

2025

Land Use Bylaw #929-25



TOWN OF Oyen

BYLAW 929-25

**BEING A BYLAW OF THE TOWN OF OYEN, IN THE PROVINCE OF ALBERTA, TO PROHIBIT OR
REGULATE AND CONTROL THE USE AND DEVELOPMENT OF LANDS AND BUILDINGS**

WHEREAS pursuant to the provisions of Section 640(1) of the *Municipal Government Act, RSA, Chapter M-26* as amended, the Council of a Municipality must, by Bylaw, adopt a land use bylaw;

AND WHEREAS Council has undertaken a major review of the Land Use Bylaw 891-22;

AND WHEREAS Council, having considered at a public hearing the concerns of persons claiming to be affected by the land use bylaw, believes that a new land use bylaw should be enacted to achieve the orderly, economical and beneficial use of land in the municipality;

NOW THEREFORE, the Council of the Town of Oyen in the province of Alberta, duly assembled, enacts as follows:

1. This Bylaw shall be known as "The Town of Oyen Land Use Bylaw".
2. The Town of Oyen Land Use Bylaw being Schedule "A" as attached to and forming part of this Bylaw is hereby adopted.
3. Bylaw 891-22 and all amendments are hereby repealed.
4. This Bylaw takes effect on the date of the third and final reading.

READ A FIRST TIME THIS 14th DAY OF JANUARY, 2025.

READ A SECOND TIME THIS _____ DAY OF _____, 2025

READ A THIRD AND FINAL TIME THIS _____ DAY OF _____, 2025

X _____

Mayor

X _____

Chief Administrative Officer

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PART A – THE APPROVALS PROCESS

1 ADMINISTRATION

1.1 TITLE

1.1.1 The title of this Bylaw shall be the Land Use Bylaw of the Town of Oyen.

1.2 PURPOSE

1.2.1 The purpose of this Bylaw is to direct the orderly, economic and beneficial **development** and **use** of land within the Town of Oyen in accordance with the vision of the Town of Oyen Municipal Development Plan. This is achieved through this Bylaw by regulating and controlling **development**, or where necessary, prohibiting **development** without infringing on the rights of individuals for any public interest except to the extent that is for the overall greater public interest.

1.3 APPLICATION

- 1.3.1 This Bylaw shall apply to the whole of the Town of Oyen being all lands and **buildings** contained within its corporate limits.
- 1.3.2 No person shall commence any **development** within the Town of Oyen except in conformity with this Bylaw.
- 1.3.3 Compliance with the requirements of this Bylaw does not exempt any person from the requirements of any adopted statutory plan, including the Municipal Development Plan, Intermunicipal Development Plans and Area Structure/Redevelopment Plans.
- 1.3.4 No **development** shall be undertaken within the Town of Oyen unless an application for it has been approved and a **development permit** has been issued except for those items listed in Section **3 Development Not Requiring a Development Permit**.

1.4 EFFECTIVE DATE AND TRANSITION

- 1.4.1 The Town of Oyen Land Use Bylaw 891-22, as amended, is hereby repealed and will cease to have effect on the day this Bylaw comes into force. This Bylaw comes into force upon third reading.
- 1.4.2 An application for a **subdivision, development permit** or amendment to this Bylaw submitted prior to the coming into force of this Bylaw shall be evaluated under the provisions of the Town of Oyen's Land Use Bylaw 891-22, as amended.

1.5 OTHER LEGISLATIVE REQUIREMENTS

- 1.5.1 In addition to this Bylaw, an applicant is responsible for complying with any other applicable federal, provincial, or municipal legislation, bylaw or policy, licensing or permitting regime, or approval process. The applicant is also responsible for complying with the conditions of any caveat, covenant, **easement** or other instrument affecting a **building** or land.
- 1.5.2 The Town of Oyen is not responsible for nor does the Town of Oyen have any obligation whatsoever to determine what other legislation may apply to a **development**, nor to monitor or enforce compliance with such legislation.

1.6 NON-CONFORMING BUILDINGS AND USES

- 1.6.1 **Non-conforming buildings** and **non-conforming uses** shall be treated in accordance with the Act, and any amendments thereto.
- 1.6.2 A **non-conforming building** may continue to be used, and the **building** may be enlarged, added to, rebuilt or structurally altered, if at the discretion of the **Development Authority**, the alterations do not substantially increase the extent of non-conformance and are within all other requirements of the Bylaw.
- 1.6.3 Nothing in this Bylaw diminishes or in any way affects the power of the **Development Authority** to issue a **development permit** which makes a **non-conforming building** conforming through the granting of a relaxation of the requirements or rules to which the existing **building** does not conform.

1.7 SEVERABILITY

- 1.7.1 In the event any portion of this Bylaw is found invalid by a Court of Law or is overturned by a superior jurisdiction, the validity of the remaining portions of the Bylaw shall not be affected.

2 RULES OF INTERPRETATION

- 2.1.1 Where a word is used in the singular, such a word may also mean plural.
- 2.1.2 Where a masculine or impersonal pronoun or adjective is used, such a word may also mean the feminine or impersonal pronoun or adjective.
- 2.1.3 Where a word is used in the present tense, such a word may also mean the future tense.
- 2.1.4 The word “person” includes a corporation as well as an individual.
- 2.1.5 The words “shall” and “must” require mandatory compliance except where a variance or relaxation has been granted pursuant to the Act or this Bylaw. “May” means a choice is available, with no particular direction or guidance intended.

- 2.1.6 Words, phrases, and terms not defined in this Bylaw may be given their definition in the *Act* or the *Safety Codes Act*. Other words shall be given their usual and customary meaning.
- 2.1.7 Where a regulation involves two or more conditions or provisions connected by the conjunction “and” means all the connected items shall apply in combination; “or” indicates that the connected items may apply singly; and “and/or” indicates the items may apply singly or in combination.
- 2.1.8 For ease of reference:
- (a) words that are **Capitalized and Bold** denote uses defined in **Part F Definitions**;
 - (b) words that are ***italicized and bold*** denote general terms defined in **Part F Definitions**;
 - (c) words that are *italicized* reference federal or provincial legislation or regulations thereunder; and
 - (d) all other words must be given then plain and ordinary meaning as the context requires.

3 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- 3.1.1 This Section does not negate the requirement of obtaining all required permits, as applicable, under the *Safety Codes Act* or any other provincial or federal statute.
- 3.1.2 This Section does not negate the requirement of obtaining a ***business license*** where required.
- 3.1.3 The following ***developments*** shall not require a ***development permit***:
- (a) any ***use or development*** exempted under section 618(1) of the *Act*;
 - (b) any ***use or development*** exempted by the Lieutenant Governor in Council pursuant to section 618(4) of the *Act*;
 - (c) **Telecommunication Structures**;
 - (d) the completion and ***use*** of a ***development*** which was lawfully under construction at the date this Bylaw came into effect provided the ***development*** is completed in accordance with the terms and conditions of any ***development permit(s)*** granted;
 - (e) the completion of a ***development*** that did not require a ***development permit*** under the previous Land Use Bylaw and which was lawfully under construction provided the ***development*** is completed within twelve (12) months from the date this Bylaw came into effect and complies with the applicable requirements of the previous Land Use Bylaw;
 - (f) an official notice, **Sign**, placard or bulletin required to be displayed pursuant to provisions of federal, provincial or municipal legislation; and

- (g) the use of a **building** or part thereof for a federal, provincial, or municipal election, referendum or plebiscite.

3.1.4 The following **developments** shall not require a **development permit**, but must otherwise comply with all other provisions of this Bylaw (example: setbacks, parking, building height, etc.):

- (a) the carrying out of works, maintenance or repair to any **building** provided that such works:
 - i. do not include structural alterations that would affect any regulations in this Land Use Bylaw, or
 - ii. do not change the **use** or the intensity of **use** of the **structure** or **building**;
- (b) interior renovations to a **building** which do not:
 - i. create an additional **Dwelling Unit**,
 - ii. increase **parking stall** requirements, or
 - iii. result in the change of **use** or the intensity of **use** of a **building**;
- (c) the **temporary** placement or construction of a **building**, works, plants or machinery needed in connection with the construction of a **development** for which a **development permit** has been issued for the period of those operations;
- (d) the **use** of land for, or the maintenance or repair of works, services and **Utilities** on publicly owned or administered land carried out by or on behalf of federal, provincial, municipal or public authorities or private **Utilities** under special agreement with the Town of Oyen;
- (e) a **Home Occupation** (See Section **10.3 Home Occupations**);
- (f) the construction of a **patio**;
- (g) the maintenance of **fences**, gates, walls, or other means of enclosure. For greater clarity, a **development permit** is required for the construction or erection of a **fence** (see **Section 9.9 Fences**);
- (h) the construction or replacement of one (1) **Accessory Building** per **parcel**, which does not exceed 9.29 m² (100.0 ft²) in **floor area** (See **Section 10.1 Accessory Buildings**);
- (i) the construction, maintenance and repair of private walkways, pathways, driveways, and similar works;
- (j) demolition of a **building** (a **building permit** is required);
- (k) **renewable energy systems** (See Section **9.14 Renewable Energy Systems**);
- (l) the erection or installation of a **Sign** (See **Section 11 Signs**);
- (m) **Extensive Agriculture**; and
- (n) **electric vehicle charging station** within a **Parking Lot** or **parking stall** of an approved **development**.

4 ADMINISTRATIVE AGENCIES

4.1 DEVELOPMENT APPROVAL AUTHORITIES

- 4.1.1 The **Development Authority** shall exercise powers and perform duties on behalf of the **Municipality** in accordance with the *Act*.
- 4.1.2 The **Development Authority** is:
- (a) the **Development Officer** while carrying out his or her functions or duties under this Bylaw and/or the *Act*;
 - (b) the **Municipal Planning Commission** while exercising development powers or duties under this Bylaw and/or the *Act*; or
 - (c) where the context of this Bylaw permits in Direct Control Districts, the **Council**.

Development Officer

- 4.1.3 The office of the **Development Officer** is hereby established to act on behalf of **Council** in those matters delegated by the Bylaw and in such matters as **Council** may instruct from time to time.

Municipal Planning Commission

- 4.1.4 The **Municipal Planning Commission**, established by Bylaw in accordance with the *Act*, shall perform such duties as are specified in this Bylaw.

4.2 DEVELOPMENT AUTHORITY – POWERS AND DUTIES

- 4.2.1 The **Development Authority** must administer all **development permit** applications in accordance with this Bylaw and decide upon all **development permit** applications.
- 4.2.2 The **Development Authority** must refuse to accept a **development permit** application where the prescribed fee for a **development permit** has not been paid.
- 4.2.3 The **Development Authority** may refuse to deem complete a **development permit** application where:
- (a) the information required by this Bylaw is not provided; or
 - (b) the quality is inadequate or insufficient to properly evaluate the application.
- 4.2.4 The **Development Authority** must make available for inspection, during office hours, all applications and decisions for **development permits**, subject to any legislation in force.
- 4.2.5 The **Development Authority** must collect fees according to the schedule approved by **Council**.
- 4.2.6 The types of **development permit** applications a **Development Authority** may consider are a **development permit** for:
- (a) a **permitted use** that complies with all requirements of this Bylaw;

- (b) a **permitted use** that does not comply with all requirements of this Bylaw;
- (c) a **discretionary use** that complies with requirements of this Bylaw; and
- (d) a **discretionary use** that does not comply with all requirements of this Bylaw.

4.2.7 The **Development Authority** must issue the following notices and acknowledgements on **development permit** applications:

- (a) notice of complete application;
- (b) notice of incomplete application;
- (c) notice of decision; and
- (d) notice of refusal/deemed refusal of an application.

Development Officer

4.2.8 The **Development Officer** shall:

- (a) receive, consider and decide on an application for a **development permit** for those **uses** listed as **permitted uses** for the relevant Land Use District which:
 - i. comply with the minimum standards; or
 - ii. otherwise comply with the minimum standards, but require relaxation of any measurable standard in accordance with Subsection 4.3.2;
- (b) receive, consider and decide upon applications for **fences** and retaining walls, and
- (c) receive, and refer with recommendations to the **Municipal Planning Commission** for its consideration and decision, any application for a **development permit** which has been assigned to it for consideration and decision.

Municipal Planning Commission

4.2.9 The **Municipal Planning Commission** shall decide on an application for:

- (a) those **uses** listed as **discretionary uses** (except applications for **fences**);
- (b) similar uses as described in Subsection 5.3.8;
- (c) the relocation of **buildings** as described in **Section 9.7**; and
- (d) those **uses** listed as **permitted uses** and requires a relaxation of any measurable standard in accordance with Subsection 4.3.3.

4.3 VARIANCE POWERS OF THE DEVELOPMENT AUTHORITY

4.3.1 The **Development Authority** may approve a **development permit** application for a **permitted use** or **discretionary use** where the proposed **development** does not comply with all of the applicable requirements and rules of this Bylaw if, in the opinion of the **Development Authority**:

- (a) the proposed **development** would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
- (b) the proposed **development** conforms with a **use** prescribed by this Bylaw for that land or **building**.

Development Officer

- 4.3.2 The **Development Officer**, at its discretion, may relax the development standards up to 10% of that requirement.

Municipal Planning Commission

- 4.3.3 The **Municipal Planning Commission**, at its discretion, may relax the development standards greater than 10% of that requirement.

4.4 SUBDIVISION AUTHORITY

- 4.4.1 The **Subdivision Authority**, as established by bylaw, shall perform duties on behalf of the municipality in accordance with the *Act*, the Land Use Bylaw and all relevant Town of Oyen planning documents.

4.5 SUBDIVISION AUTHORITY – POWERS AND DUTIES

- 4.5.1 The **Subdivision Authority** must administer all **subdivision** applications in accordance with this Bylaw and decide upon all **subdivision** applications.
- 4.5.2 The **Subdivision Authority** must refuse to accept a **subdivision** application where the prescribed fee for a **subdivision** application has not been paid.
- 4.5.3 The **Subdivision Authority** may refuse to deem complete a **subdivision** application where:
 - (a) the information required is not provided; and/or
 - (b) the quality is inadequate to properly evaluate the application.
- 4.5.4 The **Subdivision Authority** shall:
 - (a) keep and maintain for the inspection of the public copies of all decisions and ensure that copies of same are available to the public at a reasonable charge;
 - (b) keep a register of all applications for **subdivision**, including the decisions therein and the reasons therefore;
 - (c) receive all applications for **subdivision** including the prescribed application fees and decide upon all applications in accordance with the *Regulation* and the Land Use Bylaw with consideration of all comments received through circulation;
 - (d) issue the following notices and acknowledgements on **subdivision** applications:

- i. notice of complete application;
- ii. notice of incomplete application;
- iii. notice of decision; and
- iv. notice of refusal/deemed refusal of an application.

A notice shall be issued to the applicant on the form created by the **Subdivision Authority** and sent by email where consent has been granted by the applicant, otherwise it shall be sent by mail;

- (e) excepting **subdivision** applications not requiring circulation under the *Act*, to circulate applications for **subdivision** for comments to an **adjacent** municipality when the original parcel boundaries are **adjacent** to the municipal boundary or where an intermunicipal development plan requires;
- (f) prepare, sign and transmit all notices of decision to the relevant agencies in accordance with the *Regulation*;
- (g) ensure all conditions are complied with prior to endorsement to the satisfaction of the municipality; and
- (h) endorse Land Titles instruments to effect the registration of the **subdivision** of land.

5

DEVELOPMENT APPLICATION AND APPROVAL PROCESS

5.1 APPLICATION FOR DEVELOPMENT

- 5.1.1 An application for a **development permit** shall be completed and submitted to the **Development Authority** in writing, in the form required by the **Development Authority**, and shall be accompanied by the prescribed **development permit** fee and application submission requirements, including:
- (a) authorization of the registered landowner;
 - (b) a site plan (drawn to scale) showing the following:
 - i. legal description and north arrow;
 - ii. area and dimensions of the **parcel** boundaries, showing the required **front, rear, and side yards**, if any;
 - iii. existing and proposed **easements** and rights-of-way, including dimensions and type of **easement**, if applicable;
 - iv. the location and dimensions of all existing and proposed **buildings, structures, or uses** on the **parcel** and the measured distance to **property line**;
 - v. identification of existing and proposed **roads or lanes** that will provide access to the **development**; and
 - vi. any provision for **off-street parking stalls** and **loading stalls**; and vehicle entrances to and exits from the **parcel**;
 - (c) statement of existing and proposed **Utility** services (i.e. on-site or municipal);
 - (d) statement of the current and proposed **use** of the lands;
 - (e) the estimated cost of the project or contract price;
 - (f) the estimated dates of commencement and completion; and
 - (g) the presence of abandoned oil and gas wells in accordance with the **Regulation**.
- 5.1.2 The **Development Authority** may also require additional information in order to assess the conformity of a proposed **development** with this Bylaw before consideration of the **development permit** application shall commence. Such information may include, but is not limited to:
- (a) current copy of Certificate of Title, and copies of any restrictive covenants, utility rights-of-way, **easements**, or Town of Oyen caveats registered on the Title(s);
 - (b) floor plans, elevations and section drawings;
 - (c) written rationale supporting any requested variances;
 - (d) samples or representations of exterior **building** finishing materials and colors;

- (e) a site plan showing existing site **grades** at the corners of the **parcel**, and at the corners of **existing** and proposed **buildings**;
- (f) stormwater management, grading or landscaping plans, prepared by a **qualified professional**;
- (g) a Real Property Report, prepared by an Alberta Land Surveyor, showing the location and distances of any existing **buildings**, waterbodies, trees or other physical features on or **adjacent** to the **parcel** being developed;
- (h) in the case of the placement of an already constructed or partially constructed **building** on a **parcel** of land, information relating to the age and condition of the **building** and its compatibility with the District in which it is to be located;
- (i) an assessment by a **qualified professional** of any potential flooding or subsidence or **slope stability** hazard that may, in the sole opinion of the **Development Authority**, affect the subject **parcel**;
- (j) where a proposal is considered to have a significant environmental impact, the **Development Authority** may request the applicant to have an **environmental evaluation** or report prepared and submitted or undertake its own environmental evaluation regarding the proposed **development**, at the cost of the applicant;
- (k) a **construction management plan**; and
- (l) a copy of an application made and the approval given in relation to a **development** under 619 of the *Act*, or any other Provincial or Federal approval.

5.1.3 Notwithstanding 5.1.1 and 5.1.2, at the discretion of the **Development Authority**, additional information, plans or reports may be required to adequately render a decision on an application.

5.1.4 In the case where an application for a **development permit** has been refused pursuant to this Bylaw or ultimately after appeal to an **Appeal Body**, the submission of a subsequent application for a **development permit** on the same **parcel** and for the same or similar **use** of the land by the same or any other applicant may not be accepted by the **Development Authority** for at least six (6) months after the date of the previous refusal.

5.2 NOTICE OF COMPLETE OR INCOMPLETE APPLICATION

5.2.1 A notice of complete application or incomplete application shall be issued to the applicant on the form created by the **Development Authority** and sent by email where consent has been granted by the applicant, otherwise it shall be sent by mail.

5.3 APPLICATION REFERRAL

5.3.1 The **Development Officer** may refer for comment any matter or any application for a **development permit** to any agency or authority it deems necessary.

5.3.2 Applications for **development permits** on **parcels** within an area covered by an

Intermunicipal Development Plan shall be referred to the other municipality for review and comment in accordance with the requirements of the Plan.

- 5.3.3 The **Development Authority** may refer to an **adjacent** municipality for consideration and comment any matter or any application for a **development permit** that relates to lands, that the **Development Authority** deems appropriate or necessary.
- 5.3.4 A notice of application or referral must state the location and details of the application being circulated, how more information can be obtained, the date comments are due by and to whom the comments must be sent to.
- 5.3.5 Having received a reply on a matter referred to any person, municipality, agency or authority, the **Development Authority** shall make a decision giving due consideration to the comments received.
- 5.3.6 After the time period identified in the circulation notice from the date of referral, the application may be dealt with by the **Development Authority** whether or not comments have been received.

