a notice of appeal, the Subdivision and Development Appeal Board shall hold a public hearing respecting the appeal.
- (2) The Subdivision and Development Appeal Board shall give at least 5 days' notice in writing of the public hearing to:
- (a) the appellant;
  - (b) the Development Officer, the Municipal Planning Commission or Subdivision Approving Authority as the case may be, from whose order, decision or development permit the appeal is made;
  - (c) those land owners adjacent to the affected land and all other registered owners of land in the municipality who were notified under Section 10(3) and any other person who in the opinion of the Subdivision and Development Appeal Board, is affected by the order, decision or permit;
  - (d) the Director/Sr. Planner of the Palliser Regional Municipal Services;
  - (e) such other persons as the Subdivision and Development Appeal Board specifies.
- (3) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the public hearing, a copy of all relevant documents and materials respecting the appeal, as they become available, subject to Section 217 of the Act, including:
- (a) the application for the development permit, its refusal and the appeal therefrom; or
  - (b) the order of the Development Officer under Section 14, as the case may be.
- (4) At the public hearing referred to in subsection (1), the Board shall hear:
- (a) the appellant or any person acting on his behalf;
  - (b) the Development Officer / Chairman of the Municipal Planning Commission from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Officer, that person;
  - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf; and
  - (d) any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear or a person acting on his behalf.

## **13. Decision**

- (1) The Subdivision and Development Appeal Board shall give a written decision together with reasons for the decision within 15 days of the conclusion of the hearing.
- (2) A decision made under this part of the Bylaw is by the Subdivision and Development Appeal Board and is subject only to an appeal upon a question of



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jurisdiction or law pursuant to Section 688 of the Municipal Government Act. An application for leave to appeal to the Court of Appeal shall be made:

- (a) to a judge of the Court of Appeal; and
- (b) within 30 days after the issue of the order, decision, permit, or approval sought to be appealed.

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## **PART V**

### **Enforcement & Administration**

#### **14. Orders of Compliance / Stop Order**

- (1) Where the Development Officer finds a development or use of land or buildings is not in accordance with:
  - (a) Part 17 of the Act or the regulations under that part of the Act;
  - (b) a development permit or subdivision approval;
  - (c) this Bylaw; or
  - (d) an order, decision or permit of the Subdivision and Development Appeal Board or Municipal Government Board;
  
- (2) the Development Officer may, by notice in writing, order the registered owner, the person in possession of the land or buildings or the person responsible for the contravention or all or any of them to:
  - (a) stop the development or use of the land or buildings in whole or in part as directed by the notice; or
  - (b) demolish, remove or replace the development; or
  - (c) take such other measures specified in the notice so that the development or use of the land or buildings is in accordance with Part 17 of the Municipal Government Act, the regulations, under Part 17, a development permit, subdivision approval or this Bylaw, as the case may be, within the time period set out in the notice.
  
- (3) A person who receives an order referred to in Subsection (1) may appeal to the Subdivision and Development Appeal Board in accordance with Part IV of this Bylaw.

#### **15. Enforcement**

- (1) Where a person fails or refuses to comply with an order directed under Section 14(1), or an order of the Subdivision and Development Appeal Board under Section 687(3)(c) of the Act within the time specified, the Council or a person appointed by it may, in accordance with Sections 545 and 646 of the Municipal Government Act, enter upon the land or building and take such action as is necessary to carry out the order.
  
- (2) Where the Council or a person appointed by it carries out an order under Section 14(1), the Council shall cause the costs and expenses incurred in carrying out the order to be added to the roll of the parcel of land and the amount:
  - (a) is deemed for all purposes to be a tax imposed under the Act from the date it was added to the tax roll; and
  - (b) it forms a special lien against the parcel of land in favour of the Municipality from the date it was added to the tax roll.

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- (3) A person who contravenes or fails to comply with a development permit or a condition attached thereto is guilty of an offense and is liable on summary conviction to a fine in accordance with the schedule adopted by Council

**16. Amendments to the Bylaw**

- (1) Any person may apply to have this Bylaw amended.
- (2) The Council may initiate amendments by its own motion.
- (3) All applications for amendments of this Bylaw shall be made using the approved form, accompanied by:
  - (a) the fee determined by resolution of Council;
  - (b) a statement of the applicant's interest in the land;
  - (c) any drawings, plans or maps required by the Development Officer; and
  - (d) any documents as required by the Development Officer.
- (4) All amendments of this Bylaw shall be made by the Council by bylaw in conformity with the Act and the regulations.
- (5) Before second reading is given to any amending bylaw, it shall be referred to the Director/Sr. Planner of Palliser Regional Municipal Services for comment and such comments are to be read at the public hearing.
- (6) If an application for an amendment to this Bylaw has been refused by Council, then Council need not accept an application for an amendment for the same use on the same parcel for six months from the date of the refusal.

**17. Existing Land Use Bylaw**

- (1) Bylaw No. 723-98 and amendments thereto are hereby repealed.

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## PART VI

### Land Use Districts

#### 18. Districts

- (1) For the purpose of this Bylaw, the Town of Oyen is divided into the following districts.
- |       |   |                                      |
|-------|---|--------------------------------------|
| R-1   | - | Single Detached Residential District |
| R-2   | - | General Residential District         |
| M-H   | - | Manufactured Home District           |
| C-1   | - | Central Commercial District          |
| C-2   | - | Commercial Transitional District     |
| HWY-C | - | Highway Commercial District          |
| I     | - | Industrial District                  |
| CS    | - | Community Service District           |
| UR    | - | Urban Reserve District               |

#### 19. District Boundaries

- (1) The locations and boundaries of the land use districts are shown on the Land Use District Map, which forms Part VIII of this Bylaw.
- (2) The locations of boundaries shown on the Land Use District Map shall be governed by the following rules:
- Rule 1. Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centre line thereof.
- Rule 2. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
- Rule 3. In circumstances not covered by Rules 1 and 2 the location of the district boundary shall be determined:
- (a) using any dimensions given on the map; or
- (b) where no dimensions are given, measurement using the scale shown on the map.
- (3) Where the exact location of the boundary of a land use district cannot be determined using the rules in subsection (2), the Council, on its own motion or on a written request, shall fix the location:
- (a) in a manner consistent with the provisions of this Bylaw; and
- (b) with the appropriate degree of detail required.

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- (4) The location of a district boundary, once fixed, shall not be altered except by an amendment of this Bylaw.
  - (5) The Council shall keep a list of its decisions fixing the locations of district boundaries.

In addition to the provisions for development as contained under each Land Use District, the General Land Use Regulations listed in Part VII of the Land Use Bylaw shall apply to every development.

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**20. R-1 – Single Detached Residential District****(1) Purpose**

The purpose and intent of this district is to provide for single-detached residential development.

**(2) Permitted Uses**

- Single detached dwelling
- Accessory buildings and uses
- Permitted signs

**(3) Discretionary Uses**

- Public park
- Public and quasi-public buildings, facilities and installations
- Daytime child care service
- Home occupation
- Worship Facility

**(4) Minimum Requirements****(a) Site Area:**

- (i) 464.5 m<sup>2</sup> (5,000 sq. ft.) for a single-detached dwelling;
- (ii) With the approval of the Municipal Planning Commission, the site area may be less in the case of existing substandard lots;
- (iii) Other uses at the discretion of the Municipal Planning Commission.

**(b) Lot Width:**

- (i) 15.24 m (50 ft.) for a single-detached dwelling;
- (ii) Other uses at the discretion of the Municipal Planning Commission.

**(c) Front Yard:**

- (i) 7.62 m (25 ft.) for a single-detached dwelling;
- (ii) Other uses at the discretion of the Municipal Planning Commission.

**(d) Side Yard:**

- (i) 1.52 m (5 ft.) for a single-detached dwelling;
- (ii) 4.57 m (15 ft.) for a single-detached dwelling abutting the flanking street on corner lots;
- (iii) One 3.05 m (10 ft.) side yard (excluding corner lots) to provide alternate access to the rear of the buildings in a laneless subdivision;
- (iv) Accessory buildings shall be sited in accordance with **Section 31** of the Land Use Regulations of this bylaw;

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- (v) Other uses at the discretion of the Municipal Planning Commission.
  - (e) Rear Yard:
    - (i) 7.62 m (25 ft.) for principal buildings;
    - (ii) Accessory buildings shall be sited in accordance with **Section 31** of the Land Use Regulations of this bylaw.
  - (f) Gross Floor Area:
    - (i) 92.9 m<sup>2</sup> (1,000 sq. ft.) for one storey and split level dwellings;
    - (ii) Two Storey dwellings at the discretion of the M.P.C.
  - (5) Maximum Limits
    - (a) Height
      - (i) 10.67 m (35 ft.), two and a half storeys for principal buildings;
      - (ii) 4.57 m (15 ft.) for accessory buildings;
      - (iii) Other uses at the discretion of the Municipal Planning Commission
    - (b) Site Coverage
      - (i) 40% for single-detached dwellings;
      - (ii) 55% for single-detached dwellings with an attached garage
      - (iii) 15% for accessory buildings;
      - (iv) Total site coverage including accessory buildings shall not exceed 55%;
      - (v) Other uses at the discretion of the Municipal Planning Commission.

