

# TOWN OF ONOWAY



## Land Use Bylaw No. 712-13

Consolidation to December 5, 2014



## **PART 1 - GENERAL**

### **1.1 TITLE**

This Bylaw may be referred to as “The Town of Onoway Land Use Bylaw.”

### **1.2 SCOPE**

No subdivision or development shall hereafter be carried out within the boundaries of the municipality except in conformity with the provisions of this Bylaw.

### **1.3 PURPOSE**

The purpose of this Bylaw is to regulate the use and development of land and buildings within The Town of Onoway and to achieve the orderly and economic development of land, and further to:

- a) divide the municipality into districts;
- b) prescribe and regulate the use(s) for each district;
- c) establish a method of making decisions on applications for development permits including the issuing of development permits;
- d) provide the manner in which notice of the issuance of a development permit is to be given;
- e) establish a method of making decisions on applications for subdivision approval in accordance with the provisions of the Municipal Government Act and its regulations;
- f) implement the statutory plans of The Town of Onoway;
- g) establish the Development Authority and the office of the Development Officer for The Town of Onoway.

#### **1.4 PREVIOUS BYLAW**

No provisions of any other Bylaws with respect to districting, development control, and land use classifications shall hereafter apply to any part of the Town described in this Bylaw.

#### **1.5 METRIC AND IMPERIAL MEASUREMENTS**

Whenever dimensions are present or calculations are required, the metric dimensions, values or results shall be used. The imperial equivalents provided in parenthesis after each reference to metric units of measurements are approximate and intended for information only.

#### **1.6 RELATIONSHIP TO THE MUNICIPAL GOVERNMENT ACT**

1. This Bylaw is enacted under the Municipal Government Act, as amended. This Bylaw is intended to be read in conjunction with the Municipal Government Act, with amendments to the time of the reading. Reference should be made to the Act and its regulations with respect to definitions of terms, administrative matters, and the powers of agencies and officers referred to in this Bylaw, if these are not set out in this Bylaw.
2. The Municipal Government Act references contained in certain sections of the Bylaw are not enacted as part of this Bylaw and may be revised, as required, by the Development Officer without the adoption by Council of an amending Bylaw.

#### **1.7 EFFECTIVE DATE**

The effective date of this Bylaw shall be the date of the third reading thereof.

## 1.8 OTHER LEGISLATIVE AND BYLAW REQUIREMENTS

Nothing in this Bylaw affects the duty or obligation of a person to obtain a development permit as required in this Bylaw, or to obtain any other permit, license, or other authorization required by any Bylaw, or Act or any regulation pursuant to those Acts.

## 1.9 DEFINITIONS OR MEANINGS

In this Bylaw:

**“ACCESSORY BUILDING”** - means a building which is separate from the principal building on the parcel where both are located and which the Development Officer decides is incidental to that of the principal building, and includes garages, and guest houses.

**“ACCESSORY USE”** - means a use of a building or land which the Development Officer decides is incidental and subordinate to the principal use of the parcel on which it is located;

**“ACT”** - means MUNICIPAL GOVERNMENT ACT R.S.A. 2000, Chapter M-26, as amended, and the regulations pursuant thereto;

**“ADULT SERVICE OR ENTERTAINMENT ESTABLISHMENT”** - means an establishment where any exhibition, display, dance, or service, or the sale or rental of products that involve the presentation or exposure to view of any portion of the female breast below the top of the areola, male genitals, female genitals, or the pubic hair, anus, or cleft of the buttocks of any person, or male genitals in a discernibly turgid state even if completely and opaquely covered;

**“AND”** - means both, does not mean and/or;

**“AMENITY AREA”** - means an area which shall be provided subject to the regulations of this Bylaw and which must be developed for the active or passive recreation and enjoyment of the occupants of a residential development. Such area may be for either private or communal use and may be under either individual or common ownership;

**“AMENITY AREA - PRIVATE OUTDOOR”** - means an amenity area which shall be provided subject to regulations in this Bylaw but which must be developed for the active or passive recreation and enjoyment of the residents of a specific dwelling unit and which is immediately adjacent to and directly accessible from the dwelling unit it is intended to serve;

**“AMUSEMENT GAME MACHINE”** – means coin operated machine or device which, whether mechanical, electrical or electronic, shall be ready for play by the insertion of a coin or token and may be used by the public for playing any game of skill, chance or mixed skill and chance, which is used to afford entertainment or amusement to the operator and without limiting the generality of the foregoing, shall include devices such as pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities;

**“AMUSEMENT ARCADE”** – means any building or place or part thereof containing a group of more than two amusement game machines;

**“APARTMENT”** – means a building designed and built to contain three or more dwelling units with shared services from the street, shared facilities, and shared outside entrances;

**“AUTOMOMOBILE SERVICE CENTRE”** – means a development or portion of a large retail establishment used exclusively for the repair and maintenance of passenger vehicles and other single-axle vehicles and excludes the sale or other distribution of petroleum products such as gasoline, propane, diesel and other fuels;