5.4 DECISION PROCESS – DEVELOPMENT AUTHORITY

Permitted Use Permits That Meet All Requirements

- 5.4.1 Where a **development permit** application is for a **permitted use** in a **building** or on a **parcel** and the proposed **development** conforms to all of the applicable requirements and rules of this Bylaw, the **Development Authority** must approve the application and issue the **development permit**. The **Development Authority** may impose such conditions as required to ensure compliance with this Bylaw.

Permitted Use Permits That Do Not Meet All Requirements

- 5.4.2 Where a **development permit** application is for a **permitted use** in a **building** or on a **parcel** and the proposed **development** does not conform to all of the applicable requirements and rules of this Bylaw, the **Development Authority** may:
 - (a) refuse to approve the **development permit** application; or
 - (b) approve the **development permit** application; and may:
 - i. grant a relaxation of the requirement or regulation to which the proposed **use** does not conform; or
 - ii. impose such conditions as required to ensure compliance with this Bylaw.
- 5.4.3 The **Development Authority** may, as a condition of approving a **development permit** that does not comply with all of the applicable requirements and rules of this Bylaw require the applicant to conform to a higher standard than required by the applicable rules if, in the opinion of the **Development Authority**, conformance to a higher standard will off-set any impact of granting the relaxation.

Discretionary Use Permits

- 5.4.4 When making a decision on a **development permit** for a **discretionary use** the

Development Authority must take into account:

- (a) any plans and policies affecting the **parcel**;
- (b) the purpose statement in the applicable Land Use District;
- (c) the appropriateness of the location and **parcel** for the proposed **use**;
- (d) the compatibility and impact of the proposed **development** with respect to **adjacent parcels** and the neighbourhood;
- (e) the merits of the proposed **development**;
- (f) the utility servicing requirements;
- (g) access, parking and transportation requirements;
- (h) vehicle and pedestrian circulation within the **parcel**;
- (i) the impact on the public transportation system; and
- (j) sound planning principles.

5.4.5 The **Development Authority** may approve a **development permit** application for a **discretionary use**, and may impose such conditions considered appropriate or necessary, which may include:

- (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 **parcel** or such other procedures as is necessary to protect the **parcel** from other **developments** or to protect other **developments**;
- (h) establishing the period of time during which a **development** may continue; and
- (i) ensuring the **development** is compatible with surrounding **uses**.

5.4.6 The **Development Authority** may refuse a **development permit** application for a **discretionary use** even though it meets the requirements and rules of this Bylaw.

Applications the Development Authority Must Refuse

5.4.7 The **Development Authority** must refuse a **development permit** application when the proposed **development**:

- (a) is for a **use** that is not listed as either a **permitted use** or **discretionary use** in the Land Use District; or
- (b) is for a **use** containing a restriction in its definition that is not met by the proposed **use**.

Similar Use Permits

- 5.4.8 In the case where a proposed specific **use** of land or a **building** is not provided for in any District in the Bylaw, the **Municipal Planning Commission** may determine that such **use** is similar in character and purpose to the definition of a **permitted use** or **discretionary use** prescribed for a particular District.

Temporary Use Permits

- 5.4.9 If an application is made for a **development** that is identified as **temporary** in this Bylaw, the **Development Authority** may consider and approve a **development** for a specific period of time, not exceeding one (1) year, unless otherwise allowed in this Bylaw.
- 5.4.10 Where a **temporary development permit** is issued in accordance with this Bylaw and the specified time period lapses, it is the responsibility of the applicant to request extension or renewal of the permit.

5.5 DEVELOPMENT PERMITS AND NOTICE OF DECISION

- 5.5.1 A **development permit** issued for a **permitted use** in compliance with the regulations and standards of this Bylaw, or a **development permit** issued by **Council** pursuant to a Direct Control District, comes into effect on the date that the decision is made.
- 5.5.2 When a **development permit** is approved for a **discretionary use** or for a **permitted use** in which a variance has been granted, the **Development Authority** shall:
- (a) provide a notice of decision to the applicant of the approval;
 - (b) immediately mail a notice in writing to all owners of land **adjacent** to the subject **parcel**;
 - (c) publish the notice of decision on the Town of Oyen's website; and
 - (d) issue a **development permit** after the appeal period has expired.
- 5.5.3 A **development permit** issued pursuant to Subsection 5.5.2 does not come into effect until twenty-one (21) days after the date the notice of decision is mailed to adjacent owners. Any **development** proceeded with by the applicant prior to the expiry of this appeal period is done solely at the risk of the applicant.
- 5.5.4 The notices indicated in Subsection 5.5.2 must state:
- (a) the legal description and the street address of the **parcel** of the proposed **development**;
 - (b) the **uses** proposed for the subject **development**;
 - (c) any discretion that was granted in the approval of the **development**, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the **Development Authority** when the **development permit** was approved;
 - (d) the date the **development permit** was approved; and

- (e) how an appeal may be made to the **Appeal Body** and the deadline for such appeal.
- 5.5.5 Where an appeal is made pursuant to Section **6.1 Appeals** of this Bylaw, a **development permit** which has been granted shall not come into effect until the appeal has been determined and the **development permit** has been confirmed or modified.
- 5.5.6 When the **Development Authority** refuses an application for a **development permit**, the notice of refusal shall be issued to the applicant. The notice of refusal shall contain reasons for the refusal.
- 5.5.7 After the issuance of a **development permit**, a **Development Authority** may suspend or revoke a **development permit** in writing to the applicant at any time:
 - (a) where the **development permit** was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant; or
 - (b) where the **development permit** was issued in error.

5.6 CONDITIONS OF APPROVAL

- 5.6.1 Where a **development permit** application does not demonstrate that the proposed **development** conforms to all the applicable requirements of this Bylaw, the **Development Authority** may, as a condition of issuing the **development permit**, require the applicant to amend specific elements of the plans to conform with the applicable requirements.
- 5.6.2 The **Development Authority** may, as a condition of issuing a **development permit** for a **permitted use** or **discretionary use**, require the applicant to make satisfactory arrangements for the supply of **Utilities** including, but not limited to natural gas, cable, water, electric power, sewer service, or any one or more of them including payment of the cost of installation or construction of any such **Utility** or facility by the applicant.
- 5.6.3 The **Development Authority** may, as a condition of issuing a **development permit** for a **permitted use** or **discretionary use**, require the applicant enter into an agreement with the Town of Oyen to do any or all of the following:
 - (a) to construct or pay for the construction of a **road** required to give access to the **development**;
 - (b) to construct or pay for the construction of:
 - i. a pedestrian walkway system to serve the **development**, or
 - ii. pedestrian walkways to connect the pedestrian walkway system serving the **development** with a pedestrian walkway system that serves or is proposed to serve an **adjacent development**, or both;
 - (c) to install or pay for the installation of a public **Utility** that is necessary to serve the **development**, whether or not the public **Utility** is, or will be, located on the land that is the subject of the **development**;
 - (d) to construct or pay for the construction of:

- i. off-street or other parking facilities, and
 - ii. loading and unloading facilities;
- (e) to pay an off-site levy or redevelopment levy imposed by bylaw; and
- (f) to give security to ensure that the terms of the agreement under this section are carried out.

5.6.4 The Town of Oyen may register a caveat pursuant to the provisions of the *Act* and the *Land Titles Act* in respect of an agreement under Subsection 5.6.3 against the Certificate of Title for the land that is the subject of the **development**. Said caveat shall be discharged when the agreement has been complied with.

5.6.5 The **Development Authority** may attach conditions to a **development permit** which may include adherence to engineering standards, the completion of any required reports and studies, phasing requirements.

5.7 COMMENCEMENT AND COMPLETION OF DEVELOPMENT

5.7.1 If the **development** authorized by a **development permit** is not commenced within twelve (12) months from the date granted or carried out with reasonable diligence the **development permit** is deemed to be void, unless an extension request for the time period is submitted in writing by the applicant and granted by the **Development Authority**. The extension request must provide reasons for the request.

5.7.2 If the **development** authorized by a **development permit** is not completed within two (2) years of the date of issue or as otherwise specified within a **development permit**, the **development permit** is deemed to be void, unless an extension request for the time period is submitted in writing by the applicant and granted by the **Development Authority**. The extension request must provide reasons for the request.

5.7.3 For the purposes of this Bylaw, commencement includes excavation, but does not include demolition on the **parcel**, or obtaining permits.

5.7.4 The approval or issuance of a **development permit** does not authorize commencement of construction except in conjunction with all other required permits and conditions of the **development permit**.

5.8 PERMITS IN A DIRECT CONTROL DISTRICT

5.8.1 Upon receipt of a completed application for a **development permit** pursuant to a Direct Control District, the **Council** may, prior to making a decision, refer the application to the **Development Authority**, any municipal department or external agency for comment.

5.8.2 Prior to deciding upon the **development permit** application before it, the **Council** may provide public notice through means and to whom it considers necessary, that a decision on a **development permit** pursuant to a Direct Control District is to be made and that **Council** may afford an opportunity to any interested person to make representation on the application and shall take into account any such representations made when giving final consideration to the said application.

- 5.8.3 Where **Council** deems there are sufficient and appropriate regulations within a Direct Control Bylaw, authority to approve **development** within the Direct Control District may be delegated to the **Development Authority**.
- 5.8.4 Appeals within a Direct Control District shall be in accordance with the *Act*.

6

APPEALS

6.1 DEVELOPMENT AND SUBDIVISION APPEALS

- 6.1.1 Appeals in respect of decisions on **development permit** applications are governed by the *Act*.
- 6.1.2 Where the **Development Authority**:
- (a) refuses or fails to render a decision on an application for a **development permit**;
or
 - (b) approves an application for a **development**; or
 - (c) issues an order under this Bylaw;
- the person applying for the permit or affected by the order, or any other affected person, as the case may be, may appeal to the **Appeal Body** within the dates outlined in the *Act*.
- 6.1.3 An appeal with respect to a decision on a **subdivision** application is governed by the *Act* and the *Regulation*.

7 BYLAW AMENDMENT PROCESS

7.1 APPLICATION TO AMEND THE LAND USE BYLAW

- 7.1.1 **Council** may at any time initiate an amendment to this Bylaw.
- 7.1.2 Any owner of a **parcel**, his authorized agent, or other persons having legal or equitable interest in the **parcel** may apply to have the Land Use District of the **parcel** changed through an amendment to this Bylaw.
- 7.1.3 All applications for amendments of this Bylaw shall be made using the approved form, accompanied by:
- (a) the prescribed fee;
 - (b) a statement of the applicant's interest in the land;
 - (c) a title search for the land affected or other documents satisfactory to the Town of Oyen that supports the applicant's interest in the said land;
 - (d) any drawings, plans or maps required by the Town of Oyen; and
 - (e) any other documents as required by the Town of Oyen.
- 7.1.4 All amendments to this Land Use Bylaw shall be made by **Council** by bylaw and in accordance with the procedures set forth in the *Act*.
- 7.1.5 The **Council**, in considering an application for an amendment to this Land Use Bylaw, shall refer a copy of the proposed amendment to the following agencies:
- (a) Palliser Regional Municipal Services;
 - (b) Special Areas Board #3 if, the proposed amendment:
 - i. affects land on the boundary with the Special Areas Board #3; or
 - ii. may otherwise have an effect on the Special Areas Board #3; or
 - (c) such other persons or agencies as it considers necessary for comment.
- 7.1.6 If an application for an amendment to this Bylaw has been refused by **Council**, **Council** may not accept an application for an amendment for the same **use** on the same **parcel** for six (6) months from the date of the refusal.

8

ENFORCEMENT

8.1 OFFENCES

- 8.1.1 Any owner, lessee or occupant of land or a **building**, or the owner of a **structure** or a **Sign** thereon, who with respect to such land, **building**, **structure** or **Sign**, contravenes, causes, or allows a contravention of any provision of the Bylaw commits an offense.
- 8.1.2 Any person who commences or continues **development** for which a **development permit** is required but has not been issued, has expired, has been revoked or suspended, or which is in contravention of a condition of a **development permit** under the Bylaw commits an offense.
- 8.1.3 Any person who prevents or obstructs the **Development Authority** or a **Designated Officer** from carrying out any official duty under the Bylaw or the *Act* commits an offense.
- 8.1.4 A **Designated Officer** may enforce the provisions of the Bylaw, or the conditions of a **development permit** pursuant to the *Act*.
- 8.1.5 Nothing in this Bylaw diminishes or in any way affects the rights of the Town of Oyen pursuant to the *Act*, or at common law to seek an entry order, order for compliance, injunction or any other order to obtain compliance with this Bylaw.

8.2 ENTRY AND INSPECTION

- 8.2.1 Pursuant to the *Act*, a **Designated Officer** may only enter land or a **building** for the purpose of ensuring compliance with the *Act* and the *Regulation*, or this Bylaw if:
- (a) the owner or person in possession of it gives his consent to the entry; or
 - (b) the entry is authorized by an Order of the Court of Queen's Bench; and
 - (c) only for the purpose of ensuring compliance with the *Act* and the *Regulation*, or this Bylaw.

8.3 ORDERS

- 8.3.1 Pursuant to Section 645 of the *Act* where an offense under the Bylaw occurs, the **Development Officer** may by written notice, order the owner or the person in possession of the land or **buildings**, or the person responsible for the contravention 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) carry out any other actions required by the notice so that the **development** or **use** complies with the Bylaw.

- 8.3.2 A person who receives an order referred to in Subsection 8.3.1 above may appeal to the **Appeal Body** in accordance with Section **6 Appeals** of this Bylaw.
- 8.3.3 Where the **Council** or a person appointed by it carries out an order the **Council** shall cause the costs and expenses incurred in carrying out the order to be added to the tax 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.

Part B – General Regulations

9 GENERAL LAND USE REGULATIONS

9.1 APPLICABILITY

- 9.1.1 These regulations within Section 9 General Land Use Regulations shall apply to all **developments** within the Town of Oyen, unless otherwise exempted.
- 9.1.2 Where any regulation in this section may be in conflict with any regulation of a given **Land Use District** in Part E or the **Specific Use Regulations** in Part C, the regulation in the District or Specific Use Regulation shall take precedence.

9.2 DESIGN, CHARACTER AND APPEARANCE

- 9.2.1 The design, use of materials, construction, character, location and appearance on the **parcel** of any **development, structure** or **Sign** in any District must be, to the satisfaction of the **Development Authority**, compatible and complimentary with other **developments** in the area.

9.3 DWELLING UNITS ON A PARCEL

- 9.3.1 No person shall construct or locate more than one (1) **Dwelling Unit** on a **parcel** unless it is otherwise permitted in this Land Use Bylaw.

9.4 SCREENING

- 9.4.1 For commercial, industrial, **comprehensively planned developments** and **Apartment developments**, garbage and waste material must be stored in weather-proof and animal proof containers. Garbage and waste material storage may be required to be **screened** from public **roads**, excluding **lanes**.
- 9.4.2 Commercial and industrial developments **abutting** a **parcel** with a **principal residential use** may be required to be **screened** from view on an **interior side parcel line** or **rear parcel line**, to the satisfaction of the **Development Authority**.
- 9.4.3 Where permitted, **outdoor storage** areas of commercial and industrial materials and equipment may be required to be **screened** from **adjacent parcels** and public **roads**.
- 9.4.4 On **corner lots** within the **corner visibility setback**, **screening** shall be a maximum of 1.22 m (4.0 ft) in height above **grade** to ensure public safety and/or good visibility for traffic and pedestrian purposes.

9.5 UTILITY SERVICES AND INFRASTRUCTURE

- 9.5.1 The **Development Authority** must confirm there is adequate sewage collection, treatment and disposal, water supply treatment and distribution, stormwater collection and storage and road capacity necessary to serve a **development**.
- 9.5.2 A **development** shall not be permitted if the **development** is not served by:
- (a) the municipal sewer and water system; or
 - (b) at the discretion of the **Development Authority**, a provincially approved private system.
- 9.5.3 Where a proposed **use** may release contaminants or other deleterious substances into the municipal sewer system, the **Development Authority** may require an applicant to submit plans and reports prepared by a **qualified professional** to evaluate the potential impact on the sewer system and propose mitigations.
- 9.5.4 The **Development Authority** may require a fats, oil and grease (FOG) interceptor, an oil and grit separator or other such interceptor, and/or a test manhole to be installed where a **use** may release contaminants or other deleterious substances into the municipal sewer system.
- 9.5.5 Stormwater run-off shall be contained on-site or disposed of in a manner acceptable to the Town of Oyen and/or as required in a stormwater management report prepared by a **qualified professional**.

9.6 SITE GRADING AND DRAINAGE

- 9.6.1 **Parcel grades** and **building** elevations shall be established to ensure effective drainage and prevent drainage from one **parcel** to another, except where drainage conforms to an approved **subdivision** drainage plan.
- 9.6.2 The owner of a **parcel** shall be responsible to ensure that **grading** is maintained over time to provide effective drainage. Where maintenance of a common drainage swale or path at a **property line** is required, the responsibility of maintenance lies with the owners of both **parcels**. Where a drainage swale or path is established within an **easement** or right-of-way on a **parcel**, swale grades shall be maintained and the swale shall be kept free of any obstructions.
- 9.6.3 Where retaining walls are necessary or proposed in any **development**, such walls shall be developed with professional quality and shall not negatively affect **abutting parcels** due to site elevations or drainage.

9.7 RELOCATION OF BUILDINGS

- 9.7.1 Notwithstanding Section 3 **Development Not Requiring A Development Permit**, a **development permit** shall be required for the relocation of any **building**, which has been previously used or occupied, to any **parcel** in the Town of Oyen as part of the **development** of a **permitted** or **discretionary use**.

- 9.7.2 A **development permit** for the relocation of a **building** may include conditions of approval that:
- (a) the **building** and the proposed location of the **building** meets the requirements of the Land Use District in which the **building** is to be located;
 - (b) the **building** is compatible with the character of the neighbourhood in which the **building** is to be relocated to; and
 - (c) the **building** be renovated to a satisfactory condition within a specified time.