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**21. R-2 – General Residential District****(1) Purpose**

The purpose and intent of this district is to provide for residential neighborhoods in which a variety of housing types may be permitted.

**(2) Permitted Uses**

- Duplex dwelling
- Semi-detached dwelling
- Accessory buildings and uses

**(3) Discretionary Uses**

- Apartment building
- Attached housing
- single-detached dwelling
- Bed & Breakfast establishment
- Boarding or Lodging House
- Home occupation
- Worship facility
- Public and quasi-public buildings, facilities and installations
- Daytime child care service
- Family and group care facility
- Sign
- Senior citizen housing
- Group home

**(4) Minimum Requirements****(a) Site Area:**

- (i) 366 m<sup>2</sup> (3,940 sq. ft.) for a single-detached dwelling;
- (ii) 456 m<sup>2</sup> (4,909 sq. ft.) for a duplex;
- (iii) 228.0 m<sup>2</sup> (2,454 sq. ft.) for each unit in a semi-detached dwelling;
- (iv) 183.0 m<sup>2</sup> (1,970 sq. ft.) for interior units and 228.0 m<sup>2</sup> (2,454 sq. ft.) for end units for attached housing;
- (v) Apartment building requirements at the discretion of the Municipal Planning Commission and shall be considered with regard to the site layout, building design, height, density and neighborhood characteristics.
- (vi) Other uses at the discretion of the Municipal Planning Commission.

**(b) Lot Width:**

- (i) 12.19 m (40 ft.) for a single-detached dwelling;
- (ii) 15.24 m (50 ft.) for a duplex;
- (iii) 7.62 m (25 ft.) for each unit in a semi-detached dwelling;
- (iv) 6.1 m (20 ft.) for interior units and 7.6 m (25 ft.) for end units for attached housing;



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- (v) Apartment building requirements at the discretion of the Municipal Planning Commission and shall be considered with regard to the site layout, building design, height, density and neighborhood characteristics.
  - (vi) 18.29 m (60 ft.) for apartment buildings;
  - (vii) Other uses at the discretion of the Municipal Planning Commission.
- (c) Front Yard:
- (i) 7.62 m (25 ft.) for one and two unit dwellings;
  - (ii) Other uses at the discretion of the Municipal Planning Commission.
- (d) Side Yard:
- (i) 1.52 m (5 ft.) for one and two unit dwellings;
  - (ii) 2.13 m (7 ft.) for one and two unit dwellings having the principal entrance provided from a side yard;
  - (iii) 4.57 m (15 ft.) for dwellings abutting the flanking street on corner lots;
  - (iv) Accessory buildings shall be sited in accordance with **Section 31** of the General Land Use Regulations of this bylaw;
  - (vi) Other uses at the discretion of the Municipal Planning Commission.
- (e) Rear Yard:
- (i) 7.61 m (25 ft.) for principal buildings; and
  - (ii) Accessory buildings shall be sited in accordance with Section 31 of the General Land Use Regulations of this bylaw.
- (f) Gross Floor Area:
- (i) 78.97 m<sup>2</sup> (850 sq.ft.) for one and two unit dwellings;
  - (ii) 55.71 m<sup>2</sup> (600 sq.ft.) for each dwelling unit in a duplex;
  - (iii) Other uses at the discretion of the Municipal Planning Commission.
- (5) Maximum Limits
- (a) Height:
- (i) 10 m (33 ft.) for duplexes, semi-detached and attaching housing;
  - (ii) 4.57 m (15 ft.) for accessory buildings;
  - (iii) Apartment building requirements at the discretion of the Municipal Planning Commission and shall be considered with regard to the site layout, building design, height, density and neighborhood characteristics.
  - (iv) Other uses at the discretion of the Municipal Planning Commission.
- (b) Site Coverage
- (i) 40% for one and two unit dwellings and attached housing;
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- (ii) 55% for single-detached dwellings with an attached garage
  - (iii) Apartment buildings – in accordance with regard to site layout, building design, height, density and neighbourhood characteristics;
  - (iv) 15% for accessory buildings;
  - (v) Total site coverage including accessory buildings shall not exceed 55%;
  - (vi) Other uses at the discretion of the Municipal Planning Commission.
- (c) Density:  
16 dwelling units per acre for attached housing.
- (6) Multiple Unit Dwelling Special Requirements
- (a) All multiple unit dwellings shall be considered with attention to the following:
- (i) appropriate access/ egress and parking design;
  - (ii) minimum yard requirements considered in accordance with the overall site design, building height, mass, density, and any other site planning considerations to reduce land use conflicts and nuisance effects with adjacent properties and to retain neighbourhood consistency;
  - (iii) consideration for quality building and site aesthetics, design, function, landscaping, materials and site design;
  - (iv) a site with multiple buildings shall be comprehensively planned utilizing site and building design to integrate and interface with the surrounding neighbourhood context.

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**22. M-H - Manufactured Home District****(1) Purpose**

The purpose and intent of this district is to permit the placement of manufactured homes in rental parks and subdivisions specifically designed to accommodate them.

**(2) Permitted Uses**

- Manufactured home
- Accessory buildings and uses
- Public utility building to serve this district
- Permitted signs

**(3) Discretionary Uses**

- Manufactured home park
- Manufactured home park facilities:
  - Park office
  - Convenience store to service manufactured Home Park
  - Common laundry facilities
  - Common social facility
  - Common outdoor storage facility
  - Home occupations
  - Public and quasi-public buildings, facilities and installations
  - Daytime child care services
  - Public parks
  - Recreational Vehicle
  - Park model

**(4) Minimum Requirements****(a) Site Area:**

- (i) 464.5 m<sup>2</sup> (5,000 sq.ft.) for a manufactured home lot;
- (ii) 1.01 ha (2.5 acre) for a manufactured home park;
- (iii) Other uses at the discretion of the Municipal Planning Commission.

**(b) Lot Width:**

- (i) 12.19 m (40 ft.) for a manufactured home lot;
- (ii) Other uses at the discretion of the Municipal Planning Commission.

**(c) Front Yard:**

- (i) 3.05 m (10 ft.) from the adjoining internal access road in a manufactured home park.
- (ii) 4.57 m (15 ft.) for manufactured homes
- (iii) Other uses at the discretion of the Municipal Planning Commission

**(d) Side Yard:**

- 
- (i) 1.52 m (5 ft.) on the side of a manufactured home or modular unit containing the main entrance and the other side shall be no less than 1.22 m (4 ft.);
  - (ii) 3.05 m (10 ft.) abutting the flanking street on corner lots;
  - (iii) Accessory buildings shall be sited in accordance with **Section 31** of the General Land Use Regulation of this Bylaw;
  - (iv) Other uses at the discretion of the Municipal Planning Commission.
- (e) Rear Yard:
- (i) 6.1 m (20 ft.) from designated lot lines and the buffer area around the perimeter of the park;
  - (ii) Accessory buildings shall be sited in accordance with **Section 31** of the General Land Use Regulation of this Bylaw;
  - (iii) Other uses at the discretion of the Municipal Planning Commission.
- (f) Gross Floor Area:
- (i) 60.39 m<sup>2</sup> (650 sq.ft.) for manufactured homes, excluding porches;
  - (ii) Other uses at the discretion of the Municipal Planning Commission.
- (g) Lot Depth:
- (i) 35.05 m (115 ft.) for manufactured homes; and
  - (ii) Other uses at the discretion of the Municipal Planning Commission.
- (5) Maximum Limits
- (a) Site Coverage:
- (i) Total site coverage including accessory buildings shall not exceed 55% for individual manufactured home / modular unit lots;
  - (ii) Other uses at the discretion of the Municipal Planning Commission.
- (b) Height:
- (i) 6.1 m (20 ft.) for manufactured homes and modular units;
  - (ii) 4.57 m (15 ft.) for accessory buildings;
  - (iii) Other uses at the discretion of the Municipal Planning Commission.
- (c) Density:
- (i) 8 manufactured homes per acre in a manufactured home park.
- (6) Development Requirements