**“AREA OF COPY”** - means the entire area within a single common continuous perimeter enclosing the extreme limits of the advertising message, announcement or decoration on the sign, and shall be for the purpose of area calculation square or rectangular in shape;

**“AREA REDEVELOPMENT PLAN”** - means a plan accepted or adopted by Council as an area redevelopment plan pursuant to Section 634 of the Municipal Government Act;

**“AREA STRUCTURE PLAN”** - means a plan accepted or adopted by Council as an area structure plan pursuant to Section 633 of the Municipal Government Act;

**“BED AND BREAKFAST OPERATION”** - means a minor and ancillary/subordinate commercial use of a residence where accommodation is provided for periods of fourteen (14) days or less in three or fewer guest rooms;

**“BI-LEVEL”** – means a dwelling that has the main living area on one storey, but raised to such a level that the upper face of the floor is not greater than 1.8 m above grade, and not a two-storey dwelling;

**“BILLBOARD SIGN”** – see SIGN, BILLBOARD;

**“BOARDER OR LODGER”** – means an individual residing in a dwelling unit along with another individual or other individuals, who is (are) the principal occupant(s) of the dwelling unit and to whom the boarder or lodger is not related by blood or marriage, where accommodation and meals are provided for compensation to the principal occupant(s) pursuant to an agreement or arrangement;

**“BOARDING OR LODGING HOME”** – means a building (other than a hotel or motel) containing not more than fifteen sleeping rooms where meals or lodging for four or more persons are provided for compensation pursuant to previous arrangements or agreement;

**“BODY RUB CENTRE”** - means a Personal Service Shop development where services are provided that involve the physical external manipulation of the soft tissues of the human body that are performed, offered or solicited for a fee in a manner that appeals to or is designed to appeal to erotic or sexual appetites or inclinations. This includes but is not limited to a body rub advertised by any means as “sensual”, “sexy or by any other word or any depiction having like meaning or implication;

**“BUILDING”** - includes any structure, erection, stockpile, sign or fixture that may be built or placed on land;

**“BUILDING HEIGHT”** - means the vertical distance between grade and the highest point of a building; excluding an elevator housing, a mechanical housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, a parapet wall, a flagpole or similar device not structurally essential to the building;

**“CANOPY”** - means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;

**“CANOPY SIGN”** - see SIGN, CANOPY;

**“CARPORT”** - means a roofed structure used for storing or parking of not more than two private vehicles which has not less than 40% of its total perimeter open and unobstructed;

**“CAR WASH”** – means a building used for the purpose of washing motor vehicles;

**“CHATTEL”** - means a moveable item of personal property;

**“CLUSTER HOUSING”** – means a group of dwellings, either detached or attached, located on a single parcel with shared yard and parking provisions;

**“CONVENIENCE RETAIL STORE”** – means a development used for the retail sale of goods required by the neighbourhood residents or employees or the travelling public on a day-to-day basis;

**“CORNER”** - means the intersection of any two property lines of a parcel;

**“CORNER PARCEL”** - see PARCEL, CORNER;

**“COUNCIL”** - means the Council of The Town of Onoway;

**“CURB CUT”** - means the lowering of a curb, sidewalk or boulevard to provide vehicular access to a parcel;

**“DAY CARE FACILITY”** - means a facility and program for the provision of care, maintenance and supervision for four or more children under the age of fifteen years, by a person other than one related by blood or marriage, for periods of more than three (3) but less than twenty-four (24) consecutive hours, other than institutions operated by or under the authority of the Director of Child Welfare;

**“DECK”** - means a hard surfaced (usually wooden) area usually adjoining a dwelling unit; no more than 0.6 m (1.97 ft.) high above grade, for outdoor living;

**“DENSITY”** - means a quantitative measure of the average number of persons, families or dwelling units per unit of area;

**“DESIGNATED OFFICER”** - means a person authorized to exercise development authority powers on behalf of the municipality pursuant to the provision of the Municipal Government Act and this Bylaw;

**“DEVELOPABLE AREA”** - means an area of land suitable for a building site and containing adequate surface elevation to preclude marshland, wetland, or high water table conditions;

**“DEVELOPER”** - means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;

**“DEVELOPMENT”** - means development as defined in the Act, and includes the following:



- (i) the carrying out of any construction or excavation, or other operations, in, on, over or under land, or the making of any change in the use or the intensity of use of any land, buildings or premises, and, without restricting the generality of the foregoing, includes the removal of topsoil. For the purposes of this Bylaw, development also means the demolition of a building,
- (ii) in a building or on a parcel used for dwelling purposes, any increase in the number of dwelling units in the building or on the parcel, and any alteration or additions which provide for an increase in the number of dwelling units within the building or on the parcel,
- (iii) the placing of refuse or waste material on any land,
- (iv) the resumption of the use for which land or buildings had previously been utilized,
- (v) the use of the land for the storage or repair of motor vehicles or other machinery or equipment,
- (vi) the continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect,
- (vii) the more frequent or intensive use of land for the parking of trailers, bunkhouses, portable dwellings, skid shacks or any other type of portable building whatsoever whether or not the same has been placed or affixed to the land in any way,
- (viii) the erection of signs,
- (ix) the recommencement of any use to which the land or buildings had been, previously put, if that use had been discontinued for a period of more than six months, and
- (x) removal of top soil, trees and earth and gravel extraction from the land,
- (xi) the installation of any type of sewage disposal system including, but not limited to, holding tanks and outside privies,
- (xii) the digging of a well or installation of a water cistern;