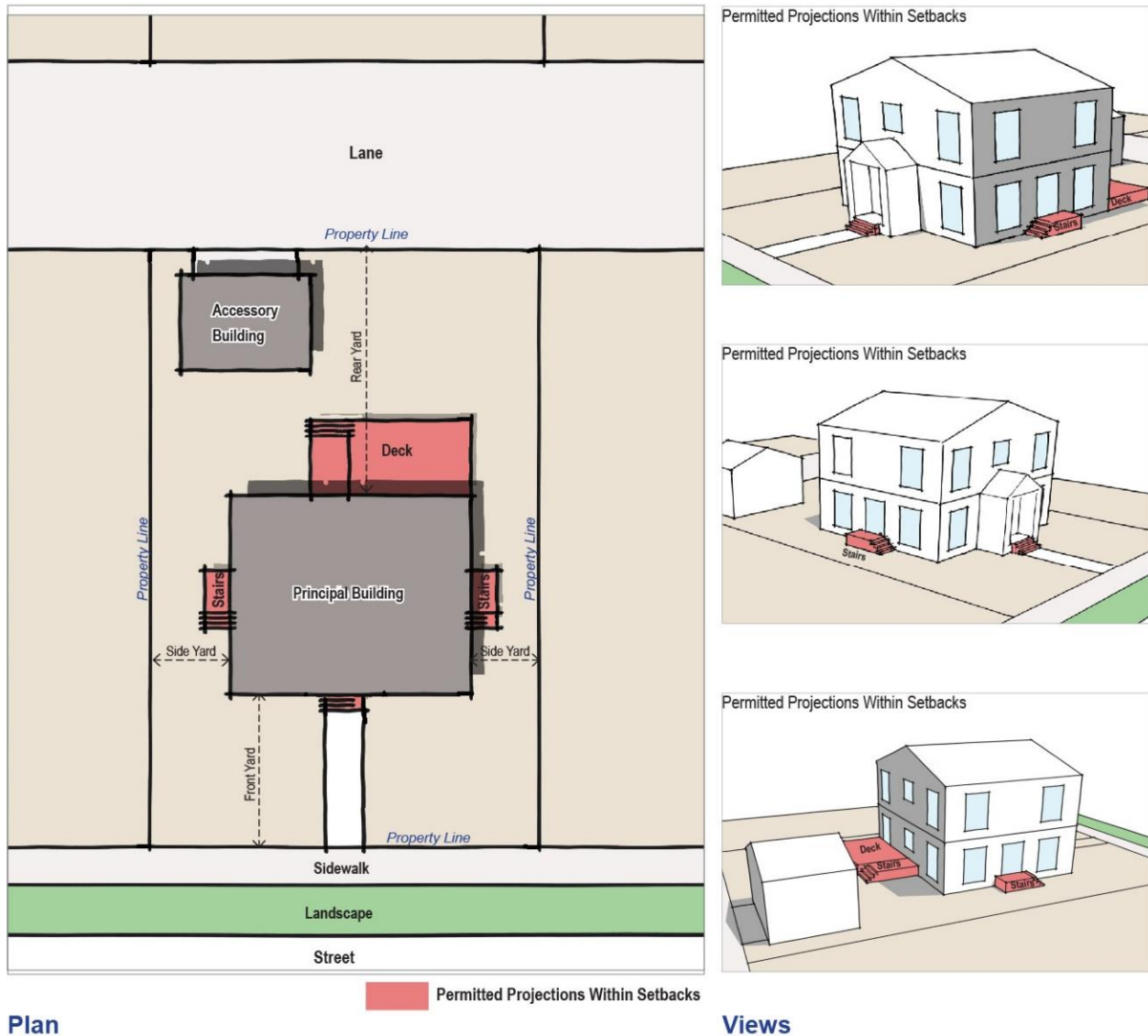
9.8 YARD SETBACKS AND PERMITTED PROJECTIONS

- 9.8.1 In all districts, the minimum **yard setbacks** do not apply to:
- (a) construction wholly beneath the surface of the ground;
 - (b) driveways, **parking stalls** and sidewalks;
 - (c) **fences, patios** and retaining walls; and
 - (d) **landscaping**.
- 9.8.2 Where a **building** or **buildings** on the **parcel** are planned as a **comprehensively planned development** and are divided by **condominium** such that the **building** contains units that are on separate **lots** or Titles, the district **yard setbacks** do not apply within the **development**, but shall apply from the **property line** of **abutting lots**.

Residential Projections

- 9.8.3 Residential **building** projections specified in Subsections 9.8.4 to 9.8.10 into or over a required **yard setback** shall not require a variance (Figure 1: Permitted Projections Into Yard Setbacks).

Figure 1: Permitted Projections Into Yard Setbacks



9.8.4 The following projections may be permitted to a maximum of 0.61 m (2.0 ft) into the required **front yard setback**:

- (a) **eaves**,
- (b) **balconies**,
- (c) **bay windows**,
- (d) **shade projections**, and
- (e) chimneys.

9.8.5 The following projections may be permitted to a maximum of 1.83 m (6.0 ft) into the required **front yard setback**:

- (a) stairways and **landings**, and

- (b) uncovered **decks**.
- 9.8.6 The following projections may be permitted to a maximum of 50% into the required **side yard setback**:
 - (a) **eaves**,
 - (b) **shade projections**,
 - (c) stairways and **landings** greater than 0.6 m above **grade**, and
 - (d) chimneys.
- 9.8.7 The following projections may be permitted to a maximum of 100% of the required **side yard setback**:
 - (a) stairways and **landings** no more than 0.61 m (2.0 ft) above **grade**.
- 9.8.8 The following projections may be permitted to a maximum of 1.52 m (5.0 ft) into the required **rear yard setback**:
 - (a) **eaves**,
 - (b) **balconies**,
 - (c) **bay windows**,
 - (d) chimneys, and
 - (e) **shade projections**.
- 9.8.9 The following projections may be permitted to a maximum of 50% into the required **rear yard setback**:
 - (a) uncovered **decks**, and
 - (b) stairways and **landings**.
- 9.8.10 Wheelchair ramps may be permitted to project into any required **yard setback**, at the discretion of the **Development Authority**, provided that the ramp:
 - (a) does not impede fire access to or around the **building**;
 - (b) is complementary to and well-integrated into the existing **building** design; and
 - (c) does not extend beyond the **property line**.

9.9 FENCES

- 9.9.1 In residential districts or a **parcel** with a **principal residential use**, the maximum height above grade of a **fence** located within a **yard** shall be in accordance with Table 2: Maximum Fence Height in a Residential Yard.

Table 2: Maximum Fence Height in a Residential Yard

| Yard | Maximum Fence Height From Grade |
|--------------|---------------------------------|
| <i>Rear</i> | 1.83 m (6.0 ft) |
| <i>Side</i> | 1.82 m (6.0 ft) |
| <i>Front</i> | 1.22 m (4.0 ft) |

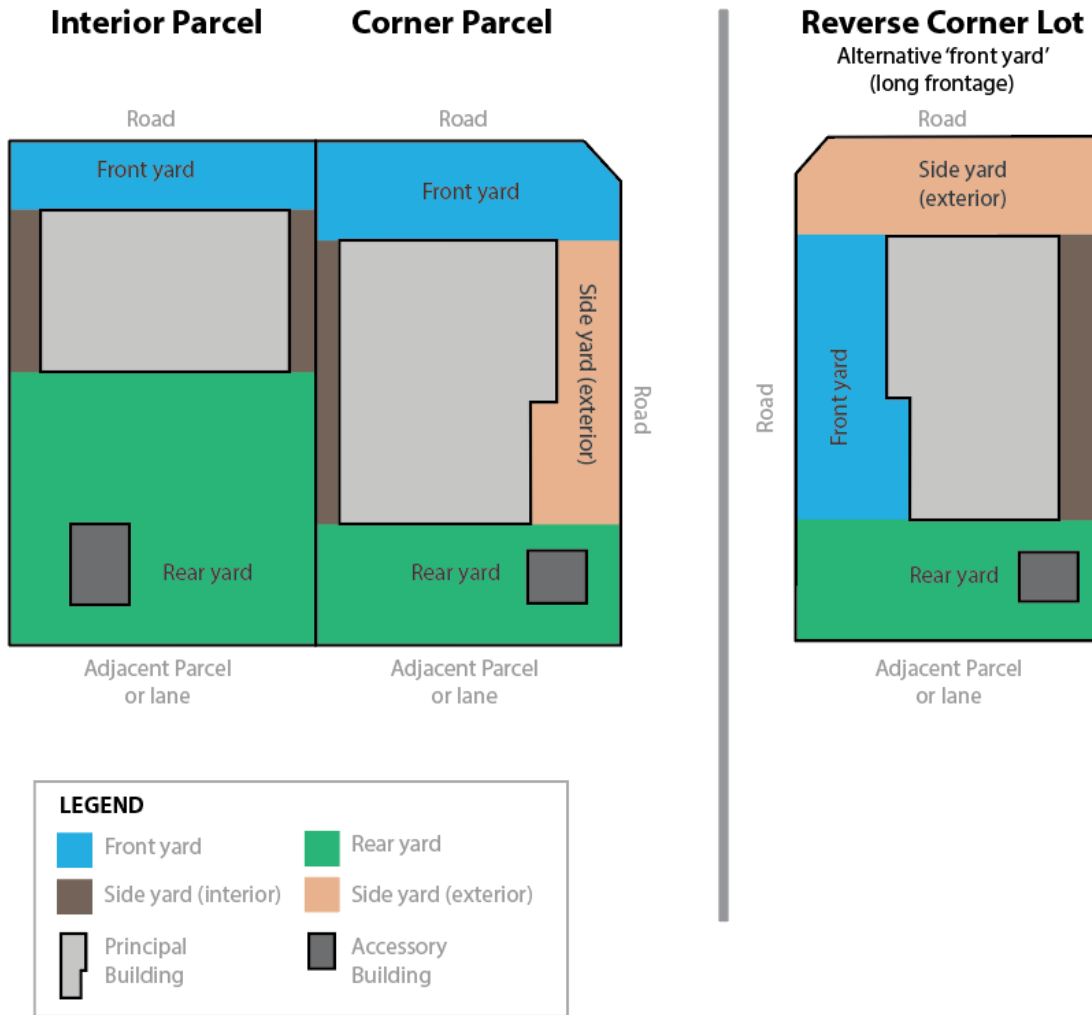
- 9.9.2 On **corner lots** within the **corner visibility setback**, **fences** shall be a maximum of 1.22 m (4.0 ft) in height to ensure public safety and/or good visibility for traffic and pedestrian purposes.
- 9.9.3 Materials used to construct **fences** shall be wood, brick, stone, concrete, or metal or other acceptable material to the satisfaction of the **Development Authority**, and shall be aesthetically acceptable and in general conformity with **adjacent development**.

9.10 CORNER LOTS, REVERSE CORNER LOTS AND IRREGULAR LOTS

- 9.10.1 The **parcel lines** and **yards** of **corner lots** shall be determined by the following (Figure 2: Corner Lot and Reverse Corner Lot):
- (a) the **front parcel line** of a **corner lot** is the shortest **property line abutting a road**;
 - (b) the **exterior side parcel line** of a **corner lot** is the longest **property line abutting a road**;
 - (c) the **interior side parcel line** of a **corner lot** is the longest **property line abutting a parcel**; and
 - (d) the **rear parcel line** of a **corner lot** is the shortest **property line abutting a parcel or lane**.
- 9.10.2 Notwithstanding 9.10.1 or anything else in this Bylaw, the **Development Authority** may determine a **corner lot** to be a **reverse corner lot** (Figure 2: Corner Lot and Reverse Corner Lot).
- 9.10.3 The **Development Authority** shall determine the **front, rear** and **side yards** of a **reverse corner lot** by taking into account:
- (a) the general pattern and location of existing **buildings** on **adjacent parcels**;
 - (b) the size and geometry of the **corner lot**;
 - (c) the ability to create sufficient privacy on the **parcel** and privacy for **adjacent parcels**;
 - (d) ensuring safe traffic movement at the intersection, considering the primary flow of traffic and access to the **parcel**; and
 - (e) the general aesthetics, considering the location and height of **fencing** and hedges.

9.10.4 For *parcels* other than *corner lots* which have *frontage* on two *roads*, or for *parcels* which are not rectangular in shape, the *Development Authority* shall determine the *yard* designations.

Figure 2: Corner Lot and Reverse Corner Lot



9.11 PARKING AND LOADING

- 9.11.1 The minimum *off-street parking* and loading requirements of this Bylaw shall be met for all *developments*, including for an addition to an *existing building*.
- 9.11.2 The development of a new *parking area*, or the expansion or reconfiguration of an *existing parking area* requires a *development permit*.
- 9.11.3 *Developments* containing or providing for more than one *use* shall provide *parking stalls* equal to the sum of the requirements for the individual *uses*.
- 9.11.4 All *parking stalls* and *loading stalls* required by this Bylaw shall be located on the same

parcel as the **development** except where the provisions within a Land Use District allow for shared parking strategies.

- 9.11.5 Where the **Development Authority** is satisfied that **parking stalls** can be shared by off-peak uses or due to other daily, weekly or seasonal differences, **parking stall** requirements may be reduced at the discretion of the **Development Authority** without the requirement for a relaxation.
- 9.11.6 Shared parking between two (2) **parcels** may be approved where:
- (a) the alternate **parking area** is located within 150.0 m (492.1 ft) of the **parcel**; and
 - (b) a binding agreement for shared parking is executed between the owner of the **parcel** in which the **parking area** is provided and the owner of the **parcel** in which the **parking area** is required; and
 - (c) the agreement is registered on the Title of the **parcel** providing the shared parking.
- 9.11.7 **Parking stalls** shall be provided in accordance with Table 3: Minimum Residential Parking Requirements and Table 4: Minimum Non-Residential Parking Requirements, and:
- (a) shall be calculated on the basis of number of **Dwellings Units**, or **gross floor area**, or where the term “seats” is used shall be calculated on the basis of fire occupancy ratings;
 - (b) where the calculation of the required number of **parking stalls** results in a fractional number, the requirements shall be rounded up to the nearest full stall; and
 - (c) where the **parking stall** requirements of a **development** are not specified in this Bylaw, the **Development Authority** shall be guided by the standards for similar **uses**.

Table 3: Minimum Residential Parking Requirements

| RESIDENTIAL USES | PARKING STALLS REQUIRED |
|--|--|
| Attached Housing Dwelling, Detached Dwelling, Manufactured Dwelling, Duplex | 2 per Dwelling Unit |
| Accessory Dwelling Unit, Attached Accessory Dwelling Unit, Detached | 1 additional <i>parking stall</i> per Dwelling Unit |
| Apartment | One bedroom: 1 per Dwelling Unit Two or more bedrooms: 1.5 per Dwelling Unit plus 1 <i>visitor parking stall</i> per 5 Dwelling Units |
| Bed and Breakfast | 1 additional <i>parking stall</i> per guest bedroom |
| Care Facility | 0.5 stalls per resident room or Dwelling Unit |

Table 4: Minimum Non-Residential Parking Requirements

| NON-RESIDENTIAL USES | | PARKING STALLS REQUIRED |
|--|--|--|
| Automotive Sales Cannabis Production Facility Contractor Services – Major Greenhouse Hospital | Manufacturing - Heavy Manufacturing - Light Storage Yard Truck and Freight Terminal | 1 per 93 m ² of <i>gross floor area</i> |
| Agricultural Supply Depot Agricultural Research Centre Artist Studio Auction Facility Auto Body Shop Building Supply Centre Bulk Fuel Station Cannabis Retail Sales Child Care Centre Contractor Services – Minor Convenience Store | Equipment Rental Shop Heavy Equipment Sales and Service Laundry Facility Liquor Store Personal Service Establishment Pet Care Services Print Shop Retail Store Veterinary Clinic Warehousing and Distribution | 2 per 93 m ² of <i>gross floor area</i> |
| Amusement Centre Automotive Repair and Service Clinic Cultural Establishment | Financial Institution Gas Bar and Service Station Office Wholesale Outlet | 3 per 93 m ² of <i>gross floor area</i> |
| Drinking Establishment | Eating and Drinking Establishment | 1 per 4 seats |
| Educational Institution Elementary and Junior High Schools: Senior High School and higher: | | 1 per classroom 4 per classroom |
| Hotel/Motel | | 1 per guest suite |
| Worship Facility | | 1 per 15 seats |
| Food Processing, Storage and Sales Funeral Home Recycling Depot | | At the discretion of the Development Authority |
| Self-Storage Facility | | 1 per 2 self-storage units |

9.11.8 A minimum of one (1) **loading stall** shall be required per non-residential **building**, unless it can be otherwise demonstrated to the **Development Authority** that loading can reasonably take place on the **parcel** without a dedicated **loading stall**, or that it can be shared amongst multiple **developments** and/or tenants to minimize the number of **loading stalls** required.

Parking Area Design and Dimensions

9.11.9 **Parking stalls** and **loading stalls** shall be designed and constructed, to the satisfaction of the **Development Authority**:

- (a) to be contained entirely on the **parcel** and not cause interference with pedestrian or vehicular movements on **adjacent parcels, roads** or sidewalks; and
- (b) with the appropriate curbs, curb cuts or wheel stops where required.

9.11.10 All **parking stalls** and **loading stalls** shall have direct access to a public **road** or maneuvering aisle with adequate access to a public **road**.

9.11.11 **Parking areas** shall be designed in accordance with the dimensions stated in Table 5: Minimum Parking Stall and Aisle Dimensions. Where more complex **parking area** designs are requested (such as interlocking stalls), the design shall be reviewed based on best practices for **parking area** design, to the satisfaction of the **Development Authority**.

Table 5: Minimum Parking Stall and Aisle Dimensions

| Parking angle (degrees) | Stall width parallel to aisle (m) | | Stall depth (m) | Aisle width (m) |
|-------------------------|-----------------------------------|-----------------|-----------------|-----------------|
| | Dwelling Units | Other Uses | | |
| 90 (perpendicular) | 2.5 m (8.2 ft) | 2.6 m (8.5 ft) | 6.0 m (19.7 ft) | 7.3 m (24.0 ft) |
| 75 | 2.6 m (8.5 ft) | 2.8 m (9.2 ft) | 6.3 m (20.7 ft) | 6.1 m (20.0 ft) |
| 60 | 2.9 m (9.5 ft) | 3.2 m (10.5 ft) | 6.4 m (21.0 ft) | 5.2 m (17.0 ft) |
| 45 | 3.6 m (11.8 ft) | 3.9 m (12.8 ft) | 6.0 m (19.7 ft) | 4.0 m (13.1 ft) |
| 0 (Parallel) | 2.5 m (8.2 ft) | 2.6 m (8.5 ft) | 6.7 m (22.0 ft) | 4.0 m (13.1 ft) |

9.11.12 **Loading stalls** shall be designed in accordance with the following:

- (a) a minimum of 3.5 m (11.5 ft) wide and 10.0 m (32.8 ft) in length, and no less than 4.3 m (14.1 ft) overhead clearance; and
- (b) access to the space shall be such that no backing and turning movements of vehicles cause interference with traffic on the **adjacent roads** or **lanes**.

9.12 VEHICLE ENTRANCES AND EXITS

9.12.1 Vehicle entrances and exits shall be located at least 6.0 m (19.7 ft) from the corner

along a **property line** at the intersection of two (2) or more **roads**.

- 9.12.2 All vehicle entrances and exits onto a **highway** shall be approved by the Provincial highway authority.
- 9.12.3 The **Development Authority** may require that entrances and exits for vehicles be separate, one-directional, and/or adequately signed.

9.13 DRIVE THROUGHS AND VEHICLE-ORIENTED DESIGNS

- 9.13.1 **Drive throughs** and vehicular-oriented designs may only be allowed if the **Development Authority** is satisfied that such designs do not adversely affect the functioning of surrounding **roads**, traffic circulation or **adjacent uses**.
- 9.13.2 The following regulations shall apply to the design of maneuvering aisles and queuing spaces:
 - (a) must be **screened** from **existing residential uses** and not be located within 20.0 m (65.6 ft), except where separated by a **building**;
 - (b) may be located in a required **setback** area if there are no safety or nuisance concerns identified with **adjacent uses**;
 - (c) must not provide direct access to any **parcel** or **road**; and
 - (d) must not interfere with other vehicular or pedestrian movements.
- 9.13.3 For **Eating and Drinking Establishments** with a **drive through**:
 - (a) ordering windows or order boards must not be located within 20.0 m (65.6 ft) of a **parcel** with a **principal residential use**; and
 - (b) a minimum of five (5) queuing spaces shall be provided per order board or ordering window.
- 9.13.4 For **uses** which provide **drive through** automotive services, the following minimum queuing spaces are required:
 - (a) **Gas Bars and Services Stations**: one (1) queuing space per fuel pump or service bay; and
 - (b) **Car Washes**: two (2) queuing spaces per bay.
- 9.13.5 Queuing spaces shall be a minimum of 2.7 m (8.9 ft) in width and 6.5 m (21.3 ft) in length and provide sufficient space for the turning and maneuvering of vehicles.