- 
- (a) All manufactured homes shall be developed in accordance with the ***Manufactured Homes General Land Use Regulations*** of this Bylaw.
  - (b) Garbage and waste material must be stored in weather and animal proof containers. Garbage and waste material storage must be screened from public thoroughfares excluding lanes.
  - (c) Each manufactured home shall be connected to and serviced by the municipal sanitary sewer, water supply and electric power systems and serviced with natural gas.
- (7) Manufactured Home Park Requirements
- (a) Roadways
    - (i) All roads in a manufactured home park shall be paved and constructed to the Municipality's specifications;
    - (ii) Internal pedestrian walkways shall have a minimum width of 0.91 m (3 ft.) and be surfaced to the satisfaction of the Development Officer / Municipal Planning Commission; and
    - (iii) Each manufactured home shall abut a park roadway and have a frontage with a minimum width of 4.27 m (14 ft.).
  - (b) Parking
    - (i) No on-street parking shall be permitted in manufactured home parks;
    - (ii) A minimum of two car parking stalls shall be provided for each manufactured home;
    - (iii) Visitor parking shall be one off-street parking stall for every three (3) manufactured homes. Visitor parking shall be dispersed throughout the park and clearly identified.
  - (c) Appearance
    - (i) A 6.1 m (20 ft.) buffer shall be provided around the boundary of the park. This buffer shall be landscaped and fenced;
    - (ii) Each application shall be accompanied by a landscaping and site development plan;
    - (iii) All utility lines shall be placed underground in a manufactured home park;
    - (iv) A minimum of 10% of the gross site area of a manufactured home park shall be set aside for recreational use.
  - (d) Permitted Signs
    - (i) One park identification sign at each entrance to the park. Maximum sign area is 2.97 m<sup>2</sup> (32 sq.ft.) and maximum height of sign is 1.83 m (6 ft.);
    - (ii) Directional signs within the park.
  - (e) Storage
    - (i) A screened storage compound shall be provided for trucks, campers, travel trailers, snowmobiles, boats, etc., at a location and in a manner satisfactory to the Development Authority.
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(f) Future Subdivision

- (i) The Development Authority shall give consideration to the sizing of lots and internal streets in order that the future subdivision of the manufactured home park to provide titled lots is a viable option.

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**23. C-1 - Central Commercial District****(1) Purpose**

The purpose and intent of this district is to provide for pedestrian-oriented and centralized commercial and retail development.

**(2) Permitted Uses**

- Financial Institution
- Laundromat/ Dry Cleaners
- Post office
- Library
- Public park
- Restaurant
- Personal Service Establishment
- Retail stores and shopping centers
- One or more dwelling units accessory to a commercial use
- Professional, financial and administrative offices
- Accessory buildings and uses
- Permitted signs
- Renewable Energy System

**(3) Discretionary Uses**

- Licensed Beverage Establishment
- Multiple Unit Dwelling
- Theatre
- Liquor Store
- Museum
- Parking lot
- Drive-in business
- Motel/ Hotel
- Service station
- Private club or lodge
- Public and quasi-public building
- Public utility buildings and installations
- Funeral home
- Amusement Centre (Billiard Parlour, Bowling Alley, etc.)
- Car wash
- Vehicle Sales and Service
- Clinic
- Daytime child care service
- Storage Structure – accessory to a commercial use
- Communication Tower

**(4) Minimum Requirements****(a) Site Area:**

- (i) As required by the Development Authority.

**(b) Front Yard:**

- (i) Based on the front yard provided by neighboring buildings and is to be determined for each application by the Development Authority.
- (c) Side Yards:
  - (i) 1.52 m (5 ft.) adjacent to residential districts;
  - (ii) No side yard is required where a rated firewall is provided, but if a side yard is provided it must be 1.23 m (4 ft.).
- (d) Rear Yard:
  - (i) 6.1 m (20 ft.) or as required by the Development Authority.
- (5) Maximum Limits
  - (a) Height:
    - (i) 13.72 m (45 ft.) unless otherwise approved by the Development Authority.
  - (b) Site Coverage:
    - (i) 80%



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**24. C-2 - Commercial Transitional District****(1) Purpose**

The purpose and intent of this district is to provide for a range of commercial and retail development in areas outside of the downtown.

**(2) Permitted Uses**

- Professional, financial and administrative offices
- Retail stores and shopping centers
- Personal Service Establishment
- Accessory buildings and uses
- Permitted signs
- Clinic
- Daytime child care service
- Renewable Energy System

**(3) Discretionary Uses**

- Vehicle sales and service
- Amusement Centre (Billiard Parlour, Bowling Alley, etc.)
- Farm and industrial machinery sales and service
- Service station
- Auctioneering establishment
- Drive-in business
- Funeral home
- Hotel/ Motel
- Parking lot
- Self Storage Facility
- Veterinary hospital
- Public and quasi-public building
- Public utility buildings and installations
- Restaurant
- Laundromat/ Dry-clean establishments
- Building material sales and storage
- Tire sales, service and repair
- Warehousing
- Workshops - cabinet maker, carpenter, decorator, electrician, gas fitter, metal worker, painter, plumber, printer, pipefitter, tinsmith, welder and the like
- Greenhouse
- Storage Structure – accessory to a commercial use
- Communication Tower

**(4) Minimum Requirements****(a) Site Area:**

- (i) 557.4 m<sup>2</sup> (6,000 sq.ft.) or as required by the Development Authority;

**(b) Lot Width:**

- (i) 15.24 m (50 ft.) or as required by the Development Authority;

- (c) Front Yard:
    - (i) Based on the front yard provided by neighboring buildings and is to be determined for each application by the Development Officer / Municipal Planning Commission;
    - (ii) 6.1 m (20 ft.) adjacent to a highway with a service road;
    - (iii) 20.12 m (66 ft.) adjacent to a highway without a service road.
  - (d) Side Yard:
    - (i) 4.57 m (15 ft.) adjacent to residential districts;
    - (ii) No side yard where a rated firewall is provided, but if a side yard is provided it must be 1.23 m (4 ft.);
    - (iii) 3.05 m (10 ft.) abutting the flanking street on corner lots;
  - (e) Rear Yard:
    - (i) 6.1 m (20 ft.) for principal buildings;
    - (ii) 0.91 m (3 ft.) for accessory buildings.
- (5) Maximum Limits
- (a) Height:
    - (i) 13.72 m (45 ft.) for the principal building unless otherwise approved by the Municipal Planning Commission;
    - (ii) 4.57 m (15 ft.) for accessory buildings.
  - (b) Site Coverage:
    - (i) 80% for all uses unless otherwise approved by the Municipal Planning Commission.

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**25. HWY-C – Highway Commercial District**
**(1) Purpose**

The purpose and intent of this district is to provide for a limited range of commercial uses that require locations adjacent to a major arterial road or highway to serve the commercial needs of the Town and surrounding area.

**(2) Permitted Uses**

- Permitted signs
- Restaurant
- Tourist Information Centre
- Hotel/ Motel
- Vehicle and Equipment Sales, Service and Rental
- Service stations – which may include servicing facilities, car washes, eating facilities, and convenience stores

**(3) Discretionary Uses**

- Accessory buildings and uses
- Drive-in businesses
- Public and quasi-public buildings and facilities and installations
- Additions to or replacement of one family dwellings which existed prior to the adoption of this bylaw
- Museum
- Campground
- Communication Tower
- Contractor's Shop
- Building Material Sales and Storage
- Bulk Fuel Depot
- Fabric Covered Building
- Licensed Beverage Establishment
- Liquor Store
- Manufactured Home Sales and Service
- One dwelling unit - accessory to a commercial use
- Parking Lot
- Renewable Energy System
- Retail Store
- Self Storage Facility
- Shopping Centre
- Small Wind Energy System
- Storage Structure – Accessory to a Commercial Use
- Those uses listed as Permitted Uses and Discretionary Uses in the “C-2” Commercial Transitional District
- Veterinary Clinic
- Work Camp

**(4) Minimum Requirements****(a) Site Area:**

- (i) 1858 m<sup>2</sup> (20,000 sq.ft.) for motels;

- (ii) 1115 m<sup>2</sup> (12,000 sq.ft.) for all other uses.
  - (b) Front Yard:
    - (i) 20 m (66 ft.) adjacent to a highway without a service road;
    - (ii) 6.1 m (20 ft.) adjacent to a highway with a service road.
  - (c) Side Yard:
    - (i) 6.1 m (20 ft.) when abutting a residential district;
    - (ii) 3 m (10 ft.) for all other cases.
  - (d) Rear Yard:
    - (i) 6.1 m (20 ft.).
  - (e) Lot Width:
    - (i) 30 m (100 ft.).
- (5) Maximum Limits
- (a) Height:
    - (i) 13.7 m (45 ft.) for the principal building unless otherwise approved by the Municipal Planning Commission.

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**26. I - Industrial District****(1) Purpose**

The purpose and intent of this district is to provide for a range of manufacturing, warehousing and other industrial land uses.

**(2) Permitted Uses**

- Automotive / farm machinery sales and service
- Warehousing
- Communication Tower
- Storage Structures
- Storage yard
- Self-Storage Facility
- Equipment and machinery sales, service and rental establishments
- Accessory buildings and uses
- Permitted signs

**(3) Discretionary Uses**

- Veterinary clinic
- Bulk fuel depots and sales
- Propane gas distribution
- Bulk fertilizer distribution
- Workshop/ Building contractor establishment
- Manufacturing and processing uses that are not noxious or injurious to public health, safety and welfare of the community
- Renewable Energy System
- Small Wind Energy System
- Recreational and municipal uses that are not restrictive and are compatible with an industrial area
- Work Camp
- Building Material Sales and Storage
- Bulk Fuel Depot
- Fabric Covered Building
- Manufactured Home Sales and Service
- One dwelling unit - accessory to a commercial use
- Parking Lot

**(4) Minimum Requirements****(a) Area of Site:**

- (i) 557.4 m<sup>2</sup> (6,000 sq.ft.).