**“DEVELOPMENT AUTHORITY”** - means a Development Authority established pursuant to Section 624 of the Municipal Government Act and may include one or more of the following: a Development Officer, Municipal Planning Commission,

Council, or any other person or organization that has been authorized by Bylaw to exercise development powers on behalf of the municipality;

**“DEVELOPMENT OFFICER”** - means the official or officials of the Municipality with the responsibility of receiving, considering and deciding on applications for development under this Land Use Bylaw;

**“DEVELOPMENT PERMIT”** - means a certificate or document permitting a specified development and includes, where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents. This permit is separate and distinct from a building permit;

**“DISCONTINUED”** - means the time at which, in the opinion of the Development Officer, substantial construction activity or a non-conforming use or conforming use has ceased;

**“DISCRETIONARY USE”** - means a use of land or buildings provided for in the District Regulations of this Bylaw, for which a development permit may be issued with or without conditions;

**“DOUBLE FRONTING PARCEL”** - means a corner parcel which is not a flanking parcel, but also includes a parcel which abuts two public streets (except alleys as defined in the Highway Traffic Act), which are parallel or nearly parallel where abutting the parcel;

**“DRIVE-IN BUSINESS”** - means an establishment which services customers traveling in motor vehicles driven onto the parcel where such business is carried on, where normally the customer either remains in the vehicle for service, or parks his vehicle for a short period for the purpose of doing business at the premises, and includes service stations;

**“DUPLEX”** – means a dwelling containing two dwelling units and either sharing one common wall in the case of side-by-side units, or having the dwelling area of one located above the dwelling area of the other in the case of vertical units, each with a private entry;

**“DWELLING”** - means any building used principally for human habitation and which is supported on a permanent foundation extending below ground level, and includes single detached dwellings, but does not include temporary living accommodations;

**“DWELLING UNIT”** - means a self-contained living premise with cooking, eating, living, sleeping and/or sanitary facilities for domestic use of one or more individuals;

**“EASEMENT”** - means a right to use land, generally for access to other property or as a right-of-way for a public utility;

**“EXCAVATION”** - means any breaking of ground, except common household gardening and ground care;

**“EXTENSIVE AGRICULTURE”** - means a system of tillage which depends upon large areas of land for the raising of crops. Extensive agricultural uses include buildings and other structures incidental to farming;

**“EXTENSIVE LIVESTOCK OPERATION”** - means a farming operation involving the rearing of livestock either in conjunction with or separate from an extensive agricultural operation, where the density of animals on the subject lot is less than is required to be classified by Alberta Agriculture and Rural Development as an intensive livestock operation;

**“FAMILY CARE FACILITIES”** - means a facility which provides resident service in a private residence to six or fewer individuals who are not related to the resident household. These individuals shall be handicapped, aged, disabled, or in need of supervision, on a temporary or long term basis, in accordance with their individual needs. This use includes the following, and such similar uses as, foster or boarding homes for children, day care centres, group homes, and family homes;

**“FASCIA SIGN”** - see SIGN, FASCIA;

**“FENCE”** - means a vertical physical barrier constructed to prevent visual intrusion, sound abatement or unauthorized access;

**“FLANKING PARCEL”** - means a corner parcel on which a side boundary is abutting onto a street and where all other parcels which are within 9.1 m (30.0 ft.) of the parcel have no front boundary on the same street;

**“FLOOR AREA”** - means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the glass-line of exterior walls and the centre-line of fire walls but not including the floor areas of basements, attached garages, sheds, open porches or breezeways;

**"FOUNDATION"** - means the lower portion of a building, usually concrete or masonry, and includes the footings which transfer the weight of and loads on a building to the ground;

**"FOURPLEX"** - means a dwelling containing four dwelling units contained within one building structure and each unit having its own bathroom, cooking facilities and service connections to the street;

**"FREESTANDING SIGN"** - see SIGN, FREESTANDING;

**"FRONT YARD"** - see YARD, FRONT;

**"FRONT YARD SETBACK"** - see YARD SETBACK, FRONT;

**"FRONTAGE"** - means the length of a street boundary measured along the front lot line;

**"GARAGE"** - means an accessory building or part of the principal building, designed and used primarily for the storage of motor vehicles;

**"GAS BAR"** - means an establishment used for the sale of gasoline, propane or other fuels, the sale of lubricating oils and other automotive fluids or motor vehicle accessories, but does not include service stations or automotive repair establishments;