9.14 RENEWABLE ENERGY SYSTEMS

- 9.14.1 **Renewable energy systems** attached to a **principal building** or **Accessory Building** shall:
 - (a) not extend above the peak of a roof;
 - (b) not project past a roof by 1.52 m (5.0 ft) at any point; and
 - (c) not generate noise, in the opinion of the **Development Authority**, which affects the amenity or enjoyment of an **adjacent residential use**.

- 9.14.2 **Renewable energy systems** that are freestanding must meet the height and **setback** regulations for an **Accessory Building** within the applicable Land Use District.

9.15 COMPREHENSIVELY PLANNED DEVELOPMENTS

- 9.15.1 A site plan must be provided for all **comprehensively planned development** applications. The site plan must clearly identify private roads, pedestrian walkways, common areas and **buildings**, garbage and waste storage areas or **buildings, visitor parking stalls**, and the boundaries of **Dwelling Unit** plots.
- 9.15.2 All private roads in a **comprehensively planned development** shall be a minimum 6.0 m (19.6 ft) width and constructed to the satisfaction of the **Development Authority** for emergency access and egress.
- 9.15.3 Internal pedestrian walkways shall have a minimum width of 1.0 m (3.3 ft) and be surfaced to the satisfaction of the **Development Authority**.
- 9.15.4 **Visitor parking stalls** shall be provided in the ratio of one (1) **parking stall** for every three (3) **Dwelling Units**. **Visitor parking stalls** shall be dispersed throughout the **comprehensively planned development** and clearly identified.
- 9.15.5 The required **yards** may be required to be **landscaped** and **fenced** to the satisfaction of the **Development Authority**.
- 9.15.6 One (1) identification **Freestanding Sign** may be located at each entrance to the **comprehensively planned development** from the public **road**. The maximum **sign area** is 2.9 m² (31.2 ft²) and maximum **sign height** is 1.8 m (5.9 ft).
- 9.15.7 A screened **outdoor storage** area may be provided for vehicles and equipment such as trucks, **recreational vehicles**, travel trailers, snowmobiles, and boats, at a location and in a manner satisfactory to the **Development Authority**.

Part C - Specific Use Regulations

10 SPECIFIC USE REGULATIONS

| | |
|--------------|--------------------------------------|
| 10.1 | Accessory Buildings |
| 10.2 | Accessory Dwelling Units |
| 10.3 | Home Occupations |
| 10.4 | Bed and Breakfasts |
| 10.5 | Short-Term Rentals |
| 10.6 | Manufactured Dwellings |
| 10.7 | Pet Care Services |
| 10.8 | Gas Bars and Service Stations |
| 10.9 | Cannabis Production Facility |
| 10.10 | Work Camps |

10.1 ACCESSORY BUILDINGS

- 10.1.1 **Accessory Buildings** must be secondary and subordinate to the *principal building* or *principal use* on the same *parcel*.
- 10.1.2 The determination of whether a *use, building* or *structure* is considered accessory shall be at the discretion of the **Development Authority**.
- 10.1.3 An enclosed *structure* which is attached to the *principal building* by a roof, a floor or a foundation is not an **Accessory Building** and is to be considered part of the *principal building*.
- 10.1.4 An **Accessory Building** shall not be used as a **Dwelling Unit** unless approved in accordance with the provisions of this Bylaw.
- 10.1.5 Except the RA – Residential Acreage District, no **Accessory Building** shall be located in the *front yard* of a *parcel* in a residential district.
- 10.1.6 The minimum *yard setbacks* of an **Accessory Building** in any District shall be 1.0 m (3.3 ft) in the *rear yard* and *side yards*, except:
- (a) on *corner lots*, where the minimum *side yard setback* shall be no less than the *side yard setback* requirement for the *principal building*.

Accessory Buildings - Fabric Covered

- 10.1.7 **Accessory Buildings - Fabric Covered** shall be:
- (a) *setback* a minimum of 3.0 m (10.0 ft) from any *structure* or equipment that contains open flames (i.e. fire pits or other open flame accessories);
 - (b) kept in good condition and the fabric not frayed or damaged; and
 - (c) fully enclosed with closable doors on the ends.
- 10.1.8 Within residential districts **Accessory Buildings - Fabric Covered** must not:
- (a) exceed one (1) **Accessory Building - Fabric Covered** per *parcel*;
 - (b) be connected to any **Utilities**;
 - (c) exceed 20.5 m² (220.7 ft²) in *floor area*; and
 - (d) be used in a manner that would cause or create a nuisance by way of noise, vibration or dust to impact the privacy and enjoyment of *adjacent residential uses* or the amenities of the neighbourhood.
- 10.1.9 For non-residential *uses* in districts other than residential districts, **Accessory Buildings - Fabric Covered** may, at the discretion of the **Development Authority**:
- (a) be connected to **Utilities**; and
 - (b) exceed more than one (1) **Accessory Building - Fabric Covered** per *parcel*.

Accessory Buildings - Shipping Container

- 10.1.10 Within residential districts **Accessory Buildings – Shipping Container** must not:
- (a) exceed one (1) **Accessory Building - Shipping Container** per *parcel*;

- (b) exceed 16.0 m² (172.2 ft²) in **floor area**; and
- (c) be used in a manner that would cause or create a nuisance by way of noise, vibration or dust to impact the privacy and enjoyment of **adjacent residential uses** or the amenities of the neighbourhood.

- 10.1.11 The **Development Authority** must require the exterior surface of an **Accessory Building - Shipping Container** be finished to the satisfaction of the **Development Authority**.
- 10.1.12 The **Development Authority** may require an **Accessory Building - Shipping Container** be **screened** from public view, to the satisfaction of the **Development Authority**.
- 10.1.13 An **Accessory Building - Shipping Container** shall not be used as a **structure** for installing or displaying a **Sign**.

10.2 ACCESSORY DWELLING UNITS

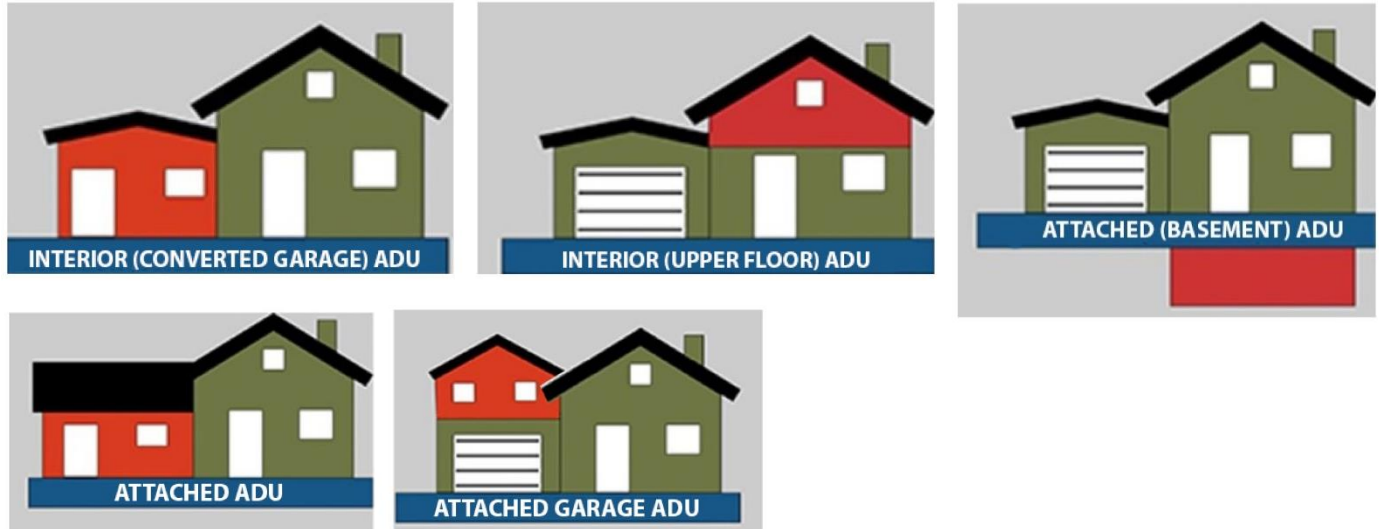
- 10.2.1 An **Accessory Dwelling Unit** may be developed only in those Land Use Districts where it is listed as a **permitted use** or **discretionary use**.
- 10.2.2 The issuance of a **development permit** in no way exempts the applicant from obtaining a **building permit** for an **Accessory Dwelling Unit**.
- 10.2.3 A maximum of one (1) **Accessory Dwelling Unit** is allowed per **parcel**.
- 10.2.4 An **Accessory Dwelling Unit** must not be separated from the **principal residential use** on a **parcel** by the registration of a **condominium** or **subdivision**.

Detached Accessory Dwelling Units



- 10.2.5 The maximum **floor area** of an **Accessory Dwelling Unit - Detached** shall not exceed 80.0 m² (861.1 ft²), excluding any internal area for stairways and **landings** or common areas that are accessible and intended to be used by residents of both **Dwelling Units**.
- 10.2.6 Where an **Accessory Dwelling Unit - Detached** is located on the second **storey**, the maximum **building height** shall be 7.0 m (23.0 ft) and shall not exceed the height of the **principal building**.

Attached Accessory Dwelling Units



- 10.2.7 The maximum **floor area** of an **Accessory Dwelling Unit - Attached** shall not exceed 40% of the **gross floor area** of the **principal Dwelling Unit** or 80.0 m² (861.1 ft²), whichever is the lesser. Internal areas for stairways and **landings** or common areas that are accessible and intended to be used by residents of both **Dwelling Units** shall not be included in the **floor area** of the **Accessory Dwelling Unit**.
- 10.2.8 Notwithstanding 10.2.7, where an **Accessory Dwelling Unit - Attached** occupies:
- (a) the **basement** within a one-storey **Detached Dwelling**; or
 - (b) the second **storey** of a two-storey **Detached Dwelling**;
- the **Accessory Dwelling Unit - Attached** may occupy a maximum of 50% of the **gross floor area** of the **building**.

10.3 HOME OCCUPATIONS

- 10.3.1 In accordance with Section 3 **Development Not Requiring a Development Permit**, a **Home Occupation** does not require a **development permit**. A **business license** may be required.
- 10.3.2 A **Home Occupation** shall not include any activity or operation which will cause or create a nuisance by way of noise, dust, and/or smoke or other nuisance that is not characteristic of a **residential use**.
- 10.3.3 A maximum of one (1) **Fascia Sign** or **Freestanding Sign** for a **Home Occupation** may be displayed in accordance with Subsections 11.6.3 or 11.9.2.

10.4 BED AND BREAKFASTS

- 10.4.1 **Bed and Breakfasts** shall:

- (a) not provide cooking facilities in guest rooms;
 - (b) not change the residential character or external appearance of the **building**;
 - (c) provide **off-street parking stalls** in accordance with Subsection 9.11.7; and
 - (d) have a maximum of four (4) guest rooms.
- 10.4.2 A maximum of one (1) **Fascia Sign** or **Freestanding Sign** for a **Bed and Breakfast** may be displayed, in accordance with Subsections 11.6.3 or 11.9.2.
- 10.4.3 The **Development Authority** may issue a **temporary development permit** for a **Bed and Breakfast**.
- 10.4.4 The issuance of a **development permit** in no way exempts the applicant from obtaining a **business license** from the municipality and any other provincial approvals that may be required.

10.5 SHORT-TERM RENTALS

- 10.5.1 A maximum of one (1) **Fascia Sign** or **Freestanding Sign** for **Short-Term Rental** may be displayed, in accordance with Subsections 11.6.3 or 11.9.2.
- 10.5.2 The **Development Authority** may issue a **temporary development permit** for a **Short-Term Rental**, for a maximum of three (3) years.
- 10.5.3 The issuance of a **development permit** in no way exempts the applicant from obtaining a **business license** from the municipality and any other provincial approvals that may be required.

10.6 MANUFACTURED DWELLINGS

- 10.6.1 **Manufactured Dwellings** constructed greater than ten (10) years at the time of **development permit** application may not be approved at the discretion of the **Development Authority** in consideration of its condition and appearance.
- 10.6.2 In determining the suitability of a **Manufactured Dwelling** for placement on a **parcel**, consideration shall be given to its condition and appearance in context with the **adjacent parcels**.
- 10.6.3 The undercarriage of a **Manufactured Dwelling** shall be screened from view by the foundation or by skirting within 30 days of placement of the **Manufactured Dwelling**.
- 10.6.4 All accessory **structures** such as stairways and **landings, patios, decks**, and skirting shall be of complementary quality and design to the **Manufactured Dwelling**.
- 10.6.5 All **Manufactured Dwellings** shall be provided with stairways and **landings** to all entrances within 45 days of their placement.

10.7 PET CARE SERVICES

- 10.7.1 **Pet Care Services** shall be designed, constructed and operated in a manner to prevent a nuisance to any **adjacent residential use** or other **adjacent uses** in regard to factors such as noise, odors and waste.
- 10.7.2 The **Development Authority** may, as a condition of a **development permit** for a **Pet Care Service**, limit the maximum number of animals that may be kept at any one time.

10.8 GAS BARS AND SERVICE STATIONS

- 10.8.1 **Gas Bars and Service Stations** shall comply with the following standards, in addition to those standards in Section **9.13 Drive Throughs and Vehicle-Oriented Designs**:
- (a) no part of a service station **building** or any pump island shall be within 6.0 m (19.7 ft) of **side** or **rear parcel** lines;
 - (b) a **front yard** of no less than 12.0 m (39.4 ft) and no pump island closer than 6.0 m (19.7 ft) to the **front parcel** line;
 - (c) no pumping island closer than 4.5 m (14.7 ft) to a **building**;
 - (d) vehicle entrances from a **road** shall be located at the discretion of the **Development Authority** and shall not exceed 10.7 m (35.1 ft) in width; and
 - (e) the **parcel** boundaries of a **Gas Bar and Service Station**, other than those fronting a **road**, shall be appropriately **screened** to the satisfaction of the **Development Authority**.

10.9 CANNABIS PRODUCTION FACILITY

- 10.9.1 The **Development Authority** may require for a complete application for a **Cannabis Production Facility**, the submission of a waste management plan completed by a **qualified professional**, which includes but is not limited to:
- (a) the quantity and characteristics of liquid and solid waste material discharged by the facility;
 - (b) the method and location of collection and disposal of liquid and solid waste material discharged by the facility; and
 - (c) the incineration of waste products and method of treatment of airborne emissions, including odours.
- 10.9.2 The issuance of a **development permit** in no way exempts the applicant from obtaining any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.
- 10.9.3 As a condition of a **development permit** and prior to the operation of the facility, the developer must provide a copy of the current license for all activities associated with cannabis production as issued by Health Canada.

- 10.9.4 All processes and functions related to a **Cannabis Production Facility** must be fully contained within a **building** including all loading stalls and docks, garbage receptacles and waste material.
- 10.9.5 A **Cannabis Production Facility** shall not include **outdoor storage** of goods, materials or supplies.
- 10.9.6 A **Cannabis Production Facility** shall not be allowed to operate on a **parcel** with any other **use**.
- 10.9.7 A **Cannabis Production Facility** must include equipment in the ventilation system designed and intended to remove odours from the air where it is discharged from the **building**.

10.10 WORK CAMPS

- 10.10.1 In addition to the requirements in **Section 5.1 Development Permit Applications**, an application for a **Work Camp** shall include:
- (a) a description of the location, type and purpose of the **Work Camp**;
 - (b) a plan showing the location, number and type of accommodations;
 - (c) a plan showing the **adjacent** land uses, and any proposed **screening** or **fencing**;
 - (d) a plan and/or description of the method of supplying water, sewage and solid waste disposal to the **Work Camp**;
 - (e) the number of persons proposed to reside in the **Work Camp**;
 - (f) the anticipated start date of construction of the **Work Camp**, date of occupancy and removal date; and
 - (g) reclamation measures once the **Work Camp** is completed and removed.
- 10.10.2 Once completed, a **Work Camp** site must be reclaimed to a state where sediment and dust are controlled, and the aesthetics are returned to an acceptable condition, to the satisfaction of the **Development Authority**.

Part D - Signs

11 SIGN REGULATIONS

11.1 SIGN ADMINISTRATION

- 11.1.1 The issuance of a **development permit** for a **Sign** located **adjacent** to a **highway** does not preclude any approvals or permits required by the Provincial highway authority.
- 11.1.2 No **Sign** shall be erected on or affixed to municipal property without the prior consent of the Town of Oyen.
- 11.1.3 Variances may be granted to **sign area** where the **Sign** scale and design integrates with the architectural elements and scale of the **building** and **adjacent buildings**.
- 11.1.4 Where a **Sign** is no longer related to a business, product or event located on the same **parcel** as the **Sign**, the **Sign** must be removed by the owner of the **Sign** or the owner of the **parcel** on which the **Sign** is located.
- 11.1.5 No person shall place a motor vehicle, **shipping container**, trailer or similar **structure** on a **parcel** for the purpose of displaying a **Sign**.
- 11.1.6 Where a **Sign** contravenes the regulations of this Bylaw or the terms of a **development permit**, the owner of the **parcel** or the owner of the **Sign** shall remove the **Sign** or relocate or repair the **Sign** such that it complies with the Bylaw or the **development permit** within the timelines specified in the written warning or order.
- 11.1.7 The Town of Oyen may remove any **Sign** that remains in contravention of this Bylaw and/or may issue an order pursuant to **Section 8.3**.







11.2 GENERAL SIGN REGULATIONS

- 11.2.1 No **Sign** shall resemble or conflict with a traffic sign, signal or device.
- 11.2.2 All **Signs** shall be designed and manufactured to a professional standard of quality.
- 11.2.3 The design and location of a **Sign** on a **building** shall complement the architectural elements and materials of the **building**.
- 11.2.4 **Buildings** shall be designed to incorporate **Signs** into the **building** as an integrated architectural element.
- 11.2.5 All **Sign** lighting shall be designed to illuminate the **Sign** only.
- 11.2.6 A **Sign** shall not be located to obstruct the movement or free and clear vision of a pedestrian or motorist, or cause conflict with any required **parking area**.
- 11.2.7 All **Signs** shall be kept in a safe, clean, tidy and legible condition and may, at the

discretion of the **Development Authority**, be required to be renovated or removed if not kept in a safe, clean, tidy or legible condition.

11.3 SIGN TYPES

11.3.1 **Sign types** are identified and defined as follows:

| Sign Types | Definition |
|---|---|
| <p>1 Under Canopy Sign</p>  | <p>means a Sign that is suspended from or below the ceiling or roof of an awning or canopy.</p> |
| <p>2 Canopy sign</p>  | <p>means a Sign that is mounted, painted or otherwise attached to an awning, canopy or marquee.</p> |
| <p>3 Fascia Sign</p>  | <p>means a Sign mounted directly on to the building fascia, which does not project more than 0.3 m from the building and is generally mounted above the business entrance.</p> |
| <p>4 Projecting Sign</p>  | <p>means a Sign, other than a Canopy Sign or Fascia Sign, which is attached to and projects more than 0.3 m horizontally from a structure or building face.</p> |
| <p>5 Roof Sign</p>  | <p>means any Sign erected upon, against, or directly above a roof or on top of or above the parapet of a building.</p> |
| <p>6 Freestanding Sign</p>  | <p>means a Sign supported independently of a building or wall, or by way of columns, concrete foundation, uprights, braces, masts, or poles mounted in or upon grade.</p> |

7 A-board Sign



means a **temporary sign** which is set on the ground, built of two similar pieces of material and attached at the top by a hinge(s) so as to be self-supporting when the bottom edges are separated from each other (i.e. sandwich board sign).

8 Portable Sign



means a **temporary sign** that is not permanently affixed to a **building, structure**, or the ground, but does not include **A-board Signs** as defined in this Bylaw.

11.3.2 When a **Sign** cannot be clearly categorized as one of the **sign types** as defined in this Bylaw, the **Development Authority** shall determine the **sign type** and any and all applicable standards.