**(b) Width of Site:**

- (i) 18.29m (60 ft.).

**(c) Front Yard:**

- (i) 6.1 m (20 ft.).

- 
- (d) Side Yard:
    - (i) 1.52 m (5 ft.);
    - (ii) 3.05 m (10 ft.) abutting the flanking street on a corner lot;
    - (iii) At least one 4.57 m (15 ft.) side yard to provide alternate access to the rear of the buildings in a laneless subdivision.
  - (e) Rear Yard:
    - (i) 6.1 m (20 ft.), however, the Municipal Planning Commission may modify the rear yard requirement if parking, loading and unloading facilities are in the rear yard.
- (5) Maximum Limits
- (a) Height:
    - (i) 10.67 m (35 ft.) unless otherwise approved by the Municipal Planning Commission.
  - (b) Site Coverage:
    - (i) 60%.
- (6) Special Requirements
- (a) The operation of all uses shall comply with the environmental and public health performance standards of the Provincial Government. If the Development Authority believes a proposed use may conflict with these standards, he shall refer the application to the appropriate Provincial Department for clarification prior to issuing a Development Permit.
  - (b) The Municipal Planning Commission may prescribe screening and landscaping for uses which involve storage of goods, machinery, vehicles, building materials, waste materials, and other items.

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**27. CS - Community Service District****(1) Purpose**

The purpose and intent of this district is to provide for recreational, educational and community uses.

**(2) Permitted Uses**

- Community hall
- Public school
- Swimming pool
- Parks and playgrounds
- Fire hall
- Library
- Accessory buildings and uses
- Permitted sign
- Cemetery
- Public and quasi-public buildings

**(3) Discretionary Uses**

- Public utility buildings and installations
- Hockey arena
- Curling rink
- Campground
- Cemetery
- Communication Tower
- Exhibition grounds
- Worship facility
- Hospital
- Museum
- Clinic
- Golf course
- Airport
- Fabric Covered Building
- Indoor Storage Facility
- Parking Lot
- Renewable Energy System
- Sales / Services Accessory to Principal Recreational Uses
- Small Wind Energy System
- Storage Structure

**(4) Development Requirements**

The Development Authority shall evaluate each development permit for this district on its merit and establish suitable development requirements for each individual application.

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**28. UR - Urban Reserve District****(1) Purpose**

The purpose and intent of this district is to reserve lands outside of the developed area of the Town which are intended for future development.

**(2) Permitted Uses**

- Extensive Agriculture
- Park
- Market garden
- Horticultural nursery
- Greenhouse
- Accessory buildings and uses
- Permitted signs

**(3) Discretionary Uses**

- Public and quasi-public buildings
- Public utility buildings and installations
- Single-detached dwellings on existing parcels only
- Accessory buildings and uses
- Communication Tower
- Renewable Energy System
- Small Wind Energy System
- Storage Structure
- Work Camp

**(4) Regulations**

- (a) The design, siting, site coverage, yards, height of buildings, external finish and landscaping generally of all buildings and structures shall be to the satisfaction of the Development Officer / Municipal Planning Commission who in determining a development permit application shall take into account:
  - (i) the general purpose of the district; and
  - (ii) the existing uses and prospective uses of land in the vicinity.
- (b) The Municipal Planning Commission may require an area structure plan before recommending approval of a subdivision.
- (c) The Development Authority shall be satisfied prior to the granting of a development permit that the proposed use will not prejudice the orderly development of the area including the future establishment of residential, commercial, industrial, recreational, and service facilities on a neighborhood and community basis.
- (d) Where a proposed use or development is listed as a permitted or discretionary use in the Land Use Districts in this Bylaw, the standard governing yards, setbacks, height, etc., applied to that use in that district shall be applied to the proposed use in this district.



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## **PART VII**

### **General Land Use Regulations**

#### **Subdivision of Land**

- (1) A development requiring subdivision of land shall not be issued a development permit until such time as subdivision approval has been received from the Subdivision Approving Authority or upon appeal, the Subdivision and Development Appeal Board or the Municipal Government Board.

#### **Non-Conforming Buildings and Uses**

- (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) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.
- (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 buildings shall be erected upon the lot while the non-conforming use is continued.
- (4) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except.
  - (a) as may be necessary to make it a conforming building, or
  - (b) as the Development Officer considers necessary for the routine maintenance of the building.
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75 per cent of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the Land Use Bylaw.
- (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.

#### **Fencing and Hedges**

- (1) In a residential district, a fence or hedge located within the required rear or side yard of a lot shall not exceed 1.83 m (6 feet) in height above the established grade level.
- (2) In a residential district, a fence or hedge located within the required front yard of a lot shall not exceed 1.2 m (4 ft.) in height.
- (3) In all districts, hedges and trees shall be planted and trimmed to ensure public safety and/or good visibility for traffic and pedestrian purposes in accordance with the **corner visibility setback**.

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- (4) Swimming pools shall be fenced to a height of 1.8 m (6 feet) or as required by Provincial or Federal regulations to the satisfaction of the Development Officer.
  - (5) Materials used to construct fences may be wood, brick, stone, concrete, or metal and shall be aesthetically acceptable and in general conformity with adjacent properties.
  - (6) Industrial and commercial developments shall be fenced to the satisfaction of the Development Authority in accordance with an approved development permit.

### Accessory Building & Uses

- (1) A structure which is attached to the principal building by a roof, a floor or a foundation is not an accessory building, and it is to be considered part of the principal building.
- (2) An accessory building shall not be used as a dwelling unless approved as a ***garden suite*** or ***secondary suite*** in accordance with this bylaw.
- (3) The total combined floor area of an accessory building(s) shall not exceed 15% of the site area.
- (4) On corner lots, the distance between an accessory building and the street flanking the lot shall not be less than the side yard requirement for the principal building in that particular land use district.
- (5) No accessory building, satellite receiving dish, communication towers, or use shall be located in the front yard or the required side yard abutting a street in a residential district.
- (6) The minimum side and rear yard setback requirements in all other instances shall be 1 metre (3.28ft.)

### Off-Street Loading & Unloading for Non-Residential Development

Any new non-residential development or a substantial expansion of an existing development shall provide and maintain off-street loading and unloading spaces according to the following requirements:

- (1) The space shall not be less than 2.44 m (8 feet) wide and shall provide no less than 3.66 m (12 feet) overhead clearance;
- (2) The space shall be hard surfaced if the access is from a street or lane which is hard surfaced;
- (3) Access to the space shall be such that no backing and turning movements of vehicles cause interference with traffic on the adjoining or abutting streets or lanes;
- (4) Off-street loading and unloading spaces should be provided in accordance with the following:

Use of Building or Site	Total Gross Floor Area	Spaces Required
(a) Retail, industry warehousing or	Less than 464.5 m <sup>2</sup> (5,000 sq.ft.)	One (1)

similar use

464.5 m<sup>2</sup> Two (2)  
(5,000 sq.ft.) to  
2322.5 m<sup>2</sup> (25,000 sq.ft.)

Each additional 2322.5 m<sup>2</sup> One (1)  
(25,000 sq.ft.) or additional  
fraction thereof

- (b) Office Building, Up to 2787 m<sup>2</sup> (30,000 sq.ft.) One (1)  
hospitals, public school  
or similar use

Each additional 2787 m<sup>2</sup> One (1)  
(30,000 sq.ft.) or additional  
fraction thereof

- (5) The above standards can be modified at the discretion of the Development Authority.

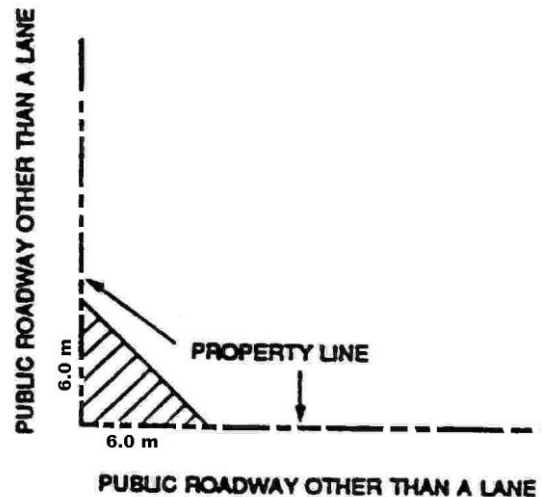
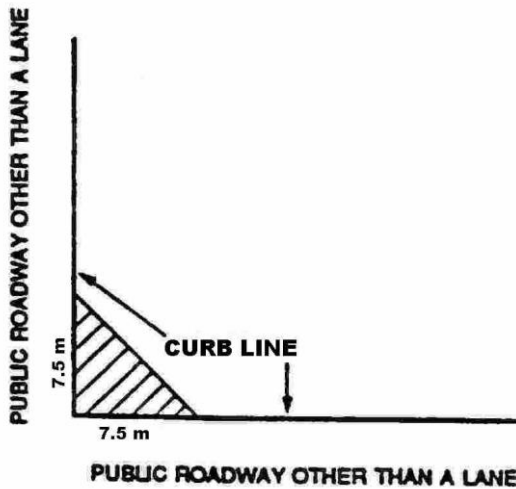
**Corner Visibility Setback**

- (1) Unless otherwise approved, no fence, wall, tree, hedge or other structure, object, or plant exceeding 1.2m (4 ft.) in height above the established grade of the curb shall be permitted in a corner visibility triangle as indicated in **Exhibit 2**.