**"GRADE"** - means the ground elevation established for the purpose of regulating the number of storeys and the height of a building. The building grade shall be the level adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be determined by averaging the elevation of the ground for each face of the building;

**"GROSS FLOOR AREA"** - means the total area of all floors used for human occupancy within all buildings, including accessory buildings, located on any parcel;

**"GROSS LEASABLE AREA"** - means the total floor area of the building contained within the outside surface of the exterior and basement wall, but excludes mechanical and utility rooms, public washrooms, and stairwells;

**"GROUP CARE FACILITY"** - means a facility which provides resident services to seven or more individuals of whom one or more are unrelated. These individuals may be aged, disabled or are undergoing rehabilitation, and are provided services to meet their needs. This use includes supervised facilities such as group homes (all ages), halfway houses, resident schools, resident facilities and foster or

boarding homes, and psychiatric care facilities. These facilities are not intended to include major institutional care facilities such as hospitals;

**“GUEST HOUSE”** - means an accessory building, used for seasonal or part time which may contain sleeping facilities or additional facilities, and may be in addition, but is secondary to the principal dwelling. The guest house may not be rented for accommodation;

**“HABITABLE ROOM”** - means a room or enclosed space used or usable for human occupancy, including but not limited to kitchens, bedrooms, living rooms, family rooms and dens, excluding NON-HABITABLE ROOMS which include bathrooms, laundries, pantries, foyers, hallways, entry ways, storage areas and rooms in basements and cellars used only for recreational purposes or any space in a dwelling providing a service function and not intended primarily for human occupancy;

**“HALF STOREY”** - see STOREY, HALF;

**“HOME DAY CARE”** - means when a dwelling unit is used to provide a facility and/or program for the care, maintenance and supervision of six or fewer children under the age of 15 years, by a person who resides in the dwelling unit and who is either related or unrelated to the children involved, for periods of more than three but less than twenty four (24) consecutive hours, other than institutions operated by or under the authority of the Alberta Child and Family Services Authority;

**“HOME OCCUPATION”** - means an occupation carried on within a dwelling unit or manufactured home and which is not visible or noticeable in any manner from outside the dwelling. Such occupation is an accessory use and is secondary to the residential occupancy and does not change the character thereof;

**“HOME OFFICE”** – means a “HOME OCCUPATION” where the following are adhered to:

- (i) No individual other than the permanent resident of the dwelling unit operates the home office;
- (ii) No client or customer is received in the dwelling unit for business purposes;
- (iii) The home office does not generate any pedestrian or vehicular traffic;
- (iv) There are no on-site exterior signs or advertisements of the home office;

- (v) No materials, goods or finished products for business purposes are stored on-site; and
- (vi) The home office is operated as an accessory use only and must not change the residential character or external appearance of the dwelling unit.

**"INDOOR EATING ESTABLISHMENT"** - means an establishment where a combination of food and non-alcoholic drink are intended to be consumed within the confines of the establishment;

**"INTERIOR PARCEL"** - see PARCEL, INTERIOR;

**"LANDSCAPING"** - means to preserve or change the natural features of a parcel by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, driveways or other structures and materials as used in modern landscape architecture;

**"LANE"** - means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m (32.8 ft.) and is not less than 6.0 m (19.7 ft.) wide, and which provides a secondary means of access to a parcel or parcels, or as defined as an alley in the Highway Traffic Act;

**"LIVING ROOM"** - means any room in a dwelling unit used primarily for the social activities of the occupants and which is designed for general living whether or not combined with specific activities such as dining, food preparation or sleeping;

**"LOADING SPACE"** - means an off-street space on the same parcel as a building or group of buildings, for the temporary parking of a commercial vehicle while commodities are being loaded or unloaded;

**"LOT"** - means a parcel of land, the boundaries of which are separately described in a certificate of title, which may or may not be shown on a registered plan of subdivision;

**"MAIN BUILDING"** - see PRINCIPAL BUILDING;

**"MAJOR EATING OR DRINKING ESTABLISHMENT"** - means development where prepared food and beverages are offered for sale to the public from establishments which are characterized by one or more of the following features: the provision of theatre, dancing or cabaret entertainment; facilities primarily intended for the on-premise catering of food to large groups; and, facilities primarily intended for the provision and consumption of alcoholic beverages which have a seating capacity for 100 or more persons. Typical uses include beverage rooms, cocktail lounges, cabarets, nightclubs, theatre restaurants and banquet facilities;

**“MANUFACTURED HOME”** – means a dwelling which is constructed with a chassis or related assembly that allows for the permanent or temporary attachment of a hitch and assembly to enable relocation of the dwelling. A manufactured home may be a single structure (single wide) or two parts which when put together (double wide) comprises a complete dwelling. Manufactured homes do not include stick built dwellings, modular homes, mobile homes, or temporary living accommodation. Under this Bylaw, a manufactured home features the following design standards<sup>1</sup>

- a) a minimum roof pitch of 5 cm (2 inches) of vertical rise for every 30.5 cm (12 inches) of horizontal run (2:12 pitch);
- b) have a roof surface of wood or asphalt shingles, clay or concrete tile, slate shingles, sheet metal shingles, or hand split shakes;
- c) have a minimum roof overhang or eaves of 30.5 cm (1 foot) from the primary surface of each façade;
- d) have a minimum length width (or width length) ratio of 2:1;
- e) meets the National Building Code of Canada CAN/CSA A277 standard; and
- f) constructed after January 1, 1996.