11.4 SIGN TYPE 1 - UNDER CANOPY SIGN REGULATIONS

11.4.1 **Under Canopy Signs** shall:

- (a) be for a business located on the main or second floor of the **building** in which it is located within;
- (b) be located below the eaveline or parapet of the **building**;
- (c) have a maximum **sign area** of 0.5 m² (5.4 ft²); and
- (d) have a minimum height clearance of 2.4 m (7.9 ft) from **grade** or any sidewalk below.

11.4.2 A business shall have a maximum of one (1) **Under Canopy Sign** per **frontage**.

11.5 SIGN TYPE 2 - CANOPY SIGN REGULATIONS

11.5.1 **Canopy Signs** shall:

- (a) have a minimum height clearance of 2.74 m (9.0 ft) from **grade** or any sidewalk below;
- (b) not project above the roof;
- (c) be set back a minimum of 0.61 m (2.0 ft) from a curb;
- (d) not project greater than 2.0 m (6.6 ft) from the face of the **building**; and
- (e) not exceed 9.3 m² (100.0 ft) in **sign area**.

11.6 SIGN TYPE 3 - FASICA SIGN REGULATIONS

11.6.1 Fascia Signs shall:

- (a) be located on the **building frontage** directly adjacent to the business;
- (b) not exceed 20% in **sign area** of the **building** face to which the **Sign** is attached; and
- (c) not project above the roof or **canopy** greater than 0.91 m (9.8 ft).

11.6.2 A business shall have a maximum of one (1) **Fascia Sign** per **frontage**.

11.6.3 A maximum of one (1) **Fascia Sign** for a **Home Occupation, Bed and Breakfast** or **Short-Term Rental** may be displayed with a maximum **sign area** of 0.3 m² (3.2 ft²).

11.7 SIGN TYPE 4 - PROJECTING SIGN REGULATIONS

11.7.1 Projecting Signs shall:

- (a) have a minimum height clearance of 2.74 m (9.0 ft) from **grade** or any sidewalk below;
- (b) not project above the roof greater than 0.91 m (9.8 ft);
- (c) be set back a minimum of 0.61 m (2.0 ft) from a curb;
- (d) not project more than 2.0 m (6.6 ft) from the face of the **building**; and
- (e) not exceed 9.3 m² (100.0 ft) in **sign area**.

11.7.2 A business shall have a maximum of one (1) **Projecting Sign** per **frontage**.

11.8 SIGN TYPE 5 - ROOF SIGN REGULATIONS

11.8.1 Roof Signs shall:

- (a) not exceed 9.3 m² (100.0 ft²) in **sign area**; and
- (b) not extend beyond the periphery of the roof on which it is located.

11.9 SIGN TYPE 6 - FREESTANDING SIGN REGULATIONS

11.9.1 Freestanding Signs shall:

- (a) not exceed 9.14 m (30.0 ft) in **sign height**;
- (b) not exceed a maximum **sign area** of 13.9 m² (150.0 ft²);
- (c) be a minimum of 6.0 m (19.7 ft) from a curb or 1.52 m (5.0 ft) from a property line, whichever is the greater distance; and
- (d) be separated a minimum of 9.14 m (30.0 ft) from any other **Sign** along the same side of a block of the **road**.

- 11.9.2 A maximum of one (1) **Freestanding Sign** for a **Home Occupation, Bed and Breakfast or Short-Term Rental** may be displayed with a maximum **sign area** of 0.3 m² (3.2 ft²) and 1.0 m (3.3 ft) height above **grade**.

11.10 SIGN TYPE 7 - A-BOARD SIGN REGULATIONS

- 11.10.1 **A-Board Signs** shall:
- (a) be placed only within the **frontage** area of the business;
 - (b) not disrupt pedestrian traffic on a sidewalk;
 - (c) not be illuminated;
 - (d) not exceed 2.4 m² (25.8 ft²) in **sign area** (with the height twice the width); and
 - (e) be removed on a nightly basis.
- 11.10.2 Only one (1) **A-board Sign** shall be permitted per business.

11.11 SIGN TYPE 8 - PORTABLE SIGN REGULATIONS

- 11.11.1 A maximum of one (1) **Portable Sign** may be displayed on a **parcel** per business provided the **Sign** does not:
- (a) exceed 10.0 m² (107.6 ft²) in **sign area**;
 - (b) exceed 2.44 m (8.0 ft) in **sign height**; and
 - (c) is not located in the **corner visibility setback**.
- 11.11.2 A **Portable Sign** shall not be located on a **parcel** so as to conflict with any required **parking areas, loading stalls**, or walkways.
- 11.11.3 A **Portable Sign** must be stabilized and anchored that ensures the **Sign** will not be unintentionally moved or blown over.

Part E - Districts

12 DISTRICTS ADMINISTRATION

12.1 ESTABLISHMENT OF DISTRICTS

12.1.1 For the purpose of this Bylaw, the **Municipality** is divided into the following Land Use Districts.

| Short Title | District Name |
|---------------------------------|----------------------------------|
| Residential Districts | |
| RA | Residential Acreage District |
| R-1 | Detached Residential District |
| R-2 | General Residential District |
| MD | Manufactured Dwelling District |
| Commercial Districts | |
| C-1 | Central Commercial District |
| C-2 | Commercial Transitional District |
| HWY-C | Highway Commercial District |
| Industrial Districts | |
| I | Industrial District |
| Miscellaneous Districts | |
| CS | Community Service District |
| UR | Urban Reserve District |
| Direct Control Districts | |
| DC-1 | Direct Control 1 District |

12.2 DISTRICT BOUNDARIES

- 12.2.1 The locations and boundaries of the Land Use Districts are shown on the Land Use District Maps in Part G **Land Use Districts Map**, which forms part of this Bylaw.
- 12.2.2 The locations of boundaries shown on the Land Use Districts Map shall be governed by the following rules:
- (a) where a boundary is shown as following the municipal boundary, it shall be deemed to follow the municipal boundary;
 - (b) where a boundary is shown as approximately following a **property line**, it shall be deemed to follow the **property line**; and
 - (c) where a boundary is shown to follow the shoreline of a bank of a waterbody, it follows that line.
- 12.2.3 Where the exact location of the boundary of a Land Use District cannot be determined, using the rules in Subsection 12.2.2 above, 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.
- 12.2.4 The location of a district boundary, once fixed, shall not be altered except by an amendment of this Bylaw.

12.3 DIRECT CONTROL DISTRICTS

- 12.3.1 Direct Control Districts shall only be used for the purpose of providing for land or **developments** that, due to their unique characteristics or unusual site constraints, require specific regulation unavailable in other Land Use Districts. Land Uses within a Direct Control District shall be determined by **Council**.
- 12.3.2 Direct Control Districts shall not be used in substitution of any other Land Use District in this Bylaw that could be used to achieve the same result either with or without variances to this Bylaw.

13 RA - RESIDENTIAL ACREAGE DISTRICT

13.1 PURPOSE

- 13.1.1 To accommodate acreage-style low density residential development in a semi-rural setting.

13.2 PERMITTED USES

- 13.2.1 The following *uses* are **permitted uses** in the RA - Residential Acreage District:

| | |
|---|--------------------------------|
| Accessory Building* | Home Occupation* |
| Accessory Building - Fabric Covered* | Dwelling, Manufactured* |
| Accessory Dwelling Unit - Attached* | Park |
| Accessory Dwelling Unit - Detached* | Sign** (Sign type 3, 6) |
| Bed and Breakfast* | Utilities |
| Dwelling, Detached | |

*See Section 10 **Specific Use Regulations**

See Section 11 **Sign Regulations

13.3 DISCRETIONARY USES

- 13.3.1 The following *uses* are **discretionary uses** in the RA - Residential Acreage District:

| | |
|---|----------------------------|
| Accessory Building - Shipping Container* | Short Term Rentals* |
| Public Building | Veterinary Clinic |

*See Section 10 **Specific Use Regulations**

13.4 REGULATIONS

- 13.4.1 The minimum **parcel area** is 0.4 ha (1.0 ac).
- 13.4.2 The maximum **parcel area** is 2.4 ha (5.9 ac).
- 13.4.3 The minimum **front yard setback** is 7.62 m (25.0 ft).
- 13.4.4 The minimum **side yard setback** is 7.62 m (25.0 ft).
- 13.4.5 The minimum **rear yard setback** is 7.62 m (25.0 ft).

- 13.4.6 The maximum *parcel coverage* for *principal buildings* is 20%.
- 13.4.7 The maximum *building height* of a **Detached Dwelling** or **Manufactured Dwelling** is 10.67 m (35.0 ft).
- 13.4.8 The maximum *parcel coverage* of **Accessory Buildings** is 150.0 m² (1,614.6 ft²).
- 13.4.9 The maximum *building height* is 14.0 m (45.9 ft) for **Accessory Buildings**.

14 R-1 – DETACHED RESIDENTIAL DISTRICT

14.1 PURPOSE

14.1.1 To provide for low density residential development and other compatible residential neighbourhood uses.

14.2 PERMITTED USES

14.2.1 The following *uses* are **permitted uses** in the R-1 - Residential District:

Accessory Building*

Dwelling, Detached

Dwelling, Manufactured*

Home Occupation*

Park

Sign (Sign type 3, 6)**

Utilities

*See Section 10 **Specific Use Regulations**

See Section 11 **Sign Regulations

14.3 DISCRETIONARY USES

14.3.1 The following *uses* are **discretionary uses** in the R-1 - Residential District:

Accessory Building - Fabric Covered*

Accessory Building - Shipping Container*

Accessory Dwelling Unit - Attached*

Accessory Dwelling Unit - Detached*

Bed and Breakfast*

Child Care Centre

Public Building

Short-Term Rentals*

Worship Facility

*See Section 10 **Specific Use Regulations**

14.4 REGULATIONS

14.4.1 The minimum **parcel area** is 464.5 m² (5,000.0 ft²).

14.4.2 The minimum **parcel width** is 15.24 m (50.0 ft).

14.4.3 The minimum **front yard setback** is 6.0 m (13.1 ft).

14.4.4 The minimum **side yard setback** is 1.52 m (5.0 ft), except an **exterior side yard** where it is 3.0 m (10.0 ft).

14.4.5 The minimum **rear yard setback** is 7.62 m (25.0 ft).

- 14.4.6 The minimum **gross floor area** of a **principal building** is 92.9 m² (1000.0 ft²).
- 14.4.7 The maximum **parcel coverage** including all **buildings** is 55%, where **Accessory Buildings** may comprise up to a maximum of 15% of the total **parcel coverage**.
- 14.4.8 The maximum **building height** of a **principal building** is 10.67 m (35.0 ft).
- 14.4.9 The maximum **building height** of an **Accessory Building** is 4.57 m (15.0 ft).

14.5 ADDITIONAL REQUIREMENTS

- 14.5.1 Notwithstanding the minimum **front yard setback**, the minimum length of a driveway in a **front yard** is 6.0 m (19.7 ft).
- 14.5.2 The minimum width of a **Manufactured Dwelling** shall be 7.3 m (24.0 ft).
- 14.5.3 The massing, design and appearance of a **Manufactured Dwelling** shall be consistent with **adjacent development** to the satisfaction of the **Development Authority**, and may be required to include enhanced design elements that add visual interest such as:
- (a) a porch or veranda on the front façade;
 - (b) horizontal wall articulation on the front façade;
 - (c) the use of thick columns or brackets on roof overhangs;
 - (d) dormers, gables, cross gables or varied pitches for articulated roof lines;
 - (e) large or **bay windows** on the front façade, with strong window trim;
 - (f) architectural features or other detailing over entrances;
 - (g) changes in exterior siding materials, textures and colors to break up long wall expanses; and
 - (h) the use of trim and moldings that contrast the exterior siding.

15 R-2 – GENERAL RESIDENTIAL DISTRICT

15.1 PURPOSE

15.1.1 To provide for low to medium **density** residential development and other compatible residential neighbourhood **uses**.

15.2 PERMITTED USES

15.2.1 The following **uses** are **permitted uses** in the R-2 - General Residential District:

Accessory Building*

Accessory Dwelling Unit - Attached*

Accessory Dwelling Unit - Detached*

Attached Housing

Dwelling, Detached

Dwelling, Duplex

Dwelling, Manufactured*

Home Occupation*

Park

Sign** (Sign type 3, 6)

Utilities

*See Section 10 Specific Use Regulations

**See Section 11 Sign Regulations

15.3 DISCRETIONARY USES

15.3.1 The following **uses** are **discretionary uses** in the R-2 – General Residential District:

Accessory Building - Fabric Covered*

Accessory Building – Shipping Container*

Apartment

Bed and Breakfast*

Child Care Centre

Cultural Establishment

Care Facility

Public Building

Short-Term Rentals*

Worship Facility

*See Section 10 Specific Use Regulations

15.4 REGULATIONS

15.4.1 The minimum **parcel area** is 366.0 m² (3,939.6 ft²) except:

(a) 228.0 m² (3,100.0 ft²) for each **Dwelling Unit** of a **Duplex Dwelling**;

(b) 183.0 m² (1,969.8 ft²) for an interior **Dwelling Unit** and 228.0 m² (3,100.0 ft²) for an end **Dwelling Unit** of **Attached Housing**; and

- (c) 630.0 m² (6,781.3 ft²) for an **Apartment**.
- 15.4.2 The minimum **parcel width** is 12.2 m (40.0 ft), except:
- (a) 7.62 m (25.0 ft) for each **dwelling unit** of a **Duplex Dwelling**;
 - (b) 6.1 m (20.0 ft) for an interior **dwelling unit** and 7.62 m (25.0 ft) for an end **dwelling unit** of **Attached Housing**; and
 - (c) 18.29 m (60.0 ft) for an **Apartment**.
- 15.4.3 The minimum **front yard setback** is 6.0 m (13.1 ft).
- 15.4.4 The minimum **side yard setback** is 1.52 m (5.0 ft), except:
- (a) for a common **property line** of a **Duplex Dwelling** where it is zero; and
 - (b) an **exterior side yard** where it is 3.0 m (10.0 ft).
- 15.4.5 The minimum **rear yard setback** is 7.61 m (25.0 ft).
- 15.4.6 The minimum **gross floor area** of a **principal building** is 78.9 m² (850.0 ft²), except 55.1 m² (600.0 ft²) for each **Dwelling Unit** of a **Duplex Dwelling** or **Attached Housing**.
- 15.4.7 The maximum **parcel coverage** including all **buildings** is 55%, where **Accessory Buildings** may comprise up to a maximum of 15% of the total **parcel coverage**.
- 15.4.8 The maximum **building height** of a **principal building** is 13.7 m (45.0 ft).
- 15.4.9 The maximum **building height** of an **Accessory Building** is 4.57 m (15.0 ft).
- 15.4.10 The maximum **density** for **Attached Housing** is 40 units per hectare (16 units per acre).

15.5 ADDITIONAL REQUIREMENTS

- 15.5.1 Notwithstanding the minimum **front yard setback**, the minimum length of a driveway in a **front yard** is 6.0 m (19.7 ft).
- 15.5.2 The minimum width of a **Manufactured Dwelling** shall be 6.7 m (22.0 ft).
- 15.5.3 The massing, design and appearance of a **Manufactured Dwelling** shall be consistent with **adjacent development** to the satisfaction of the **Development Authority**, and may be required to include enhanced design elements that add visual interest such as:
- (a) a porch or veranda on the front façade;
 - (b) horizontal wall articulation on the front façade;
 - (c) the use of thick columns or brackets on roof overhangs;
 - (d) dormers, gables, cross gables or varied pitches for articulated roof lines;
 - (e) large or **bay windows** on the front façade, with strong window trim;
 - (f) architectural features or other detailing over entrances;
 - (g) changes in exterior siding materials, textures and colors to break up long wall expanses; and

(h) the use of trim and moldings that contrast the exterior siding.

15.5.4 **Apartments** and **comprehensively planned developments** must, to the satisfaction of the **Development Authority**:

(a) locate vehicle entrances and exits, **parking stalls** and **loading stalls** in such a manner to minimize impact on **adjacent residential uses**;

(b) integrate the **building** and site design with the surrounding neighbourhood context; and

(c) provide 10% of the **parcel area** as a **landscaped area** that functions as an **amenity area**.

15.5.5 **Parking areas** for an **Apartment** or **comprehensively planned developments** shall not be located in the front yard.

16 MD – MANUFACTURED DWELLING DISTRICT

16.1 PURPOSE

- 16.1.1 To provide for a residential development in **Manufactured Dwellings** within **Manufactured Home Parks** and subdivisions designed specifically for **Manufactured Dwellings**, as well as allow for other compatible residential neighbourhood uses.

16.2 PERMITTED USES

- 16.2.1 The following *uses* are *permitted uses* in the MD – Manufactured Dwelling District:

| | |
|-----------------------------------|--------------------------------|
| Accessory Building* | Park |
| Dwelling, Manufactured* | Sign** (Sign type 3, 6) |
| Home Occupation* | Utilities |
| Manufactured Dwelling Park | |

*See Section 10 **Specific Use Regulations**

See Section 11 **Sign Regulations

16.3 DISCRETIONARY USES

- 16.3.1 The following *uses* are *discretionary uses* in the MD – Manufactured Dwelling District:

| | |
|---|-------------------------|
| Accessory Building - Fabric Covered* | Public Building |
| Child Care Centre | Worship Facility |

*See Section 10 **Specific Use Regulations**

16.4 REGULATIONS

- 16.4.1 The minimum **parcel area** is 366.0 m² (3939.6 ft²), except 0.7 ha (1.73 ac) for a **Manufactured Dwelling Park**.
- 16.4.2 The maximum **parcel area** for a **Manufactured Dwelling Park** is 12.0 ha (29.7 ac).
- 16.4.3 The minimum **parcel width** is 12.2 m (40.0 ft).
- 16.4.4 The minimum **parcel depth** is 35.0 m (114.8 ft).
- 16.4.5 The minimum **front yard setback** is 4.57 m (15.0 ft).
- 16.4.6 The minimum **side yard setback** is 1.52 m (5.0 ft), except for an **exterior side yard** where it is 3.0 m (10.0 ft).

- 16.4.7 The minimum **rear yard setback** is 3.0 m (10.0 ft).
- 16.4.8 The maximum **parcel coverage** including all **buildings** is 40%, where **Accessory Buildings** may comprise up to a maximum of 15% of the total **parcel coverage**.
- 16.4.9 The maximum **building height** of a **Manufactured Dwelling** is 6.1 m (20.0 ft).
- 16.4.10 The maximum **building height** of an **Accessory Building** is 4.57 m (15.0 ft).
- 16.4.11 The maximum **density** of a **Manufactured Dwelling Park** is 20 **Dwelling Units** per hectare (8 units per acre).

16.5 ADDITIONAL REQUIREMENTS

- 16.5.1 The minimum separation distances between **buildings** on a **Manufactured Dwelling Park parcel** are:
- (a) 4.5 m (14.7 ft) between adjacent **Manufactured Dwellings**;
 - (b) 2.0 m (6.6 ft) between a **Manufactured Dwelling** and an **Accessory Building**;
 - (c) 3.0 m (10.0 ft) from the private **Manufactured Dwelling Park** road; and
 - (d) 4.5 m (14.7 ft) from any other **building**.
- 16.5.2 The minimum frontage width for each **Manufactured Dwelling** within a **Manufactured Dwelling Park** to the internal private road shall be 4.27 m (14.0 ft).

17 C1 – CENTRAL COMMERCIAL DISTRICT

17.1 PURPOSE

17.1.1 To provide for a centralized pedestrian oriented commercial and retail district, including civic and cultural *uses*.