**EXHIBIT 1 - Corner visibility triangle**

(a) Roads adjacent to the corner parcel that have curbs.

(b) Roads that do not have curbs or only one of the roads has a curb.



**Landscaping & Screening**

- (1) Non-residential developments abutting a residential district shall be screened from view to the satisfaction of the Development Authority.

- (2) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares, including lanes to the Development Officers satisfaction.
- (3) Attached housing and apartment complexes shall store garbage and waste material in single weather and animal proof collective container, designed and located on the site to the satisfaction of the Development Authority.
- (4) If permitted, outside storage areas of commercial and industrial materials and equipment shall be screened from adjacent sites and public thoroughfares.
- (5) The boulevard (where existing) and a minimum of 10% of the site area must be landscaped in accordance with the plan approved by the Municipal Planning Commission.
- (6) A minimum of 15% of the site area for attached housing and apartment complexes shall be landscaped or developed in order that it can be utilized as an amenity area.
- (7) Any trees or shrubs which die, that were planted under the approved plan, must be replaced the next planting season.

#### Off-Street Parking

- (1) The minimum number of off-street parking spaces for any development shall be according to the following:

One or Two Unit Dwellings	Two (2) parking spaces per dwelling unit.
Apartments and Attached Housing	Two (2) parking spaces per dwelling unit, plus (1) parking space per five (5) dwelling units for guest parking.
Bed and Breakfast Establishment	Two (2) parking spaces per dwelling unit plus one (1) space for each room available for rent.
Daytime Child Care Service	One (1) parking space per staff member.
Group Care Facility	One (1) parking space per staff member and one (1) visitor parking space.
Worship Facility	One (1) parking space per 15 seats.
Professional, financial & administrative office	Three (3) parking spaces per 93 m <sup>2</sup> (1,000 sq.ft.) of gross floor area of the building.
Retail, repair, and service shops	Two (2) parking spaces per 93 m <sup>2</sup> (1,000 sq. ft.) of gross floor area of the building.
Liquor & Convenience Stores	Two (2) parking spaces per 93 m <sup>2</sup> (1,000 sq. ft.) of gross floor area of the building.
Restaurant	One (1) parking space per four (4) seats.
Hotels and Motels	One (1) parking space per guest suite.
Hospital	One (1) parking space per 93 m <sup>2</sup> (1,000 sq. ft.) of gross floor area of the building.
Libraries and Clinics	Four (4) parking spaces per 93 m <sup>2</sup> (1,000 sq. ft.) of gross floor area of the building.

Elementary & Junior High Schools	One (1) parking space per classroom.
Senior High Schools	Four (4) parking spaces per classroom.
Post-Secondary School	One (1) Parking Space per three (3) students
Public Places of Assembly	Two (2) parking spaces per five (5) seating spaces.
Other Uses	At the discretion of the Development Authority.

- (2) Notwithstanding subsection (1), should the Municipal Planning Commission deem it advisable, it may increase or decrease the parking space requirements for a proposed development or redevelopment. The Municipal Planning Commission may consider the configuration of the parcel to be developed and adjacent parcels.
- (3) For multiple use sites, parking requirements shall be based on the combined parking required for each individual use.
- (4) Parking spaces for an apartment building shall not be located in the front yard.
- (5) A parking space shall not be less than 2.4 m (8 ft.) wide and 6 m (20 ft.) deep.
- (6) Parking shall be on the same site as the development and located and constructed to the Town's standards so that:
- (i) it is reasonably accessible to the vehicle intended to be accommodated there;
  - (ii) it can be properly maintained; and
  - (iii) it is satisfactory to the Development Authority in size, shape, location and construction.
- (7) The Development Authority may:
- (i) Accept a payment in lieu of the number of on-site parking spaces not provided. The payment shall be based on the amount of money Council considers reasonable in return for the equivalent parking space to be provided by the municipality.
  - (ii) Require the developer to provide off-street parking on land other than that to be developed provided that:
    - the alternative parking site is within 150 m (500 feet) of the site where the principal building is located or where the approval use is carried on;
    - the person wishing to use an alternate parking site must have absolute control of it for a length of time equal to the life of the approved use of the building or site, and will use that site for no other purpose than to provide alternate parking;
    - should the alternate parking site cease to be available, another parking site must be provided meeting the above criteria or the approved use of the building on the site must be discontinued; and
    - the person wishing to use an alternate site shall agree with the Municipality in writing under seal and protected by registration of

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a caveat under the Land Titles Act, that the site on which the alternate parking site is located shall be used for such purposes as long as it is required by this part.

- (8) When a building is enlarged, altered, or a change in the use occurs, provision shall be made for the additional parking spaces required under the parking provisions of this Bylaw.
- (9) Any parking space or loading space provided shall be developed and surfaced to the satisfaction of the Development Authority.
- (10) Adequate curbs or fences shall be provided to the satisfaction of the Development Authority. In so doing, one should consider adjacent fences, walls, boulevards, landscaped areas or buildings.
- (11) The development of new parking lots, or the expansion of existing parking lots, requires a development permit unless included in a development permit for an associated development.

### **Site Development**

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 satisfactions of the Development Officer / Municipal Planning Commission in order that these shall be in general conformity in such matters with adjacent buildings.

### **Home Occupations**

- (1) All development permits issued for Home Occupations shall be revocable at any time by the Municipal Planning Commission, if in its opinion, the use is or has become detrimental to the amenities of the neighborhood.
- (2) Home Occupations shall be Temporary Developments and shall be subject to the standards set out herein.
- (3) Where the applicant for the Home Occupation is not the registered owner of the dwelling unit proposed to be used for a Home Occupation, the applicant shall provide to the Municipal Planning Commission written authorization from the registered owner(s).
- (4) One name plate not exceeding 0.28m<sup>2</sup> (3 sq. ft.) may be posted on a building to advertise a Home Occupation.
- (5) A Home Occupation shall not include any use or operation which will cause or create a nuisance by way of noise, dust, smoke or excessive traffic. No industrial/commercial equipment or a motor vehicle associated with a Home Occupation having a G.V.W. rating of 7300 Kilograms (16093 lbs.) or more may be stored/parked on a residential Home Occupation site.
- (6) There shall be no outside storage of materials, commodities or finished products.
- (7) No more than 25% of the gross floor area of the principal building shall be used for the Home Occupation. An ancillary building may be used if permitted by the Development Officer if in his/her opinion this would not be detrimental to the neighborhood.

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### Industrial Development

- (1) An application for the establishment of industries shall be considered by the Development Officer / Municipal Planning Commission who may request advisory comment by the following authorities whose interest or jurisdiction may be affected:

Palliser Regional Municipal Services  
 Alberta Economic Development and Tourism  
 Alberta Transportation and Utilities  
 Alberta Agriculture  
 Alberta Environment Protection  
 Alberta Energy and Utilities Board  
 Health Authority No. 6  
 Palliser Regional Municipal Services - Safety Codes Service

The Development Authority may request that such comments be made in writing.

- (2) Each application for industrial development shall be accompanied by the following information:

- Location map
- Type of industry
- Size of buildings
- Estimated number of employees
- Estimated water demand and anticipated source
- Type of effluent and method of treatment
- Transportation routes to be used (rail and road)
- Reason for specific location
- Any accessory works required (pipeline, railway spurs, etc.)
- Anticipated residence location of employees

and/or any other such information as may be reasonably required by the Development Officer or Municipal Planning Commission.

### Utilities

- (1) A development shall not be permitted if the development is not served by the public sewer and water system or a provincially approved private system.
- (2) A development shall not be permitted until satisfactory arrangements have been made by the developer for the supply of water, electric power, sewerage and street access to the development including payments of costs of installing or constructing any such utility or facility by the developer, to the standard required by the Town of Oyen.

### Drainage

- (1) At the discretion of the Development Authority, the applicant shall be required to grade a parcel in such a manner that all surface water will drain from the building site to the back lane and/or front street.