**“MEDICAL CLINIC”** - means a development used for the provision of publicly owned or privately owned physical and mental health services on an outpatient basis;

**“MINOR”** - means where added as a prefix to a permitted or discretionary use, a use which due to its nature or relatively small size will, at the discretion of the Council, have a limited impact on surrounding uses, or which is intended to serve a small or local rather than a major or municipal area;

**“MINOR EATING OR DRINKING ESTABLISHMENT”** - means development where prepared food and beverages (both non-alcoholic and alcoholic) are offered for sale to the public, for consumption within the premises. This use class includes neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms;

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**“MOBILE HOME”** – means a dwelling which was constructed prior to January 1, 1996, does not meet the National Building Code of Canada CAN/CSA A277 standard, with a chassis or related assembly that allows for the permanent or temporary attachment of a hitch and wheel assembly to enable relocation of the dwelling. A mobile home does not include a modular home, manufactured home, temporary living accommodation or single detached dwelling as described in this Bylaw. A mobile home may be a single structure (single wide) or two parts which when put together (double wide) comprises a complete dwelling;

**“MANUFACTURED HOME LOT”** - means the space allotted for the installation of one (1) manufactured home in any manufactured home park or manufactured home subdivision;

**“MODULAR HOME”** - means a dwelling which is prefabricated or factory built and which is assembled on the parcel in sections, but such sections have neither chassis, nor running gear or its own wheels, and the sections may be stacked side by side or vertically. Furthermore Modular Home means a dwelling which has a length to width (or width to length) ratio of no greater than 2:1. This rule shall not apply to those portions of a dwelling which are deemed by the development authority to be neither deck nor attached garage. A modular home does not include a single detached dwelling, manufactured home, temporary living accommodation, or mobile home;

**“MULTI-FAMILY DWELLING”** - means a dwelling containing more than four dwelling units;

**“MUNICIPAL DEVELOPMENT PLAN”** - means a plan adopted by Bylaw as a Municipal Development Plan pursuant to Section 632 of the Municipal Government Act;

**“MUNICIPAL PLANNING COMMISSION”** - means the Town of Onoway Municipal Planning Commission as established by Bylaw, and any amendments thereto;

**“MUNICIPALITY”** - means The Town of Onoway;

**“NON-CONFORMING BUILDING”** - means a building:

(i) that is lawfully constructed or lawfully under construction at the date a Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and



(ii) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw;

**“NON-CONFORMING USE”** - means a lawful specific use:

(i) being made of land or a building or intended to be made of a building lawfully under construction, at the date the Land Use Bylaw or any amendment thereof affecting the land or building becomes effective, and

(ii) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction, will not comply with the Land Use Bylaw;

**“OCCUPANCY”** - means the use or intended use of a building or part thereof for the shelter or support of persons or property;

**“OFF-SITE SIGN”** - see SIGN, OFF-SITE;

**“OFF-STREET PARKING”** - means an off-street facility for the parking of three or more vehicles;

**“ON-PARCEL SEWAGE DISPOSAL SYSTEM”** - means a method of treating effluent recognized by Alberta Labour and/or Alberta Environment involving the containment of sewage effluent in an impermeable holding tank for transfer to a central depot for decomposition or the actual primary or secondary treatment of sewage effluent on the parcel of its origin and may include a septic tank, holding tank or evapo-transpiration mound system but does not include pit style privies.

**“OUTDOOR EATING ESTABLISHMENT”** - means an establishment where a combination of food and non-alcoholic drink are normally consumed either outside or inside the confines of the establishment;

**“PARAPET WALL”** - means that part of an exterior, party wall or fire wall extending above the roof line or a wall which serves as a guard at the edge of a balcony or roof;

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

**“PARCEL AREA”** - means the total area of a parcel;

**“PARCEL, CORNER”** - means a parcel at the intersection of two abutting streets;

**"PARCEL COVERAGE"** - means the combined area, measured at 1.0 m (3.0 ft.) above grade, of all buildings on a parcel excluding all features which would be permitted under this Bylaw as projections into required yards;

**"PARCEL DEPTH"** - means the average distance between the front and rear property lines;

**"PARCEL, INTERIOR"** - means a parcel which is bounded by only one street;

**"PARCEL WIDTH"** - means the distance between the side property lines of a parcel at the minimum permissible front yard, measured parallel to the road or to the tangent on a curved road;

**"PARK"** - means a parcel of land designated for public use as municipal reserve land or by Resolution or Bylaw of Council;