17.2 PERMITTED USES

17.2.1 The following *uses* are **permitted uses** in the C1 – Central Commercial District:

| | |
|---|---|
| Accessory Building* | Hotel/Motel |
| Artist Studio | Laundry Facility |
| Athletic and Recreational Facility - Indoor | Office |
| Child Care Centre | Park |
| Clinic | Personal Service Establishment |
| Convenience Store | Public Building |
| Cultural Establishment | Retail Store |
| Dwelling Units (above the <i>first storey</i>) | Sign** (Sign type 1, 2, 3, 4, 5, 6, 7, 8) |
| Eating and Drinking Establishment | Utilities |
| Financial Institution | |

*See Section 10 **Specific Use Regulations**

See Section 11 **Sign Regulations

17.3 DISCRETIONARY USES

17.3.1 The following *uses* are **discretionary uses** in the C1 – Central Commercial District:

| | |
|-------------------------|------------------------------|
| Amusement Centre | Funeral Home |
| Apartment | Gas Bar and Service Station* |
| Cannabis Retail Sales | Liquor Store |
| Drinking Establishment | Parking Lot |
| Educational Institution | Pet Care Services* |

*See Section 10 **Specific Use Regulations**

17.4 REGULATIONS

17.4.1 The minimum **parcel area** is 348.0 m² (3745.8 ft²).

17.4.2 The minimum **parcel width** is 9.0 m (29.5 ft).

- 17.4.3 The minimum **front yard setback** is zero.
- 17.4.4 The minimum **side yard setback** is 1.23 m (4.0 ft), except:
(a) zero where a **fire wall** is provided; or
(b) 1.52 m (5.0 ft) where **adjacent** to a **residential use**.
- 17.4.5 The minimum **rear yard setback** is zero.
- 17.4.6 The maximum **building height** is 13.72 m (45.0 ft).
- 17.4.7 The maximum **parcel coverage** is 80%.

17.5 ADDITIONAL REQUIREMENTS

- 17.5.1 **Parking stalls** shall not be located in the **front yard**.
- 17.5.2 Notwithstanding Section **9.11 Parking and Loading**, the **Development Authority** may grant a relaxation or waive the minimum **parking stall** requirements within this district where adequate on-street parking is available.
- 17.5.3 **Apartments** must, to the satisfaction of the **Development Authority**:
- (a) locate vehicle entrances and exits, **parking stalls** and **loading stalls** in such a manner to minimize impact on **adjacent uses**;
 - (b) integrate the **building** and site design with the surrounding neighbourhood context; and
 - (c) provide 10% of the **parcel area** as a **landscaped area** that functions as an **amenity area**.

18 C2 – COMMERCIAL TRANSITIONAL DISTRICT

18.1 PURPOSE

18.1.1 To provide for a range of commercial *uses* that provide retail and other services to residents and visitors to Town of Oyen.

18.2 PERMITTED USES

18.2.1 The following *uses* are **permitted uses** in the C2 – General Commercial District:

| | |
|---|---|
| Accessory Building* | Equipment Rental Shop |
| Agricultural Supply Depot | Gas Bar and Service Station* |
| Artist Studio | Hotel/Motel |
| Athletic and Recreational Facility - Indoor | Office |
| Auto Body Shop* | Personal Service Establishment |
| Automotive Repair and Service | Pet Care Service* |
| Automotive Sales | Print Shop |
| Building Supply Centre | Public Building |
| Car Wash | Retail Store |
| Child Care Centre | Sign** (Sign type 1, 2, 3, 4, 5, 6, 7, 8) |
| Clinic | Utilities |
| Contractor Services - Minor | Wholesale Outlet |
| Eating and Drinking Establishment | |

*See Section 10 **Specific Use Regulations**

See Section 11 **Sign Regulations

18.3 DISCRETIONARY USES

18.3.1 The following *uses* are **discretionary uses** in the C2 – General Commercial District:

| | |
|--|--|
| Accessory Building - Fabric Covered* | Dwelling Unit (one, accessory to a commercial use) |
| Accessory Building - Shipping Container* | Educational Institution |
| Amusement Centre | Funeral Home |
| Auction Facility | Greenhouse |
| Bulk Fuel Station | Heavy Equipment Sales and Service |
| Cannabis Retail Sales | Laundry Facility |
| Contractor Services - Major | Liquor Store |
| Cultural Establishment | Manufacturing - Light |
| Drinking Establishment | Park |
| Dwelling Unit (<i>existing</i>) | |

Parking Lot
Recycling Depot
Self-Storage Facility
Storage Yard

Truck and Freight Terminal
Veterinary Clinic
Warehousing and Distribution

*See Section 10 Specific Use Regulations

18.4 REGULATIONS

- 18.4.1 The minimum **parcel area** is 557.4 m² (6,000.0 ft²).
- 18.4.2 The minimum **parcel width** is 15.24 m (50.0 ft).
- 18.4.3 The minimum **front yard setback** is 2.0 m (6.6 ft).
- 18.4.4 The minimum **side yard setback** is 1.23 m (4.0 ft), except:
(a) a zero **side yard** where a **fire wall** is provided;
(b) 4.57 m (15.0 ft) **abutting** a **parcel** with a **principal residential use**; and
(c) 3.0 m (10.0 ft) for an **exterior side yard**.
- 18.4.5 The minimum **rear yard setback** for **principal buildings** is 6.1 m (20.0 ft).
- 18.4.6 The minimum **rear yard setback** for **Accessory Buildings** is 0.91 m (3.0 ft).
- 18.4.7 The maximum **parcel coverage** is 80%.
- 18.4.8 The maximum **building height** is 13.7 m (45.0 ft).

19 HWY-C – HIGHWAY COMMERCIAL DISTRICT

19.1 PURPOSE

19.1.1 To provide for a range of commercial *uses* that provide goods and services to the travelling public, or that require locations that are *adjacent* to the *highway* or a major *road*.

19.2 PERMITTED USES

19.2.1 The following *uses* are *permitted uses* in the HWY-C – Highway Commercial District:

| | |
|-----------------------------------|---|
| Accessory Building* | Heavy Equipment Sales and Service |
| Agricultural Research Centre | Hotel/Motel |
| Automotive Repair and Service | Park |
| Automotive Sales | Public Building |
| Building Supply Centre | Sign** (Sign type 1, 2, 3, 4, 5, 6, 7, 8) |
| Eating and Drinking Establishment | Utilities |
| Gas Bar and Service Station | |

*See Section 10 Specific Use Regulations

**See Section 11 Sign Regulations

19.3 DISCRETIONARY USES

19.3.1 The following *uses* are *discretionary uses* in the HWY-C – Highway Commercial District:

| | |
|---|---|
| Accessory Building - Fabric Covered* | Cultural Establishment |
| Accessory Building - Shipping Container* | Drinking Establishment |
| Agricultural Supply Depot | Dwelling Unit (one accessory to a commercial use) |
| Amusement Centre | Equipment Rental Shop |
| Apartment | Financial Institution |
| Athletic and Recreational Facility - Indoor | Funeral Home |
| Auction Facility | Liquor Store |
| Auto Body Shop | Manufacturing - Light |
| Bulk Fuel Station | Office |
| Campground | Recycling Depot |
| Cannabis Production Facility* | Retail Store |
| Cannabis Retail Sales | Self Storage Facility |
| Car Wash | Storage Yard |
| Contractor Services - Major | Truck and Freight Terminal |
| Contractor Services - Minor | |

Veterinary Clinic
Warehousing and Distribution

Wholesale Outlet
Work Camp*

*See Section 10 Specific Use Regulations

19.4 REGULATIONS

- 19.4.1 The minimum **parcel area** is 1,115.0 m² (12,001.8 ft²).
- 19.4.2 The minimum **parcel width** is 30.0 m (98.4 ft).
- 19.4.3 The minimum **front yard setback** is 6.1 m (20.0 ft).
- 19.4.4 The minimum **side yard setback** is 3.0 m (10.0 ft), except:
- (a) a zero **side yard** where a **fire wall** is provided; and
 - (b) 6.1 m (20.0 ft) **abutting** a **parcel** with a **principal residential use**.
- 19.4.5 The minimum **side yard setback** of an **Apartment** is 3.0 m (10.0 ft).
- 19.4.6 The minimum **rear yard setback** is 6.1 m (20.0 ft).
- 19.4.7 The maximum **building height** is 13.7 m (45.0 ft).

19.5 ADDITIONAL REQUIREMENTS

- 19.5.1 **Apartments** must, to the satisfaction of the **Development Authority**:
- (a) locate vehicle entrances and exits, **parking stalls** and **loading stalls** in such a manner to minimize impact on **adjacent uses**;
 - (b) integrate the **building** and site design with the surrounding neighbourhood context; and
 - (c) provide 10% of the **parcel area** as a **landscaped area** that functions as an **amenity area**.

20 I – INDUSTRIAL DISTRICT

20.1 PURPOSE

20.1.1 To provide for a range of manufacturing, warehousing and other industrial *uses*.

20.2 PERMITTED USES

20.2.1 The following *uses* are *permitted uses* in the I – Industrial District:

| | |
|--|---|
| Accessory Building* | Heavy Equipment Sales and Service |
| Accessory Building - Fabric Covered* | Manufacturing - Light |
| Accessory Building - Shipping Container* | Public Building |
| Agricultural Supply Depot | Railway |
| Auto Body Shop | Self-Storage Facility |
| Automotive Repair and Service | Sign** (Sign type 1, 2, 3, 4, 5, 6, 7, 8) |
| Building Supply Centre | Storage Yard |
| Bulk Fuel Station | Truck and Freight Terminal |
| Contractor Services - Major | Utilities |
| Contractor Services - Minor | Veterinary Clinic |
| Equipment Rental Shop | Warehousing and Distribution |
| Grain Elevator and Seed Cleaning | Work Camp* |
| Greenhouse | |

*See Section 10 **Specific Use Regulations**

See Section 11 **Sign Regulations

20.3 DISCRETIONARY USES

20.3.1 The following *uses* are *discretionary uses* in the I – Industrial District:

| | |
|---|-----------------------------------|
| Artist Studio | Food Processing Storage and Sales |
| Athletic and Recreational Facility - Indoor | Gas Bar and Service Station* |
| Athletic and Recreational Facility - Outdoor | Manufacturing - Heavy |
| Auction Facility | Park |
| Cannabis Production Facility* | Print Shop |
| Car Wash | Recycling Depot |
| Dwelling, Detached (one accessory to an industrial use) | Retail Store |
| | Waste Transfer Station |

*See Section 10 **Specific Use Regulations**

20.4 REGULATIONS

- 20.4.1 The minimum **parcel area** is 557.4 m² (6000.0 ft²)
- 20.4.2 The minimum **parcel width** is 18.3 m² (60.0 ft²).
- 20.4.3 The minimum **front yard setback** is 6.1 m (20.0 ft).
- 20.4.4 The minimum **side yard setback** is 1.52 m (5.0 ft), except:
(a) no **side yard** is required where a **fire wall** is provided; and
(b) 3.0 m (10.0 ft) for an **exterior side yard**.
- 20.4.5 The minimum **rear yard setback** is 6.1 m (20.0 ft).
- 20.4.6 The maximum **building height** is 13.7 m (45.0 ft).
- 20.4.7 The maximum **parcel coverage** is 80%.

20.5 ADDITIONAL REQUIREMENTS

- 20.5.1 For an application for an industrial **development**, the **development permit** application shall contain the following information:
- (a) the type and nature of the industry;
 - (b) the estimated number of employees;
 - (c) the estimated water demand and source;
 - (d) the type of effluent and method of treatment;
 - (e) transportation routes to be used; and
 - (f) any accessory works required.

21 CS – COMMUNITY SERVICE DISTRICT

21.1 PURPOSE

21.1.1 To provide for recreational, educational and community uses.

21.2 PERMITTED USES

21.2.1 The following *uses* are **permitted uses** in the CS – Community Service District:

Accessory Building*

Cultural Establishment

Educational Institution

Park

Public Building

Utilities

Sign (Sign type 1, 2, 3, 4, 5, 6, 7, 8)**

*See Section 10 **Specific Use Regulations**

See Section 11 **Sign Regulations

21.3 DISCRETIONARY USES

21.3.1 The following *uses* are **discretionary uses** in the CS – Community Service District:

Accessory Building - Fabric Covered*

Accessory Building - Shipping Container*

Airport and Registered Aerodrome

Athletic and Recreational Facility - Indoor

Athletic and Recreational Facility - Outdoor

Campground

Care Facility

Cemetery

Child Care Centre

Clinic

Exhibition Grounds

Hospital

Parking Lot

Worship Facility

*See Section 10 **Specific Use Regulations**

22 UR – URBAN RESERVE DISTRICT

22.1 PURPOSE

22.1.1 To reserve lands which are intended for future urban development.

22.2 PERMITTED USES

22.2.1 The following *uses* are **permitted uses** in the UR – Urban Reserve District:

Accessory Building*

Dwelling, Detached

Dwelling, Manufactured*

Extensive Agriculture

Home Occupation*

Park

Utilities

Sign (Sign type 3, 6)**

*See Section 10 **Specific Use Regulations**

See Section 11 **Sign Regulations

22.3 DISCRETIONARY USES

22.3.1 The following *uses* are **discretionary uses** in the UR – Urban Reserve District:

Accessory Building - Fabric Covered*

Accessory Building - Shipping Container*

Athletic and Recreational Facility - Outdoor

Bed and Breakfast*

Campground

Exhibition Grounds

Gravel and Sand Excavation and Storage

Greenhouse

Public Building

Short-Term Rental*

Veterinary Clinic

Work Camp*

*See Section 10 **Specific Use Regulations**

22.4 REGULATIONS

22.4.1 The minimum **front yard setback** is 7.0 m (23.0).

22.4.2 The minimum **side yard setback** is 3.0 m (10.0 ft).

22.4.3 The minimum **rear yard setback** is 7.5 m (24.6 ft).

22.4.4 There shall be no **subdivision** of lands designated UR-Urban Reserve, excepting when:

- (a) an Area Structure Plan, if required by **Council** to be prepared, has been adopted by bylaw; or

- (b) a conceptual scheme, if required by **Council** to be prepared, has been adopted by bylaw or resolution; and
- (c) a concurrent application for an amendment to this Bylaw has been submitted to and/or approved by Council.

22.4.5 The **parcel coverage, building height, landscaping** or other design requirements of all **buildings** and **structures** shall be to the satisfaction of the **Development Authority**, who in making its decision on a **development permit** application must consider:

- (a) the purpose of the UR – Urban Reserve District;
- (b) the **existing** and future uses of **adjacent parcels**.

22.4.6 Prior to approving a **development permit** application in the UR – Urban Reserve District, the **Development Authority** must be satisfied that the proposed use will not prejudice the future orderly **development** of the area.

23 DIRECT CONTROL 1 (DC-1) DISTRICT

23.1 PURPOSE

23.1.1 To allow for residential storage *uses* on *parcels* that are not easily serviced with municipal water and sanitary sewer services.

23.2 APPLICABILITY

23.2.1 This direct control district shall apply to the following *parcels*:

- (a) Lot 19, Block 6, Plan 0810303
- (b) Lot 20, Block 6, Plan 0810303

23.3 DEVELOPMENT AUTHORITY

23.3.1 The *Development Authority* shall be the *Development Officer*.

23.4 USES

23.4.1 The following *uses* shall be allowed in this district:

Residential Storage

23.5 REGULATIONS

- 23.5.1 The minimum *front yard setback* shall be 4.0 m (13.1 ft).
- 23.5.2 The minimum *side yard setback* shall be 1.52 m (5.0 ft).
- 23.5.3 The minimum *rear yard setback* shall be 3.05 m (10.0 ft).
- 23.5.4 The maximum *building height* shall be 10.67 m (35.0 ft).
- 23.5.5 The maximum *parcel coverage* shall be 55%.

Part F - Definitions

24 DEFINITIONS

24.1.1 The following definitions pertain to terms and **uses** within the Land Use Bylaw.

Quick links – click on the letter to jump to the definitions.

| | | | | | | | | |
|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| A | B | C | D | E | F | G | H | I |
| J | K | L | M | N | O | P | Q | R |
| S | T | U | V | W | X | Y | Z | |

A

[[Click to Return to Definitions Index](#)]

| | |
|--|---|
| <i>abut</i> or <i>abutting</i> | means immediately contiguous to, or physically touching, and when used with respect to a <i>lot</i> or a <i>parcel</i> , means that the <i>lot</i> or <i>parcel</i> physically touches another <i>lot</i> , <i>parcel</i> , or <i>development</i> , and shares a <i>property line</i> with it. |
| Accessory Building | means a <i>use</i> where a <i>building</i> or <i>structure</i> accommodates a <i>use</i> which is related to, but is incidental or subordinate to, the <i>use</i> of the <i>principal building</i> located on the same <i>parcel</i> . This includes <i>buildings</i> or <i>structures</i> such as sheds, carports, detached garages and greenhouses. |
| Accessory Building - Fabric Covered | means a <i>use</i> where a <i>structure</i> accommodates a <i>use</i> which is related to, but is incidental or subordinate to, the <i>use</i> of the <i>principal building</i> located on the same <i>parcel</i> . An Accessory Building - Fabric Covered is designed by virtue of easy assembly and dismantling, commercially constructed of metal or synthetic tube and fabric, plastic or similar materials, and covered with waterproof sheeting, synthetic sheeting or plastic film. |
| Accessory Building - Shipping Container | means a <i>use</i> where a <i>shipping container</i> accommodates an <i>accessory use</i> which is related to, but is incidental or subordinate to, the <i>principal use</i> of the <i>parcel</i> . |
| Accessory Dwelling Unit | means a self-contained Dwelling Unit that is subordinate to and under one title with the <i>principal residential use</i> . |
| Accessory Dwelling Unit - Attached | means a <i>use</i> where an Accessory Dwelling Unit is located within or attached to the <i>building</i> containing the <i>principal residential use</i> . |
| Accessory Dwelling Unit - Detached | means a <i>use</i> where an Accessory Dwelling Unit is located on the same <i>parcel</i> as, but within a separate <i>building</i> , from the <i>principal residential use</i> . |
| <i>accessory use</i> | means a <i>use</i> which is related to but is subordinate or incidental to the <i>principal use</i> located on the same <i>parcel</i> . |
| Act | means the <i>Municipal Government Act, Revised Statutes of Alberta 2000, Ch. M-26</i> , as amended, and any parallel or successor legislation. |
| <i>adjacent</i> | means land that is contiguous to a <i>parcel</i> of land and includes land that would be contiguous if not for a <i>highway, road</i> , river, stream, or railway. |
| Agricultural Research Centre | means a <i>use</i> where research activities related to agricultural operations and food production may occur within a <i>building</i> or on the <i>parcel</i> . Such activities may include investigations of plant growth and cultivation. |
| Agricultural Supply Depot | means a <i>use</i> where goods, materials or services that support agricultural activities are provided, whether retail, wholesale or in bulk. This includes such goods and services as sale and storage of seeds, feeds, fertilizers, chemical products, fuels, and lubricants but does not include the buying or selling of farm produce or animals. |

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| Airport and Registered Aerodrome | means a use intended for the arrival and departure or servicing of aircraft and includes any building , installation, or equipment associated with the use and which has been registered with or certified by Transport Canada. |
| amenity area | means an indoor or outdoor space provided for the active or passive recreation and enjoyment of the occupants of a development , which may be for private or communal use and owned individually or in common. |
| Amusement Centre | means a use where entertainment is provided to customers for a fee, which may include, but is not limited to facilities such as bowling alleys, theaters, axe throwing, golf simulator or mini golf, go-cart courses, and billiard parlours. |
| Appeal Body | means the board hearing a subdivision or development permit appeal in accordance with the <i>Act</i> . |
| Apartment | means a use where a building designed for residential use contains three (3) or more Dwelling Units with a shared or common entrance. |
| Artist Studio | means a use : <ul style="list-style-type: none"> (a) where art is produced by individuals; (b) that may include the instruction of art to individuals or groups; and (c) that may include the sale of art pieces produced by that use. |
| Athletic and Recreational Facility - Indoor | means a use for the purpose of providing indoor active recreation or athletic activities where patrons are predominantly participants and any spectators are incidental. This includes but is not limited to gyms, athletic studios, skating and hockey rinks, swimming pools, rifle, archery and pistol ranges, and racquet courts. |
| Athletic and Recreational Facility - Outdoor | means a use for the purpose of providing outdoor active recreation or athletic activities. This includes but is not limited to golf courses, driving ranges, sports fields, tennis courts, ice surfaces or rinks, athletic fields, splash parks, bowling greens, and riding stables. |
| Attached Housing | means a use where a building designed for residential use consists of three (3) or more Dwelling Units , each of which has an individual entrance to the outdoors. This includes rowhouses, townhouses, triplexes and fourplexes. |
| Auction Facility | means use intended for the auctioneering of livestock, goods, equipment and may include temporary storage of such goods and holding of the livestock. This does not include on-site slaughtering such as an abattoir or one-time on-site estate auction sales. |
| Auto Body Shop | means a use where the bodies, but not other parts, of motor vehicles are repaired and painted. |
| Automotive Repair and Service | means a use for the servicing and repair of motor vehicles within a building , excluding an Auto Body Shop . |

Automotive Sales means a *use* where motor vehicles are sold or leased and stored on portions of the *parcel* approved exclusively for storage or display, and may have buildings for administrative functions associated with the *use*.

average grade means the average elevation at the mid-point along the *front parcel line* and the finished ground elevation at the rear of the *building*. (Refer to *building height*)

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balcony means a projecting platform on a *building*, which is greater than 0.6 m above *grade*. A *balcony* is only accessible from within the *building* and is enclosed by a railing. It may be cantilevered from the *building* or supported from below.

bareland condominium means the *subdivision* of land into individual bare land units and registered as a *condominium* plan at Land Titles, and where shared areas such as *roads* and *utilities* are contained within common property.

basement means that portion of a *building* between two floor levels which is partly underground but which has a portion of its height from finished floor to finished ceiling above the adjacent finished *grade*.

bay window means a type of window that protrudes outwards from a wall.