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- (2) The Development Authority at its discretion may establish parcel and building elevation as a development condition if it is felt that drainage will affect neighboring parcels, and may request a site drainage plan as prepared by a professional Engineer.
  - (3) At the discretion of the Development Authority, the applicant may be required to submit a storm drainage plan, indicating how drainage will be managed on the site.
  - (4) At the discretion of the Development Authority, the applicant may be required to install a catch basin or similar drainage system on site if it is felt that drainage will otherwise affect neighboring parcels.

#### **Lot Grading, Elevation and Grading Plans**

- (1) Lot Grading is the reshaping or sloping of the land in such a way that surface drainage from rainstorms, snow melt or groundwater is directed away from the buildings and is controlled in a manner that eliminates or minimizes any negative impact on adjacent properties.
- (2) The Development Authority may, at their discretion, control the elevation (height of foundation and finished grades above street and land grades) for all new development and subdivisions.
- (3) The Development Authority may require overall grading plans to be prepared as part of a development which may be in the form of an agreement and completed at the cost of the developer.
- (4) No person shall permit roof drainage or foundation drainage from a building to be discharged:
  - (a) directly onto a pervious ground surface within one metre of a building that contains a level below the finished ground surface;
  - (b) to a location where soil erosion would occur;
  - (c) to a location, or in such a way, as to cause or have potential to cause a nuisance, hazard or damage; or
  - (d) to the sanitary sewer system except for homes and development that were connected to a sanitary sewer prior to the adoption of this bylaw.
- (5) No person shall alter the surface elevations or surface grades of any land such that it may cause or have potential to cause a nuisance, hazard or damage.
- (6) Where retaining walls are necessary or proposed in any development, such walls shall be developed with professional quality and shall not negatively affect adjacent parcels due to site elevations or drainage.

#### **Bed and Breakfast Establishments**

- (1) Bed and Breakfast Establishments shall conform to the following and to any standards as the Province and/ or Alberta Building Code may have:
  - (a) No cooking facilities allowed in guest rooms;
  - (b) Minimum room size of 7 m<sup>2</sup> (75 sq. ft.) per single occupant and 4.65 m<sup>2</sup> (50 sq. ft.) per person for multiple occupancy;
  - (c) Each room shall have a window;
  - (d) Bathroom facilities are required by the Health Authority;



- (e) Smoke alarms shall be installed on each level of the building;
  - (f) Portable fire extinguishers shall be provided in each level of the building;
- (2) Off street parking shall be provided with a minimum of one stall per owner plus one stall per guest room.
  - (3) Access to a public lane or street shall be to the satisfaction of the Development Officer.
  - (4) Signage is restricted to one sign per site, attached to the building with a maximum size of 0.28 m<sup>2</sup> (3 sq. ft.). Appearance of the sign shall be of a professional quality to the satisfaction of the Development Officer.
  - (5) All development permits issued for Bed and Breakfast Establishments shall be revocable at any time, if in the opinion of the Development Officer / Municipal Planning Commission, the use is or has become detrimental to the amenities of the neighborhood.
  - (6) Bed and Breakfast establishments shall have a maximum of four (4) guest rooms.

**Motels**

A person applying to develop a site as a motel where permitted under this bylaw, shall comply with the following provisions:

- (1) For the purposes of this subsection, a rentable unit means a separate unit on a motel site used or intended to be used for the dwelling accommodation of one or more persons.

**Site Requirements for Motels**

Minimum Site Parking On Minimum Floor			
Area / Unit	Yards	Site	Area / Unit
One Storey			
139.35 m (1500 ft. <sup>2</sup> )	Front 7.62 m (25')	One per	26.48 m <sup>2</sup>
	Side 3.05 m (10')	Sleeping Unit	(285 sq. ft.)
	Rear 3.05 m (10')		
Two Storeys			
92.9 m (1000 sq. ft.)	Front 7.62 m (25')	One per	26.48 m <sup>2</sup>
	Side 3.05 m (10')	Sleeping Unit	(285 sq. ft.)
	Rear 3.05 m (10')		

- (3) Each rentable unit shall face onto or abut a driveway not less than 6.1 m (20 feet) in width and shall have unobstructed access thereto.
- (4) Not more than one motor vehicle entrance and one motor vehicle exit to a street, each of a minimum width of 7.62 m (25 feet), measured at its minimum dimension shall be permitted, provided that one combined motor vehicle entrance and exit shall be permitted, not less than 9.14 m (30 feet) in width.

**Service Stations**

Service stations, where permitted by this Bylaw, shall comply with the following standards:

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- (1) Minimum requirements:
    - (a) No part of a service station building or any pump island shall be within 6.1 m (20 feet) of side or rear property lines;
    - (b) Front yard of no less than 12.19 m (40 feet) with no pumping island closer than 6.1 m (20 feet) to the front property line;
    - (c) The minimum site area shall be 743.2 m<sup>2</sup> (8,000 sq.ft.).
  - (2) The boundaries of a service station site, other than those fronting streets, shall be fenced at the discretion of the Development Officer / Municipal Planning Commission.
  - (3) Where possible, the use of above ground storage tanks is the preferred means of storage of petroleum products.

### **Car Washing Establishments**

- (1) Site Area:

The minimum site area shall be 557.4 m<sup>2</sup> (6,000 sq. ft.) and shall contain storage space for 3 vehicles prior to their entry into any part of the cleaning process for which they are bound. In the case of service stations including car washes, minimum site area shall be 1114.8 m<sup>2</sup> (12,000 sq. ft.).
- (2) Site and Building Requirements:
  - (a) The site and all improvements thereon shall be maintained in a clean and tidy condition, free from rubbish and debris;
  - (b) Receptacles for the purpose of disposing of rubbish and debris shall be provided as required by the Development Officer;
  - (c) All parts of the site to which vehicles may have access shall be hard surfaced and drained to the satisfaction of the Development Officer;
  - (d) All sump drainage systems shall be provided in accordance with the appropriate regulations and all sump materials shall be disposed of in the appropriate manner.

### **Signs**

- (1) No signs or advertising structures of a commercial, direction or information nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued.
- (2) No signs or advertising structures shall be erected on or affixed to private property without the prior consent of the property owner or tenant.
- (3) No signs, billboards, advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body.
- (4) No signs or advertisement shall resemble or conflict with a traffic sign.
- (5) All signs, with the exception of temporary signs allowed under a Temporary Development Permit, shall be attached to a permanent foundation capable of supporting the sign.

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- (6) All signs shall be designed and manufactured to a professional standard of quality equivalent thereto.
  - (7) All signs shall be kept in a safe, clean, tidy and legible condition and may, at the discretion of the M.P.C., be required to be renovated or removed. Signs advertising businesses no longer in operation shall be removed.
  - (8) No signs or advertising structures other than those specified under subsection 7(9), shall be permitted in a residential district.
  - (9) No signs or advertising of any kind shall be permitted adjacent to a highway unless the prior approval of Alberta Transportation & Utilities has been obtained.
  - (10) The following separation distances between signs shall be applied:
    - (i) 9.14 m (30 ft.) adjacent to a municipal road;
    - (ii) 99.06 m (325 ft.) adjacent to a primary highway or as required by Alberta Transportation & Utilities.
  - (11) Projecting signs may be permitted provided that:
    - (a) a minimum height clearance of 2.74 m (9 ft.) be provided from any sidewalk below;
    - (b) the signs shall not project above the roof by more than 0.91 m (3 ft.);
    - (c) the sign does not project within 0.61 m (2 ft.) of the curb;
    - (d) the sign does not project more than 2 m (6.5 ft.) from the face of the building;
    - (e) the sign does not exceed 9.29 m<sup>2</sup> (100 ft.<sup>2</sup>) in area.
  - (12) Free standing signs (directional, advertising or identification) may be permitted provided that:
    - (a) the sign does not exceed 9.14 m (30 ft.) in overall height;
    - (b) the maximum total sign area allowable is 13.94 m<sup>2</sup> (150 ft.<sup>2</sup>);
    - (c) the sign shall be a minimum of 6.1 m (20 ft.) from a curb or 1.52 m (5 ft.) from the property line.
  - (13) Roof signs shall not exceed 9.29 m<sup>2</sup> (100 ft.<sup>2</sup>) and no portion of the sign shall extend beyond the periphery of the roof on which it is located.
  - (14) Fascia signs may be permitted provided that:
    - (a) the total sign area does not exceed a ratio of 20% of the face building to which the sign is attached;
    - (b) it shall not project above the roof or marquee by more than .91 m (3.0 ft.).
  - (15) Solid awnings containing advertising shall be treated as projecting signs. However, at the discretion of the Development Officer or Municipal Planning Commission the minimum height clearance from the sidewalk may be relaxed.
  - (16) Mobile signs may be permitted provided that:
    - (a) Maximum sign area shall not exceed 10.03 m<sup>2</sup> (108 sq.ft.);
    - (b) Maximum height shall not exceed 2.44 m (8. ft.);
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- (c) The sign is not located in the sight triangle formed on a corner site by the two street property lines and a straight line which intersects them 5.02 m (16.5 ft.) from the corner where they meet;
  - (d) The lighting of a mobile sign does not adversely affect residential sites and/or traffic lights; and
  - (e) A valid development permit has been obtained for signs to be in place for more than 7 consecutive days.