**"PARKING FACILITY"** - means the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking facility;

**"PARKING STALL"** - means a space set aside for the parking of one vehicle;

**"PATIO"** - means the paved, wooden or hard-surfaced area adjoining a house, no more than 0.6 m above grade, used for outdoor living;

**"PERMITTED USE"** - means the use of land or a building provided for in this Bylaw for which a development permit shall be issued, with or without conditions, upon an application having been made which conforms to the Land Use Bylaw;

**"PERSONAL SERVICE ESTABLISHMENT"** - means a development used for the provision of personal services to an individual which are related to the cleaning and repair of personal effects or of the care and appearance of the body. Typical uses include but are not limited to the following: hairdressers, shoe repair, dress makers, laundry cleaning facility and jeweler;

**"PERSONAL SERVICES"** - means establishments that provide services to the general public, and in which any retail sale of merchandise associated with the service provided is incidental to the provision of services, but not including a "body modification establishment", "cheque-cashing facility", funeral chapel or mortuary", or "medical/dental/optical/counselling clinic";

**"PLACES OF WORSHIP"** - means development owned by a religious organization used for worship and related religious, philanthropic, or social activities including rectories, manses, classrooms, dormitories and accessory

buildings. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;

**"PLANTING"** - see LANDSCAPING;

**"PORTABLE SIGN"** - see SIGN, PORTABLE;

**"PRINCIPAL BUILDING"** - means a building which, in the opinion of the Development Authority,

(i) occupies the major or central portion of a parcel,

(ii) is the chief or main building among one or more buildings on the parcel, or

(iii) constitutes by reason of its use the primary purpose for which the parcel is used;

**"PRINCIPAL USE"** - means the primary purpose, in the opinion of the Development Authority, for which a building or parcel is used. There shall be no more than one principal use on each parcel unless specifically permitted otherwise in the Bylaw;

**"PRIVATE CLUB OR LODGE"** - means a development used for the meeting, social or recreational activities of members of non-profit, philanthropic, social service, athletic business or fraternal organizations, and does not include any on parcel residence;

**"PRIVATE LIQUOR OUTLET"** - means a development where alcoholic beverages are offered to the public for retail sale and consumption off premises;

**"PRIVY"** - means an indoor and/or outdoor toilet facility and/or outhouse;

**"PROFESSIONAL, FINANCIAL, OFFICE, AND BUSINESS SUPPORT SERVICE"** - means development primarily used for the provision of professional, management, administrative, consulting, and financial services. Typical uses include the following and similar uses as offices of lawyers, accountants, engineers, planners, doctors and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; banks, credit unions, loan offices and similar financial uses; and printing establishments, film processing establishments, janitorial firms and business equipment repair shops;

**"PROJECTING SIGN"** - see SIGN, PROJECTING;

**“PUBLIC PARK”** - means an active or passive public recreation area together with any accessory buildings or uses complimentary to the said recreational purpose;

**“PUBLIC USES”** - means a building, structure or lot used for public services by the Municipality, by any Department, Commission or Agency of any other Municipal Corporation or Government of Alberta or Canada, or by any Railway Company or Utility;

**“PUBLIC UTILITY”** - means the right of way for one or more of the following: sanitary and storm water sewerage, telecommunications systems, water works systems, irrigation systems, systems for the distribution of gas, whether natural or artificial, systems for the distribution of artificial light or electric power and heating systems;

**“PUBLIC UTILITY BUILDING”** means a building to house a public utility, its office or equipment;

**“QUASI-PUBLIC USE”** - means a development which is used for the meeting, social or recreational activities of its members, which may or may not include the general public. Typical quasi-public uses include private schools excluding commercial schools, indoor and outdoor recreational facilities, hospitals, lodges or clubs, cemeteries, galleries, museums, churches or places of worship, and libraries;

**“REAL PROPERTY REPORT”** - means a codified standard report adopted by the Alberta Land Surveyor’s Association which contains pertinent information on a parcel of land and the development which exists on the property;

**“REAR YARD”** - see YARD, REAR;

**“REAR YARD SETBACK”** - see YARD SETBACK, REAR;

**“RECREATIONAL EQUIPMENT”** - means any permanent building, the intended use of which is for either active or passive recreation. Certain types of sidewalk furniture may be classified as recreational equipment at the discretion of the Development Officer;

**“RECREATIONAL USE”** means a development providing for commercial or non-commercial leisure activities located to take advantage of the natural setting, without restricting the generality of the foregoing, this shall include:

i) non-facility oriented recreational activities such as hiking, cross country skiing, rustic camping, and other similar uses, and

ii) means an active or passive recreational use and any facility or building required to carry out said activity;

**"REGISTERED OWNER"** - means

(a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or

(b) in the case of any other land,

i) the purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title, or

ii) in the absence of a person described in paragraph (b)(i) above, the person registered under the Land Titles Act as the owner of the fee simple estate in the land;