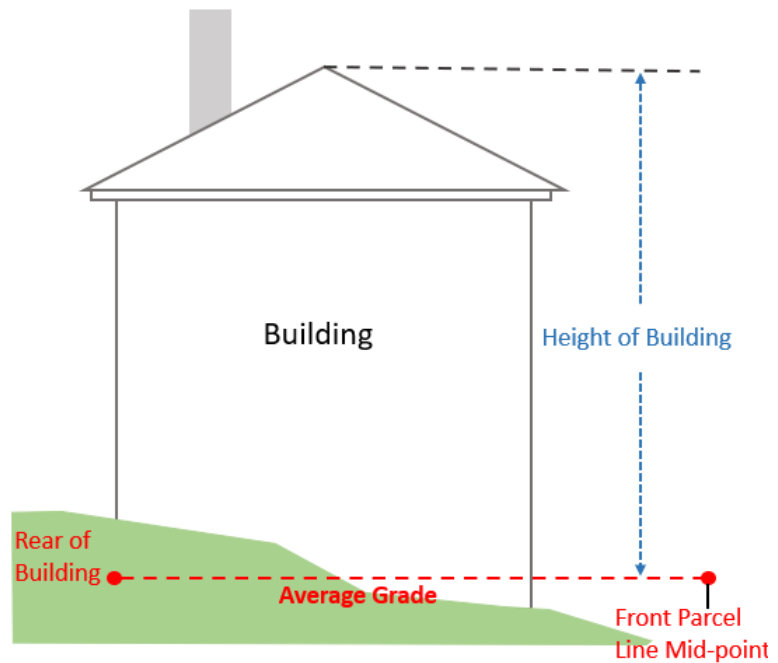
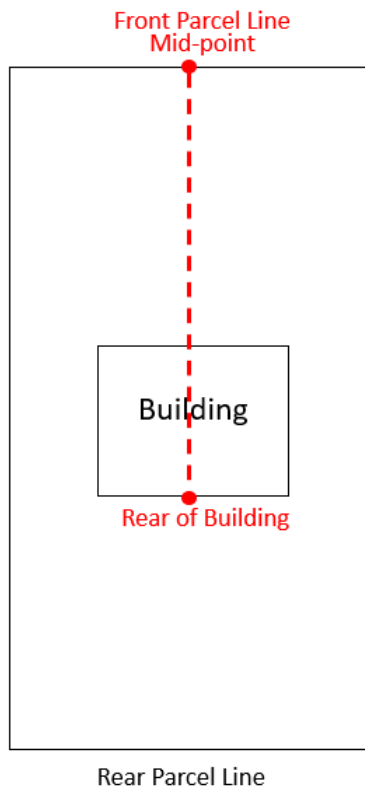
Bed and Breakfast means a *use* where sleeping accommodation, with or without meals, is provided to guests within a principal **Dwelling Unit**, and where the **Dwelling Unit** is occupied by the owner or operator.

boulevard means that portion of a *road* which is public land and is often landscaped or planted to distinguish private lands from the *road*.

buffer means a row of trees, shrubs, earth berm, or *fencing* to provide visual *screening* and separation between *parcels* and districts.

building means anything constructed or placed on, in, over or under land that does not include a *highway* or *road*.

building height means the vertical distance measured from the *average grade* and the highest point of a *building*, excluding a roof, stairway entrance, elevator shaft, ventilating fan, skylight, steeple, chimney, smoke stack, *fire wall* or parapet, flagpole, or similar devices not structurally essential to the *building*.



building permit

means a permit or document issued in writing by a designated Safety Code Officer within the building discipline pursuant to the *Safety Codes Act* authorizing the commencement of a **use**, occupancy, relocation, construction, or demolition of any **building**.

Building Supply Center

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

Bulk Fuel Station

means a **use** for the purpose of storing fuel for the distribution to customers, typically for vehicles with a gross vehicle weight (G.V.W.) greater than 4536 kg. This does not include a **Gas Bar and Service Station**.

business licence

means a document issued by the Town of Oyen which grants the business owner the right to operate the business.

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Campground

means a **use** for the purpose of providing temporary accommodation for the public in **recreational vehicles** or tents. A **campground** is not construed to mean a **use** for the purpose of accommodating long-term or permanent occupancy in **recreational vehicles** or **Manufactured Dwellings**. A **campground** may include facilities such as an administration building and laundry facilities.

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| Cannabis Production Facility | means a use where Cannabis is for grown, produced, tested, destroyed, stored or distributed in a federally approved and licensed facility. This does not include Cannabis Retail Sales . |
| Cannabis Retail Sales | means a use where Cannabis is sold for consumption off the premises and may include the retail sale or rental of merchandise. Cannabis Retail Sales offers cannabis for sale from a federally approved and licenced facility and has been licenced to operate by the Alberta Government. |
| canopy | means a non-retractable solid projection extending from the wall of a building intended to be used as a protection against weather, other than normal architectural features such as lintels, sills, mounding, architraves and pediments, but includes a marquee. |
| cantilever | means a projection from the wall of a building to increase the useable gross floor area . A cantilever does not have external bracing. |
| Car Wash | means a use intended for the washing, cleaning, or polishing of motor vehicles. |
| Care Facility | means a use where a public or private facility provides for the care, supervision or rehabilitation of individuals, or for palliative and end-of-life-care, containing overnight accommodation and operated in accordance with any relevant legislation or regulations of the Province of Alberta. Units within a Care Facility may, at the discretion of the Development Authority , be considered both long-term care units or Dwelling Units as these may be for permanent residences for the occupants. |
| Cemetery | means a use for the internment of the deceased or in which human bodies, pets and/or animals or cremated remains have been buried. It may include facilities such as a columbarium, mausoleum, memorial park and burial grounds. |
| Child Care Centre | means a use where children are supervised and cared for, and may include group day care, family daycare, nursing school, child minding, out of school care, or specialized daycare. This does not include a dayhome . |
| Clinic | means a use where public or private medical, surgical, physiotherapeutic or other professional healing treatment is provided, and includes but is not limited to offices for medical, dentistry, physiotherapy, massage or chiropractic services and Community Health Centres. |
| comprehensively planned | means a development where multiple Dwelling Units are located on a single parcel or a parcel divided by bareland condominium and is serviced by private roads and utilities. |
| condominium | means a condominium plan registered with the Land Titles Office that complies with the requirements of the <i>Condominium Property Act</i> . |
| Confined Feeding Operation | means a use where livestock is confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing and requires registration or approval under the conditions set forth in the <i>Agricultural</i> |

Operations Practices Act through the Natural Resources Conservation Board.

construction management plan

means a plan that considers all relevant aspects of demolition, development and building work and outlines methods for avoidance and mitigation of identified impacts. A ***construction management plan*** typically addresses issues such as public safety, traffic control, operating hours, control of noise and vibration, air quality and dust management, stormwater and sediment control, site contamination, waste disposal and materials re-use or recycling and weed control.

Contractor Services - Major

means a ***use*** for the provision of contractor services in the building trades and services, or ***road*** and ***utility*** construction where materials and equipment may not be stored within a building and includes ***outdoor storage***.

Contractor Services - Minor

means a ***use*** for the provision of contractor services primarily to individual households and the accessory sale of goods normally associated with such contractor services, and where all materials are kept within an enclosed building, and there are no associated primary manufacturing activities. This does not include the ***outdoor storage*** of goods or equipment.

Convenience Store

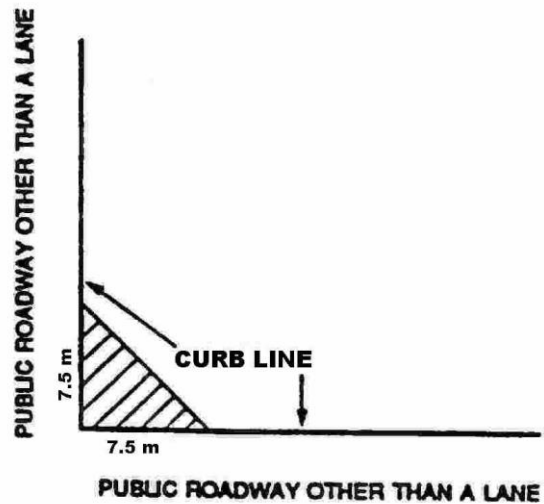
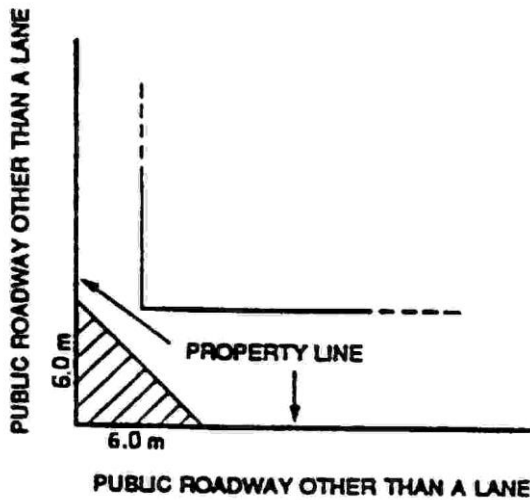
means a ***use*** where a limited range of household goods and groceries are stocked and sold in small neighbourhood retail stores. This does not include **Cannabis Retail Sales**.

corner lot

means a ***lot*** situated at the intersection of two or more ***roads***, or at the intersection of two parts of the same ***road*** which parts have an intersection of not more than 135 degrees.

corner visibility setback

means a triangular area formed on a ***corner lot*** by the two curb lines and a straight line which intersects them 7.5 m (24.6 ft) from the corner where they meet. In the case where there is no curb on one or more ***roads***, 6.0 m from the corner where they meet.



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| Council | means the duly elected Council of the Town of Oyen. |
| Cultural Establishment | means a <i>use</i> which is available to the public for the purpose of assembly, instruction, cultural or community activity and includes such things as a library, museum, art gallery, community centre and similar activities. |

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| day home | means a type of Home Occupation where temporary care, development and supervision is provided within a Dwelling Unit as defined in the <i>Child Care Licensing Act</i> . |
| deck | means a flat, floored concrete or wooden platform, elevated more than 0.6 m above grade and usually adjoining a building . |
| density | means a measure of development intensity expressed as a ratio of the number of Dwelling Units to parcel area . |
| Designated Officer | means a position established by bylaw whereby Council has delegated powers, duties, and/or functions. |
| development | means: <ul style="list-style-type: none"> (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 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 or is likely to result in a change in the land or the building; or (d) a change in the intensity of use of land or building that results in or is likely to result in a change in the intensity of use of the land or building. |

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| Development Authority | means a person or persons appointed as a Development Authority as contemplated by and in accordance with the <i>Act</i> . |
| Development Officer | means a person or persons appointed as a Development Officer as contemplated by and in accordance with the <i>Act</i> . |
| development permit | means a document authorizing a development , issued by the Development Authority pursuant to this Bylaw, and includes the plans and conditions of approval. |
| discretionary use | means the use of land or of a building which is listed as such a use in a Land Use District or a Direct Control District. |
| Drinking Establishment | means a use : <ul style="list-style-type: none"> (a) where the primary function is the servicing of alcoholic beverages for consumption on the premises and is licensed by Alberta Gaming, Liquor and Cannabis. Typical businesses include taverns, pubs, bars and nightclubs; and (b) may include supplementary preparation and sale of food for consumption on the premises. |
| drive through | means a business that is designed to include sales or service to an occupant within a motorized vehicle which may include Eating and Drinking Establishments, Financial Institutions, Car Washes, Gas Bars and Service Stations . |
| Dwelling, Detached | means a use where a building designed for residential use contains one principal Dwelling Unit . |
| Dwelling, Duplex | means a use where a building designed for residential use contains two Dwelling Units , each having a separate entrance from the outside and may be located one above the other or side-by-side. |
| Dwelling, Manufactured | means a use where a transportable, single or multiple section building conforming to CSA standards at the time of construction that contains a Dwelling Unit and when placed on a permanent foundation is ready for residential use and occupancy. A Manufactured Dwelling includes such styles known as modular homes, manufactured homes and Ready to Move (RTM) Homes. |
| Dwelling Unit | means a use where a building or a self-contained portion of a building contains sleeping, cooking and toilet facilities for the residential use of one or more people. |

E [[Click to Return to Definitions Index](#)]

easement means a right to the limited use of land held by another, generally for access to another **parcel** or as a right-of-way for a **utility** and is registered on the **parcel** with the Land Titles Office in accordance with the *Land Titles Act*.

eave means the edges of the roof that overhang past the walls of a **building** that primarily function to protect a **building** from rain and to provide ventilation.

Eating and Drinking Establishment means a **use** where food and beverages are prepared and served and includes supplementary alcoholic beverage service licensed by the Alberta Gaming and Liquor Commission. This includes restaurants, cafes, and cafeterias, and may include a **drive through**.

Educational Institution means a **use** where persons are assembled for educational purposes within **buildings** and **structures**, including classrooms, libraries, offices, recreational facilities and other related facilities, and where dormitory accommodations and common kitchen and dining facilities may also be provided.

environmental evaluation means a study or report prepared by a **qualified professional** that considers relevant environmental impacts and mitigations related to a proposed development, and may include considerations such as:

- (a) fish or wildlife and associated habitat;
- (b) vegetation, soils and terrain;
- (c) groundwater or surface water;
- (d) air quality; and
- (e) cumulative effects.

Equipment Rental Shop means a **use** for the rental of tools, appliances, office machines, light construction equipment or similar items but not the rental of motor vehicles.

Exhibition Grounds means a **use** where land or **buildings** accommodate **temporary** events including seasonal shows, conventions, conferences, seminars, product displays or sale of goods, recreation activities, and entertainment functions. This **use** may include accessory functions including food and beverage preparation and service for on-premise consumption.

existing means existing as of the effective date of this Bylaw.

Extensive Agriculture means a **use** where 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 **Accessory Buildings** and other **structures** incidental to the operation. This does not include a **Confined Feeding Operation**, **residential uses** or a **Cannabis Production Facility**.

F [[Click to Return to Definitions Index](#)]

fence means a vertical physical barrier constructed out of typical **building** material to prevent visual or unauthorized access, or both.

Financial Institution means a **use** where banks, credit unions, trust companies and treasury branches operate within a **building** and may include automated banking machines and/or a **drive through**. This does not include businesses such as a pawn shop.

fire wall means a type of fire separation of non-combustible construction which internally divides a **building** or separates adjoining **buildings** to resist the spread of fire and which has a fire resistance rating.

floor area means the area of a **building** or specified portion of a **building**, measured to the outside surface of the exterior walls, or where **buildings** are separated by **fire walls**, to the centre line of the common **fire walls**, and excludes all mechanical equipment areas and all open areas inside a **building** that do not contain a floor including atriums, elevator shafts, stairwells and similar areas.

Food Processing, Storage, And Sales means a **use** where raw farm products, combined with other consumable ingredients, produce marketable products for consumption that can be easily prepared and served by the consumer, and where raw farm products may be warehoused prior to being sold either directly to consumers or for wholesale, and the selling of raw farm products either directly to consumers or for wholesale.

frontage means a **property line** of a **parcel** which **abuts** a **highway** or **road**.

Funeral Home means a **use** where funerals are arranged and held, where the deceased are prepared for burial or cremation, and where not more than one cremation chamber is provided.

G [[Click to Return to Definitions Index](#)]

Gas Bar and Service Station means a **use** where fuel, lubricating oils and minor accessories for motor vehicles are sold and may include a portion of the premises for the servicing and minor repairing of motor vehicles.

grade means the geodetic elevation of the existing ground in an undisturbed natural state or an approved design grade as described in a grading plan.

Gravel and Sand Excavation and Storage means a **use** where aggregate materials are excavated and/or stockpiled.

Grain Elevator and Seed Cleaning means a **use** where grain is stored and stockpiled in towers, and includes the cleaning of seeds to remove any debris or unwanted seeds.

Greenhouse means a **use** which is devoted to the commercial cultivation of vegetables, flowers or other plants within a **building**, and where such vegetables or plants may be sold wholesale or directly to the consumer.

gross floor area means the sum of the areas of all above **grade** floors of a **building** measured to the outside surface of the exterior walls, or where **buildings** are separated by **fire walls**, to the centre line of the common **fire walls**, and includes all mechanical equipment areas and all open areas inside a **building** that do not contain a floor including atriums, elevator shafts, stairwells and similar areas. For greater clarity, a walk-out **basement** is not included in the calculation of **gross floor area**, but **Dwelling units** in the **basement** of an **Apartment** shall be included in the calculation of **gross floor area**.