### **Relocation of Buildings**

- (1) Where a development permit has been granted for the relocation of a building on the same site or from another site, the Municipal Planning Commission may require the applicant to provide a letter of credit up to the amount of \$10,000.00 (\$1,000.00 where the building to be relocated is accessory to a dwelling) to ensure completion of any renovations set out as a condition of approval of a permit.
- (2) All renovations to a relocated building are to be completed within one year of the issuance of the Development Permit.
- (3) All applications to relocate a building or structure shall be accompanied by a recent photograph of the structure and, where possible, the structures shall be inspected by the Development Officer.
- (4) The design, external finish and architectural appearance of any relocated structure shall be similar to complement the existing structures located on the parcels adjacent to the parcel on which it is to be located.

### **Projection Over Yards**

- (1) Front Yards:
  - (i) Eaves, balconies, bay windows, shade projections, chimneys, un-enclosed decks, may project a maximum of .6 m (2 ft.) over or onto a required front yard;
  - (ii) Unenclosed steps may project a maximum of 1.8 m (6 ft.) over or onto a required front yard.
- (2) Side Yards:
  - (i) Eaves, shade projections, chimneys, may project a distance not exceeding one half of the minimum side yard requirement for the lot;
  - (ii) Un-enclosed steps and landings shall be at grade to a side entrance and may project onto the entire required side yard. Unenclosed steps and landings above grade shall be at the discretion of the Municipal Planning Commission;
  - (iii) Residential buildings with a side entrance requiring a side yard relaxation and/or having projections as described above shall maintain one side yard with no relaxation or projection except for eaves.
- (3) Rear Yards:
  - (i) Eaves, balconies, bay windows, shade projections, chimneys, un-enclosed decks and steps may project a maximum of 1.5 m (4.9 ft.) over or onto a required rear yard.

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**Daytime Child Care Services**

- (1) The Municipal Planning Commission shall, in deciding whether to approve or refuse a Daytime Child Care Service, consider among other matters, potential traffic generation, proximity to park or other open or recreation areas, isolation of the proposed site from other residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents, and consistency in terms of intensity of use with other development in the area.
- (2) The maximum number of children for which care may be provided in a Daytime Child Care Service established by Alberta Family Day Home Standards Manual. According to the Alberta Family Day Home Standards Manual, Providers may accommodate a maximum of six children 0-12 years old including the provider's own children. A maximum of three children may be 36 months or younger. A maximum of two children may be 24 months or younger.

**Resource Conservation**

The Development Officer or Municipal Planning Commission may encourage the incorporation of cost-effective measures which use water and energy resources wisely and will reduce their consumption in new developments and renovations.

**Manufactured Homes**

- (1) All manufactured homes shall be C.S.A. approved.
- (2) Manufactured homes shall have a foundation capable of supporting the maximum anticipated load of the manufactured home during all seasons. The foundation shall comply with the Alberta Building Code.
- (3) All manufactured homes shall have a minimum width if 4.27 m (14 ft.).
- (4) Manufactured homes constructed more than ten (10) years prior to the date of the development permit application may not be permitted if not in conformance with the appearance and characteristics of new manufactured homes (size, finish materials, roof pitch, eaves, windows, etc) and/ or the existing neighbourhood at the discretion of the MPC.
- (5) The under carriage of each manufactured home shall be completely screened from view by the foundation or skirting within 30 days of placement of the manufactured home.
- (6) All accessory structures such as steps, patio, porches, additions, skirting and storage facilities shall be factory pre-fabricated units or of an equivalent quality, so that the design and construction will complement the home. Additions to a manufactured home shall have a foundation equivalent to that of the manufactured home.
- (7) All manufactured homes shall be provided with steps and landing to all entrances within 45 days of their placement on the site.

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**Modular Homes**

Modular homes are not to be considered as manufactured homes under this Bylaw and will be consistent in appearance with surrounding buildings. Modular homes will feature the following design features:

- (1) a minimum roof pitch of 6 cm of vertical rise for every 24 cm of horizontal run (3:12 pitch);
- (2) have a roof surface of wood or asphalt shingles, clay or concrete tile, slate shingles, sheet metal shingles or hand split shakes;
- (3) have a minimum roof overhang or eaves of 30 cm (1 ft.) from the primary surface of each facade;
- (4) the length shall not exceed 2.5 times the width of the dwelling;
- (5) be placed on a permanent perimeter foundation or basement; and
- (6) in the Development Authority's opinion, the proposed development complies with the amenities of the neighbourhood.

**Physical Environment**

The Development Authority may consider the environmental impact of any proposed development. The Development Authority may refer the proposal to a relevant government department for comment in the nature of the environmental concern. Where a proposal is considered to have a significant environmental impact, the Development Authority may request the developer to have an environmental evaluation prepared and submitted or undertake its own environmental evaluation regarding the proposed development, all at the cost of the developer.

**Dwelling Units on a Parcel**

- (1) No person shall construct or locate more than one dwelling on a lot unless:
  - (a) the second or additional dwelling is contained in a building designed for or divided into two or more dwellings.
- (2) The Municipal Planning Commission may issue a development permit for a second or additional dwelling unit(s) on a parcel provided the proposed development would not:
  - (a) unduly interfere with the amenities of the neighborhood;
  - (b) materially interfere with or affect the use, enjoyment or value of the neighboring properties; and
  - (c) the proposed development conforms to the use prescribed for that land or building in this Bylaw.

**Storage Structures**

- (1) A storage structure shall meet the setback requirements for an accessory building in the appropriate district;

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- (2) A storage structure shall be screened from view as required by the Municipal Planning Commission and/ or may require exterior finishing to be in general conformance with the principal building or surrounding development.
  - (3) A storage structure shall not be permitted in residential areas or on parcels where the primary land use is residential.
  - (4) A storage structure shall not be used as a sign.
  - (5) A storage structure may be approved on a temporary basis during construction within any land use district.

### Auto Body Shops

- (1) The Municipal Planning Commission may impose any or all of the following conditions to a development permit issued for an Auto Body Shop:
  - (a) all vehicle access doors to the building shall be located at the rear of the building;
  - (b) any areas of the site used for vehicle or materials or waste storage shall be fenced to a height of eight (8) feet and the fence shall be a solid fence of either metal or wood, so that the vehicles or materials are not visible through the fence;
  - (c) customer vehicle parking and the vehicles awaiting repair may be permitted, provided the vehicles are not parked for a period of greater than eight (8) hours;
  - (d) any vehicle left for repair shall be stored within the fenced area and not be visible from streets or lanes;
  - (e) sandblasting of vehicles shall not be permitted outside the building except in the "M-1"-Industrial District.

### Small Wind Energy Systems

It is the purpose and intent to promote the safe, effective and efficient use of small wind energy systems (SWES) to reduce the on-site consumption of utility-supplied electricity while protecting public health and safety without significantly increasing the cost or decreasing the efficiency of a SWES. An SWES may be appropriately located on larger residential parcels, commercial/ industrial sites or for public facilities and shall be considered an accessory structure and use in the land use districts where it is listed in accordance with the following requirements:

- (1) Maximum Tower Height:
  - (a) Parcel size – 0.2 ha. (0.5 acres) – 0.4 ha. (1.0 acre)  
25 m (80 ft.)
  - (b) Parcel size greater than 0.4 ha. (1.0 acre)  
No maximum

Tower height shall be in accordance with the manufacturer requirements and shall conform to the setback requirements below.

- (2) Setback Requirements:
  - (a) Setbacks from property lines  
The SWES tower base shall be no closer to the property line than the **total system height** of the SWES, and no part of the tower structure,

including guy wire anchors, may extend closer than 3 m (10 ft.) to the property boundaries of the installation site. The Development Authority may waive the tower base setback requirements if the adjacent property owner grants an easement for the location of the SWES to be closer than these requirements.

(b) Setbacks from Structures

(i) Dwellings/ public buildings:

The SWES tower base shall be no closer to a dwelling unit or public building on **adjacent** properties than the **total system height** of the SWES. This distance may be greater if it is determined that **shadow flicker** is a factor on adjacent properties. (note: shadow may be up to 3.6 times the distance of tower height in winter months)

(ii) Accessory buildings or structures

No requirements

The Development Authority may waive the tower base setback requirements if the affected adjacent property owner grants an easement registered on title for the location of the SWES to be closer than these requirements.

(3) Sound

Sound levels from a SWES shall not negatively impact adjacent property owners. A satisfactory report from a sound engineering professional may be required to ensure noise levels are not above that of normal ambient background noise on adjacent properties. This determination shall be measured at the at the property line of the adjacent property.

(4) Visual Impact

The nature of a SWES requires the installation of the turbine on a tall tower, 30 ft. + above structures or trees to reach wind conditions and avoid turbulence. Visual Impact concerns shall be considered where there is significant scenic or historical value associated and where there is a clear public benefit.