**"REPAIR SERVICE ESTABLISHMENT"** - means a development used primarily for the repair, refinishing or reconditioning of consumer goods such as, but not limited to, electronic equipment, office equipment, household appliances, clothing and footwear, bicycles, etc. The repaired, refinished or reconditioned consumer goods, as referred to above, may be sold on the premises but the retail sales component must be clearly secondary to the primary use. Automobiles or any other motorized vehicles such as, but not limited to, trucks, recreational vehicles or buses are not included in the definition of consumer goods described above;

**"RESTAURANT"** means a facility for the primary operation of a full service, sit down, eating establishment but excludes the operation of a purely drinking establishment, bar, lounge, pool hall, casino, video lottery terminals and private liquor outlet;

**"RETAIL ESTABLISHMENT"** - means a development used for the retail sale of a wide variety of consumer goods including the following and such similar uses as, groceries and beverages, electronic goods, furniture and appliances, hardware and home improvement supplies, household goods, printed matter, confectionery, pharmaceutical and personal care items, office supplies, stationery, etc.;

**"ROOF SIGN"** - see SIGN, ROOF;

**"ROW HOUSING"** - means a group of three or more dwelling units having a common wall or structural feature, with each unit having direct access to the outside grade, but shall not mean an apartment;

**"SECOND HAND STORE OR ESTABLISHMENT"** - means a retail store whose merchandise may include previously owned goods offered for sale or for sale on a consignment basis to the general public;

**"SEPARATION SPACE"** - means the horizontal open space provided around a dwelling to ensure no conflict of visibility from dwellings and adequate light, air and privacy, for activities undertaken within the dwelling. Unless otherwise specified in this Bylaw, a separation space may be partially or entirely outside the parcel boundaries of a dwelling unit;

**"SERVICE STATION"** - means a parcel or the portion thereof used or intended to be used for any of the following: the servicing or repairing of motor vehicles, the sale of gasoline, the sale of lubricating oils and other automotive fluids, accessories for motor vehicles, and a towing service dispatch point;

**"SETBACK"** - means the minimum horizontal distance between the parcel boundary and the nearest point on the exterior wall or chimney of the building, or another part of the building if specified elsewhere in this Bylaw;

**"SEWAGE COLLECTION SYSTEM"** - means a privately or publicly owned system for treating sewage effluent, recognized by Alberta Environment, consisting of either a communal or an on-site sewage collection system;

**"SEWAGE COLLECTION SYSTEM - COMMUNAL"** - means a sewerage project for sewage disposal (as defined under Safety Codes Act) which involves the transfer of effluent from its place of origin, such as an On-Site Sewage Collection System, to a central holding area, such as a lagoon, where primary and secondary treatment can occur;

**"SEWAGE COLLECTION SYSTEM - ON SITE"** - means a method of sewage collection, and treatment recognized under the Safety Codes Act. Sewage containment systems may include impermeable holding tanks for transfer to a communal sewage collection system, septic fields, and evaporation mounds, but does not include any form of outhouse or privy that is not capable of accommodating grey water waste;

**"SHOPPING CENTRE"** - means one or more architecturally unified buildings which contain retail and personal service establishments located on a parcel

planned and developed as a single development and characterized by the sharing of common parking areas and driveways;

**"SHORT FORM"** - means an abbreviation;

**"SHOW HOME"** - means a permanent dwelling which is constructed for the temporary purpose of illustrating to the public the type or character of a dwelling or dwellings to be constructed in other parts of a subdivision or development area. Show homes may contain offices for the sale of other lots or dwellings in the area;

**"SIDE YARD"** - see YARD, SIDE;

**"SIDE YARD SETBACK"** - see YARD SETBACK, SIDE;

**"SIGHT TRIANGLE"** - means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said parcel 9.14 metres from the point where they intersect;

**"SIGN"** - means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event, the specifications, design and location of which must first be approved by the Development Authority;

**"SIGN, AREA OF"** - means the total superficial area within the outer periphery of the said sign, and, in the case of a sign comprised of individual letters or symbols shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of surface area;

**"SIGN, BILLBOARD"** - means a sign supported by one or more uprights, braces or pylons, which stands independently of a building and may or may not contain advertising copy related to the development within the parcel upon which the billboard sign is located;

**"SIGN, CANOPY"** - means a sign which is part of or attached to the outside edge of a canopy;

**"SIGN, FASCIA"** - means a sign, plain or illuminated, running parallel for its whole length to the face of the building to which it is attached, but in no case does its vertical dimension exceed 1.5 m;

**"SIGN, FREESTANDING"** - means a sign supported by one or more uprights, braces or pylons, and which stands independently of buildings;

**"SIGN, OFF-SITE"** - means a sign that advertises goods, products, services or facilities, or directs persons to a different location from where the sign is located.