H [[Click to Return to Definitions Index](#)]

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| Heavy Equipment Sales and Service | means a use where farm and heavy industrial equipment is sold, rented and serviced. |
| highway | means a road designated and classified as a provincial highway by the Province of Alberta. |
| Home Occupation | means an occupation, trade, profession, or craft operated by an occupant of a Dwelling Unit as an accessory use to the principal residential use of the building pursuant to this Bylaw, and does not negatively impact the general residential nature of the neighbourhood. |
| Hospital | means a use where in-patient and out-patient health care is provided to the public. |
| Hotel/Motel | means a use where temporary or short-term sleeping accommodations are provided in rooms or suites, which may contain kitchen facilities. This definition includes hotels, motels, hostels and similar overnight accommodations. This may include additional facilities or services such as Eating and Drinking Establishments , meeting or banquet rooms, Personal Service Establishments , a manager’s suite and convention facilities. |
| I | [Click to Return to Definitions Index] |
| J | [Click to Return to Definitions Index] |
| K | [Click to Return to Definitions Index] |
| Kennel | means a use where dogs or cats or other domestic pets may be maintained, boarded, bred or trained and may include the incidental sale of products related to the services provided, but does not include a Veterinary Clinic . |
| L | [Click to Return to Definitions Index] |
| landing | means a platform that primarily functions as an entrance into a building . Landings are a separate building element to balconies , decks and patios as they are not intended to provide or function as an amenity area . |
| landscaped area | means that portion of a parcel which is required to be landscaped pursuant to district regulations or conditions of approval of a development permit . |
| landscaping | means the modification and enhancement of a parcel or a portion of a parcel through the use of any combination of trees, bushes, shrubs, plants, flowers, lawns, bark mulch or other ground cover, and hard landscaping materials such as brick, stone, concrete tile or wood, but excludes all areas used for a parking area or driveway. |
| lane | means a public thoroughfare usually less than 10.0 m wide typically providing secondary access to one or more parcels . For the purpose of this Bylaw, a lane is not a road . |
| Laundry Facility | means a use where clothes and other fabric goods are cleaned or pressed. This includes businesses such as a laundromat and dry cleaners. |

Liquor Store means a *use* where alcoholic beverages are sold for off-site consumption from a retail store licensed by the Alberta Gaming and Liquor Commission.

loading stall means a space for parking a vehicle while it is being loaded or unloaded.

lot means a *lot* as defined in the Act.

M [[Click to Return to Definitions Index](#)]

Manufactured Dwelling Park means a *use* where a *parcel* of land under one Title is *comprehensively planned* for the placement of **Manufactured Dwellings** for permanent *residential use*. A **Manufactured Dwelling Park** may also include **Accessory Buildings** and *accessory uses* such as maintenance buildings, *amenity areas* and common facilities.

Manufacturing - Heavy means a *use* where goods or products are fabricated, processed, assembled, or packaged for distribution, where all or part of the processes associated with the *use* are located outside of a *building*, and which may generate a nuisance beyond the boundary of the *parcel*. **Heavy Manufacturing** does not include a **Cannabis Production Facility**.

Manufacturing - Light means a *use* where goods or products are fabricated, processed, assembled, or packaged for distribution, where all of the processes associated with the *use* are located inside of a *building*, and which does not generate any nuisance beyond the boundary of the *parcel*. **Light Manufacturing** does not include a **Cannabis Production Facility**.

Municipal Planning Commission (MPC) means the **Municipal Planning Commission** established by Bylaw pursuant to the Act.

Municipality means the Town of Oyen.

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non-conforming building means a *building* that is lawfully constructed or lawfully under construction at the date a Land Use Bylaw affecting the *building* or the land on which the *building* is situated becomes effective and that on the date the Land Use Bylaw becomes effective does not, or when fully constructed will not, comply with the Land Use 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 a Land Use Bylaw affecting the land or *building* becomes effective and that on the date the Land Use Bylaw becomes effective does not, or in the case of a *building* under construction will not, comply with the Land Use Bylaw.

O [[Click to Return to Definitions Index](#)]

Office means a *use* for the provision of professional, management, administrative, and consulting services. This does not include a **Clinic**.

outdoor storage means the storing, stockpiling, or accumulation of goods, equipment or materials in an area that is open or exposed to the natural elements, and includes vehicles, *recreational vehicles* and boats, waste materials, debris or garbage.

P

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|-----------------------------------|---|
| parcel | means the aggregate of the one or more lots described in a Certificate of Title or described in a Certificate of Title by reference to a plan file or registered in a Land Titles Office. |
| parcel area | means the total area of land within the parcel . |
| parcel coverage | means the percentage of the parcel area covered by the area of all buildings including Accessory Buildings , and excludes balconies, bay windows, canopies, shade projections , cornices, eaves and gutters, roof overhangs, fire escapes, sills, stairways and landings, patios and decks or similar projections. |
| parcel line, exterior side | means a property line , other than the front parcel line , which abuts a road . |
| parcel line, front | means the shortest property line that abuts a road , unless otherwise determined by the Development Authority in accordance with this Bylaw. |
| parcel line, interior side | means a property line other than a front parcel line or rear parcel line , which abuts another parcel or a lane . |
| parcel line, rear | means the property line which is opposite to and is not connected to the front parcel line , excepting in the case for a reverse corner lot where the rear parcel line is opposite to the exterior side parcel line . |
| parcel width | means the average horizontal distance between two side parcel lines . |
| Park | means a use where land is designated or reserved for active or passive recreation, or to be left in a natural state, and/or areas of cultural or scenic value. This may include facilities such as playgrounds, picnic grounds, pathways and trails, landscaped buffers , gardens and fields. |
| parking area | means an open area of land, above or underground, other than a road , used for the parking of vehicles and shall include parking stalls , vehicle entrances and exits, and maneuvering aisles. |
| Parking Lot | means a use where the primary purpose of the land is for the parking of motor vehicles at grade, or in a parking structure which may be above or below grade. |
| parking, off-street | means a parking area located on the same parcel as the building, structure, or use . |
| parking stall | means a space within a building or parking area , for the parking of one vehicle, excluding driveways, aisles, and ramps. |
| parking stall, visitor | means a parking stall intended only for the use of visitors to Dwelling Units . |
| patio | means a platform, the height of which may be up to but does not exceed 0.6 m from grade , that may or may not be attached to a building . |
| Peace Officer | means a position authorized by the Alberta Government, or by Council for the purpose of enforcing various laws to provide safe and secure communities. |

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| permitted use | means the use of land or a building which is listed as such use in a Land Use District or Direct Control District. |
| Personal Service Establishment | means a use where personal services are provided to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects. This includes but is not limited to such businesses as barber shops, hair and/or beauty salons, and tailors. |
| Pet Care Services | means a use where domestic pets are cleaned, groomed and cared for, where no boarding or kenneling of any animals occurs, and may include the incidental sale of products related to the services provided. This does not include a Kennel or Veterinary Clinic . |
| principal | means the main purpose for which a building or parcel is used. |
| Print Shop | means a use where retail photocopying and/or commercial printing service, or industrial printing and publishing services, are provided. |
| property line | means the legal boundary of a parcel or lot . |
| Public Building | means a use where facilities or buildings that are owned or operated by, or for, the Municipality, the Provincial Government, the Federal Government or a corporation under federal or provincial statute, for the purpose of furnishing services or commodities to, or for the use of, the inhabitants of the municipality. |

Q [[Click to Return to Definitions Index](#)]

qualified professional means individuals with experience and training in a particular discipline with a recognized degree, certification, license or registration.

R [[Click to Return to Definitions Index](#)]

Railway means a **use** where trains run along a track made of steel rails. This includes the tracks, spur lines, trains, buildings, stations, **shipping containers** and equipment required to operate the railway.

recreational vehicle means a portable structure designed and built to be carried on a vehicle, or a unit designed and built to be transported on its own wheels, to provide temporary living accommodation for travel and recreational purpose and includes, but is not limited to, such vehicles as a motor home, camper, holiday (travel) trailer and a tent trailer, but does not include a **Manufactured Dwelling**.

Recycling Depot means a **use** where recyclable materials are collected, sorted and transferred off-site for processing or manufacturing.

Regulation means the *Matters Related to Subdivision and Development Regulation AR84/2022*, as amended, and any parallel or successor legislation.

renewable energy system means a system that produces electrical power or heat to be used for on-site consumption or heating requirements by means such as, but not limited to, active and passive solar collectors, geothermal energy or heat exchange systems. A **renewable energy system** may provide residual power to the grid but is not intended to produce power primarily for resale.

Residential Storage means the *use* of a *parcel* for the purpose of storage for an *adjacent residential development*, and includes *structures* and *buildings* such as sheds and garages. For the purposes of this Bylaw, **Residential Storage** is a *principal use* of a *parcel*.

residential use means the *use* of a *parcel* for the purpose of a residence by a person or persons and does not include *use* of the property for commercial purposes. A *residential use* is one where the occupants have exclusive *use* for an indefinite amount of time except in accordance with a tenancy agreement under the *Residential Tenancies Act* or the *Mobile Homes Site Tenancies Act*.

Retail Store means a *use* where the primary function is for the sale of finished products or goods to customers, and also includes rental services. This does not include a **Building Supply Centre**, **Cannabis Retail Sales**, a **Convenience Store**, a **Liquor Store** or **Wholesale Outlet**.

reverse corner lot means a residential *corner lot* where the front façade of the **Dwelling Unit** is oriented towards the longest *property line* which *abuts* a *road* which is considered the *front parcel line*. The *exterior side parcel line* of a *reversed corner lot* is the shorter *property line* which *abuts* a *road*.

road means any public road, including the *boulevards*, sidewalks and improvements, but excluding a *lane*, *highway* or private road.

S [[Click to Return to Definitions Index](#)]

screening means a *fence*, earth berm, or hedge used to visually separate between *parcels*, districts or *uses*.

Self-Storage Facility means a *use*:

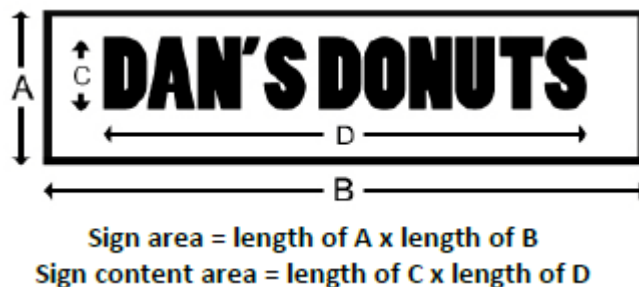
- (a) where goods are stored in a *building*;
- (b) where the building is made up of separate compartments and each compartment has separate access;
- (c) that may be available to the general public for the storage of personal items;
- (d) that may include the administrative functions associated with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

setback means the minimum distance as required by the district between a *building*, *structure*, or *use*, or from each of the respective *property lines*, or from a natural boundary or other reference line.

shade projection means a *structure* that is attached to and projects from a *building* with the intent of providing shade or cover, and may include a *canopy*, awning, shade louvre, or pergola.

- shipping container** means a large metal container with suitable strength for the shipping, storage and handling of goods. **Shipping containers** are also commonly known as sea cans or intermodal containers.
- Short-Term Rental** means a *use* where a **Dwelling Unit** is operated as a temporary place to stay and includes vacation rentals of a **Dwelling Unit**. The characteristics of a **Short-Term Rental** may include, but is not limited to: the intent of the occupant to stay for short-term purposes rather than as a residence; the management and advertising of the property as a short-term accommodation property; and/or the use of a system for reservations, deposits, confirmations, credit cards or other forms of electronic payment.
- Sign** means any device or fixture intended to convey information or to advertise or attract attention to any person, business, matter, message, object or event.
- sign area** means the entire area of a **Sign** on which *sign content* is intended to be placed. In the case where a **Sign** has *sign content* on more than one side of the **Sign**, *sign area* means the average total area of all sides of the **Sign**. See Sign Figure 3: Sign Area and Sign Content Area.
- sign content** means the wording/lettering, message, graphics or content displayed on a **Sign**.
- sign content area** means a rectangular area formed by the extreme limits of the *sign content*, including graphics related to the specific nature of the *sign content*. See Figure 3: Sign Area and Sign Content Area.

Figure 3: Sign Area and Sign Content Area



- sign height** means the vertical distance measured from the highest point of the **Sign** or **Sign structure** to *grade*.
- sign type** means the type of structure of a **Sign** (e.g. freestanding, portable) used to convey the *sign content*.
- slope stability** means the stability of a slope, which is a function of the steepness, soil material, moisture content, ground water condition, slope geometry and vegetation cover.
- Storage Yard** means a *use*:
- (a) where goods, motor vehicles or equipment are stored when they are not being used and may include long term storage where a fee

- is paid;
- (b) where the vehicles and equipment stored may also be serviced, cleaned or repaired;
- (c) that may involve the storage of construction 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**.

storey means the space between the top of any floor and the top of the next floor above it, and if there is no floor above it, the portion between the top of the floor and the ceiling above it.

storey, first means the **storey** with its floor closest to **grade** and having its ceiling more than 1.8 m above **grade**.

structure means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, but does not include a **fence** or a **Sign**.

subdivision means the division of a **parcel** by an instrument and the word “subdivide” has corresponding meaning.

Subdivision Authority means a person or body appointed as a **Subdivision Authority** in accordance with the *Act*.

T [[Click to Return to Definitions Index](#)]

Telecommunication Structure means a device that requires a permit from the Federal Government and is used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other communications energy transmitted from, or to be received by, other antennas. **Telecommunication Structures** include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. A **Telecommunication Structure** may be freestanding or mounted on an existing **building** or **structure**.

temporary means a limited period of time as decided by the **Development Authority**.

Truck and Freight Terminal means a **use** where goods/freight are received, transferred, stored short-term, and dispatched for transport by truck.

U [[Click to Return to Definitions Index](#)]

use means a **permitted use** or **discretionary use**.

Utility means a **use** where a system or works are provided for treatment, storage or distribution of one or more of the following:

- (a) waterworks;
- (b) sewage disposal;
- (c) public transportation;

- (d) irrigation;
- (e) drainage;
- (f) fuel;
- (g) electric power;
- (h) heat;
- (i) waste management (excluding a **Waste Transfer Station**); and
- (j) communications (excluding a **Telecommunication Structure**).

V [[Click to Return to Definitions Index](#)]

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| vehicle, derelict | means any vehicle no longer in road worthy condition, in a state of disrepair, wrecked or being dismantled but does not include vehicles stored in buildings , commercial or farm vehicles or vehicles used for commercial or industrial purposes on land designated for commercial or industrial use in this Bylaw. |
| Veterinary Clinic | means a use for the medical treatment of animals and includes provision for their overnight accommodation within the building only, and may include associated office space. This does not include Pet Care Services or Kennels . |

W [[Click to Return to Definitions Index](#)]

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| Warehousing and Distribution | means a use where goods are stored inside a building and transferred to and from other locations. Warehousing and Distribution does not include any manufacturing, display or sales of the goods, but may include associated administrative functions. |
| Waste Transfer Station | means a use where solid waste materials are received from collection vehicles and consolidated into larger vehicles for transport to the landfill. |
| Wholesale Outlet | means a use where goods are sold for retail in larger quantities to other retailers or direct to consumers. |
| Work Camp | means a use where temporary living accommodation for employees involved in the construction of a commercial or industrial development is provided in a camp. This may include accommodation in the form of mobile homes, trailers, tent trailers or tents. |
| Worship Facility | means a use for the purpose of spiritual worship. Examples may be, but are not limited to, churches, temples, mosques and synagogues. |

X [[Click to Return to Definitions Index](#)]

Y [[Click to Return to Definitions Index](#)]

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| yard | means any open space on a parcel , unoccupied and unobstructed and is the distance between the property line to the foundation of the principal building or the exterior finishing materials of an Accessory Building . |
| yard, exterior side | means the area of a parcel extending from the front foundation of the principal building to the rear foundation of the principal building and |

between the side foundation of the **principal building** to the **exterior side parcel line**.

yard, front

means the area of a **parcel** extending across the full width of the parcel between the **front parcel line** and the front foundation of the **principal building**.

yard, interior side

means the area of a **parcel** extending from the front foundation of the **principal building** to the rear foundation of the **principal building** and between the side foundation of the **principal building** to the **interior side parcel line**.

yard, rear

means the area of a **parcel** extending across the full width of the parcel between the **rear parcel line** and the rear foundation of the **principal building**

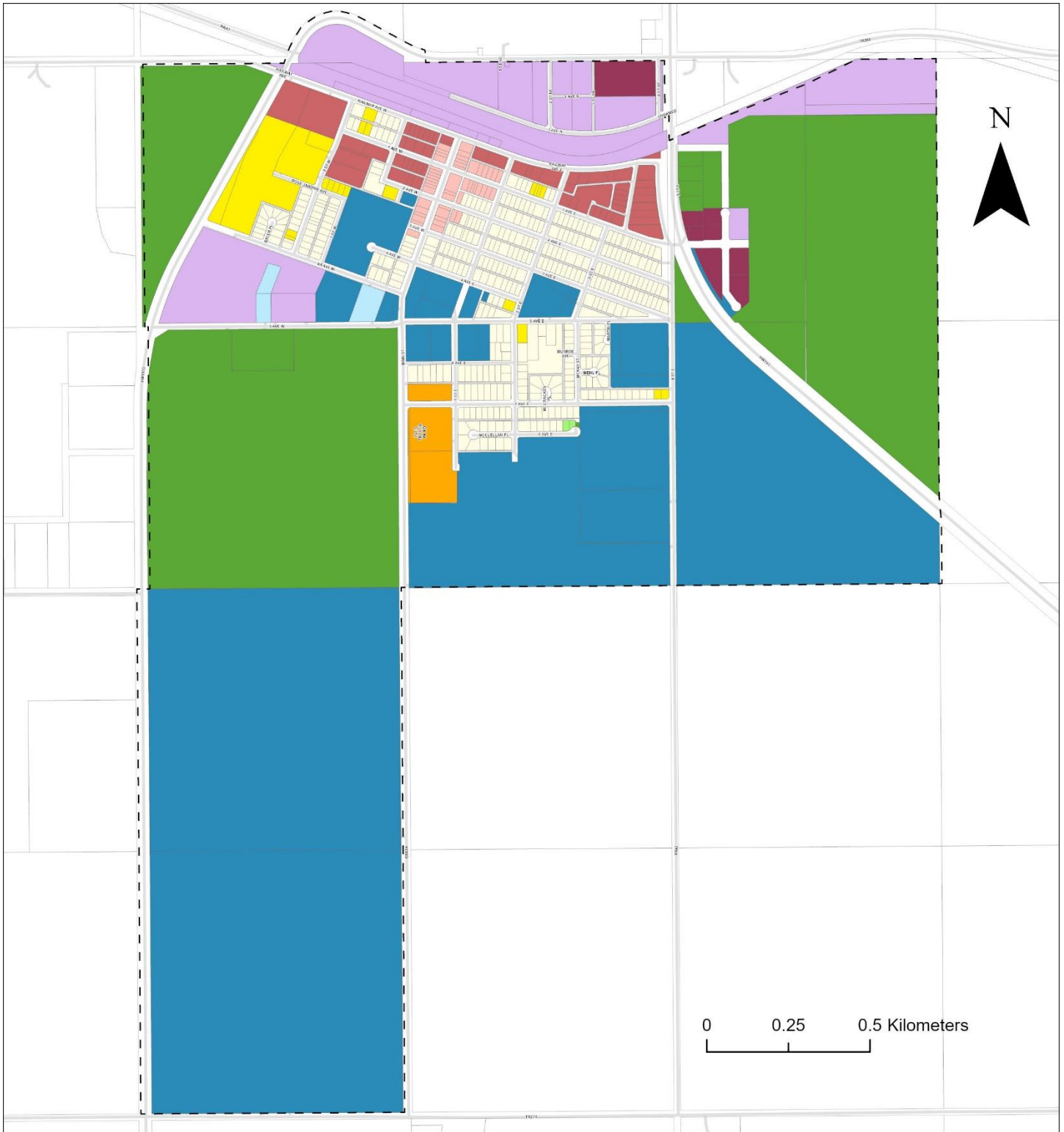
Z

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24.1.2 All other words and phrases mean the same as they do in the *Act*.

Part G – Land Use Districts Map

25 LAND USE DISTRICTS MAP



- C-1 - Central Commercial District
 - C-2 - Commercial Transitional District
 - CS - Community Service District
 - DC - Direct Control
 - HWY-C - Highway Commercial District
 - I - Industrial District
 - MD - Manufactured Dwelling District
 - RA - Residential Acreage
 - R-1 - Detached Residential District
 - R-2 - General Residential District
 - UR - Urban Reserve District
- Legal Parcels
 - Town Boundary
 - Roads

Land Use District Draft Map

Bylaw 929-25 1st Reading
January 14th 2025