(5) Consultation Requirements

Applicants for a SWES shall be responsible for circulating the proposal prior to application to adjacent property owners using the approved form. Any comments received from the circulation shall be included with the application.

(6) Decommissioning

If the active production of electricity from a SWES is discontinued for two years or more the SWES shall be removed. Upon termination of the use, the entire facility shall be removed and the site shall be restored to pre-construction condition.

## Renewable Energy Systems

Renewable energy systems such as, but not limited to, active and passive solar, photovoltaic solar panels, heat exchange systems and generators are encouraged as a method to reduce greenhouse gas emissions and to promote sustainability objectives within the Town. Alternative Energy Systems shall require a development permit to ensure there are no nuisance effects that extend beyond the site and shall have consideration for the following requirements:



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- (a) Renewable energy systems shall meet the minimum requirements for accessory buildings and uses in the applicable land use district including setbacks and height.

### Communication Tower

- (1) All communications towers require a development permit;
- (2) All communications tower permit applications shall include a site plan drawn to an appropriate scale identifying site boundaries; tower elevations; guy wire anchor locations; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed or replaced; and the uses and structures on the parcel and abutting parcels;
- (3) The height of the tower structure is limited to the maximum height limit of the respective district, but antennas may be situated above that;
- (4) Unless demonstrated impractical, communications towers shall be mounted on existing structures, including buildings or towers, or within transportation and utility corridors;
- (5) A communication tower and antenna shall only be located in a rear yard, or a side yard that does not abut a street;
- (6) On a corner parcel, a communications tower shall be situated so that no part of it is closer to the street than the main building;
- (7) A communications tower base shall be setback from abutting parcels and roadways as required by the Development Authority;
- (8) The appearance of a communications tower, including but not limited to landscaping and fencing shall be to the satisfaction of the Municipal Planning Commission;
- (9) The Development Authority may require the applicant for a communications tower, as they may have a potential to have an adverse effect on the surrounding community, to undertake community consultation prior to an application being made. The applicant is required to submit a summary of their community consultation with the application outlining neighbours concerns and how these concerns will be addressed or why they cannot be addressed;
- (10) Industry Canada has the authority under the *Radiocommunications Act* to issue authorizations for the location of radio communication installations, and to approve all masts, towers and other antenna-supporting structures. Industry Canada considers the following when making decisions regarding communications installations: input from local land use authorities; compliance with NAV Canada and Transport Canada's painting and lighting requirements for aeronautical safety; Health CANADA's guidelines respecting limits of exposure to radio frequency fields; and any requirements outlined under the federal *Environmental Assessment Act*.

### Work Camps

- (1) A **temporary development permit** for a work camp may be issued for up to one (1) year, at which time an application may be made for a continuance of the use for one (1) additional year, after which a new development permit approval is required.
- (2) An application for a development permit for a work camp must provide the following information:
  - (a) the location, type, and purpose of the camp;
  - (b) adjacent land uses;

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- (c) the method of supplying water, sewage and waste disposal to the camp. The proposed method of sewage disposal must comply with the current Alberta Private Sewage Systems Standard Practice and be to the satisfaction of the health and development authorities;
  - (d) the number of persons proposed to reside in the camp;
  - (e) the start date of the development, date of occupancy, and removal date of the camp; and
  - (f) reclamation measures once the work camp is no longer needed. (Post security with the municipality with sufficient to remove and reclaim the site if the work camp remains on the site after the project is either completed or if work has stopped to the extent that the Development Authority no longer feels the work camp is relevant to the project, or to reclaim the site if required after the work camp has been removed from the site.
- (3) No development permit for a work camp shall be approved unless:
- (a) it is directly associated with a development situated within the area;
  - (b) it is for a temporary period of time as specified by the Development Authority;
  - (c) all required access provisions are provided to the satisfaction of the Development Authority at the sole cost of the developer;
  - (d) the developer provides undertakings and guarantees acceptable to the Development Authority, that the work camp will be removed and the subject site returned to its original condition before the work camp was developed upon completion; and
  - (e) it is an accessory development to an approved industrial or commercial development for construction employees and located within close proximity of the site of that industrial or commercial development.

**Forms**

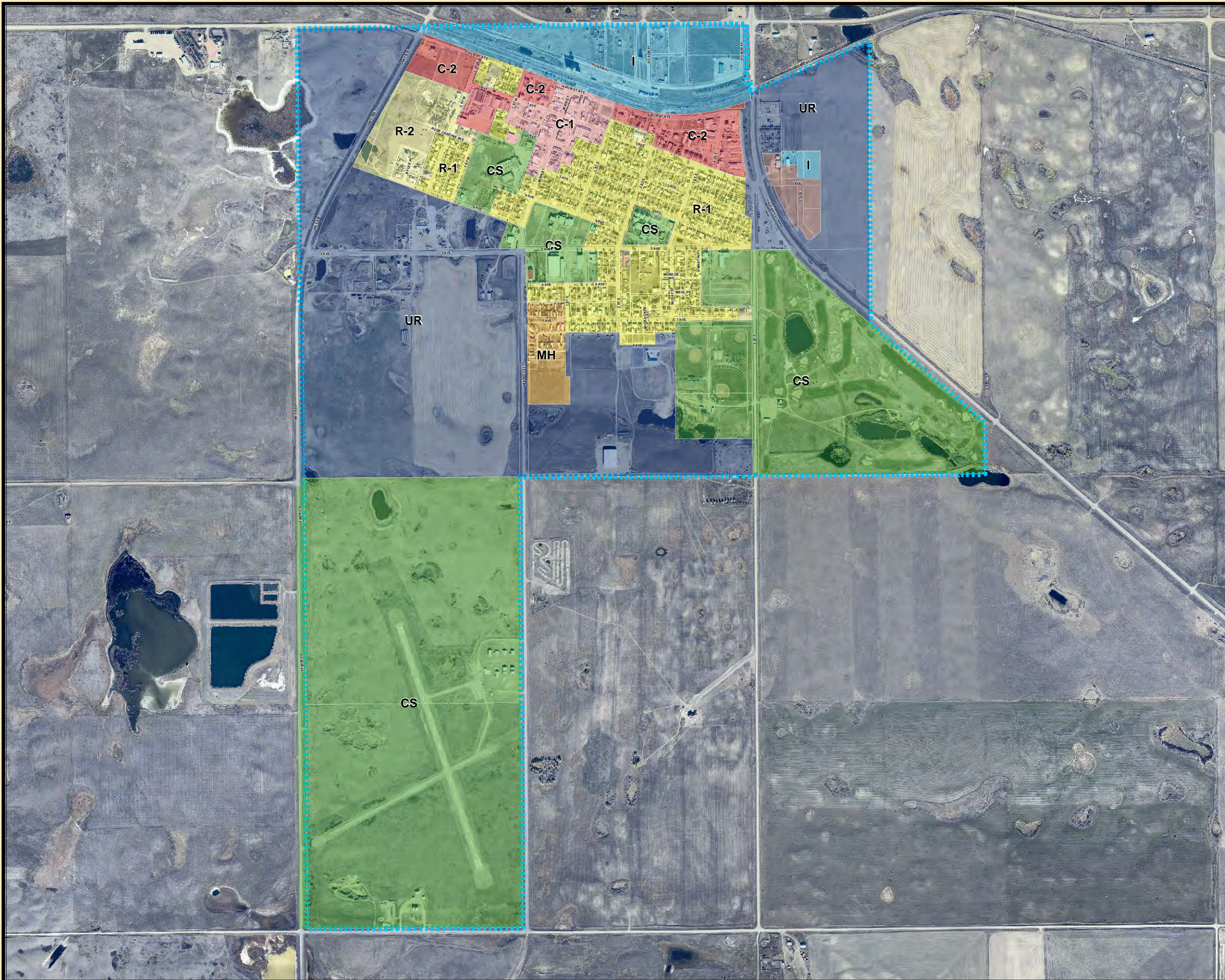
- (1) Forms used in conjunction with this Bylaw must be approved by resolution of Council.





**PART VIII**

**Land Use District Map**



# Town of Oyen

## Land Use District Map

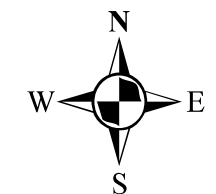
Part VIII  
Bylaw No. 826-13



### Legend

#### Land Use Districts

- Central Commercial (C-1)
- General Commercial (C-2)
- Highway Commercial (HWY-C)
- Industrial (I)
- Residential 1 District (R-1)
- Residential 2 District (R-2)
- Manufactured Home (MH)
- Community Service (CS)
- Urban Reserve (UR)
- Oyen Boundary



APPENDIX A

FORMS

FORM A – DEVELOPMENT PERMIT APPLICATION

FORM B – STOP ORDER / ORDER OF COMPLIANCE

FORM C – APPLICATION FOR AMENDMENT TO THE LAND USE BYLAW

FORM D – NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING

FORM E – NOTICE OF DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL  
BOARD