Such a sign is not located on the parcel of the goods, products, services or facilities advertised;

**"SIGN, PORTABLE"** - means a sign with a total area on one face of no greater than 4.6 m<sup>2</sup> mounted on a frame or on a trailer, stand or similar support which together with the support can be relocated to another location, and may include copy that can be changed manually through the use of detachable characters;

**"SIGN, PROJECTING"** - means a sign which is affixed to any building or part thereof and extends beyond the building wall or parts thereof by more than 0.3 m (1.0 ft.). This does not include a sign attached to the ground;

**"SIGN, ROOF"** - means any sign erected upon, against or directly above a roof or on top of or above the parapet wall of a building;

**"SIGN, TEMPORARY"** - means a sign which may or may not be portable in nature, and which is located on a parcel for a limited or specified period of time;

**"SIGN, UNDER-CANOPY"** - means a sign which is attached to the bottom face of a canopy;

**"SIGN, WALL"** - means a sign that is attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than 0.1 m (0.33 ft.) from the wall, and which does not project above the roof or parapet;

**"SINGLE DETACHED DWELLING"** – means a complete building intended to be used as a permanent residence not separated from direct access to the outside by another separate or self-contained portion of a building and has a length to width ratio of no more than 2.0 :1. Does not include a mobile home or manufactured home as defined under this Bylaw;

**"SPLIT LEVEL"** - means a dwelling that has three separate living areas, each separated from the next by one half-store;

**"STATUTORY PLAN"** - means a municipal plan, area structure plan or area redevelopment plan pursuant to the Municipal Government Act;

**"STOREY"** - means the habitable space between the upper face of one floor and the next above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement or cellar shall be considered a storey in calculating the height of a building if the upper face of the floor above it is more than 1.8 m (5.9 ft.) above grade;



**"STOREY, HALF"** - means that part of any building wholly or partly within the framing of the roof, where the habitable floor area is not more than 70% of the ground floor;

**"STREET"** - means a right-of-way no less than 10.0 m (32.8 ft.) in width for a public thoroughfare and designed for the use of vehicular or pedestrian traffic, but does not include a lane or as defined as a street in the Highway Traffic Act;

**"STRUCTURE"** - means anything constructed or erected on the ground, or attached to something on the ground, and includes all buildings;

**"SUBDIVISION AND DEVELOPMENT APPEAL BOARD"** - means a subdivision and development appeal board appointed pursuant to the Municipal Government Act;

**"SUBDIVISION AUTHORITY"** - means a subdivision authority established pursuant to Section 623 of the Municipal Government Act. The Council has been authorized by this Bylaw to exercise subdivision authority powers on behalf of the municipality;

**"SUBDIVISION OFFICER"** means a person authorized to accept, process and endorse subdivisions on behalf of the subdivision authority pursuant to the provisions of the Municipal Government act;

**"SUN DECK"** - see PATIO;

**"SURVEILLANCE SUITE"** - means a Single Detached Dwelling, as defined in this Bylaw, or modular home, as defined in this Bylaw, used solely to accommodate a person or persons related as a family, or employee, whose official function is to provide surveillance, maintenance and/or security for a development provided for in the land use districts in which basement surveillance suites are listed either as a permitted or discretionary use. The Single Detached Dwelling or modular home as defined herein shall form part of the development with which it is associated and clearly be a subordinate use of the parcel on which it is located;

**"TEMPORARY BUILDING"** - means a structure that has been permitted to exist for a limited time only;

**"TEMPORARY LIVING ACCOMMODATION"** - means any recreational vehicle, (holiday trailer, motor home, camper or tent trailer) situated on a residential lot;

**"TEMPORARY SIGN"** - see SIGN, TEMPORARY;

**"TOWN HOUSING"** - see ROW HOUSING;

**"TOWN OF ONOWAY"** - means, as the case may be, an incorporated municipality known and registered as the Town of Onoway, the Council of the Town of Onoway and/or any person(s) authorized by the Council of the Town of Onoway to undertake activities prescribed in and associated with the Land Use Bylaw in accordance with the Land Use Bylaw or any other bylaw, resolution or adopted procedure;

**"TRAFFIC ISLAND"** - means an area or space officially set aside within a street lane or parking lot as prohibited for use by motor vehicles and which is marked or indicated by construction as to be plainly visible at all times;

**"TRIPLEX"** - means a dwelling containing three dwelling units;

**"UNDER-CANOPY SIGN"** - see SIGN, UNDER-CANOPY;

**"USE"** - means a use of land or a building as determined by the Development Officer and/or Council;

**"UTILITY"** - means the components of a sewage, storm water or solid waste disposal system, or a telecommunication, electrical power, water, gas or oil distribution system;

**"UTILITY BUILDING"** - means a building in which the proprietor of a utility company maintains his office or offices and/or maintains or houses any equipment used in connection with the utility;

**"WALL SIGN"** - see SIGN, WALL;

**"WAREHOUSE"** - means a structure used for the storage and distribution of raw materials, processed or manufactured goods, and establishments providing servicing for those purposes;

**"WATER DISTRIBUTION SYSTEM"** - means a waterworks system (as defined in the Plumbing and Drainage Act) that serves 2 or more dwelling units which is registered by title only, on all titles involved;

**"YARD"** - means a required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot, unless otherwise permitted in this Bylaw;

**"YARD, FRONT"** - means that portion of the parcel extending across the full width of the parcel from the front property boundary line of the parcel to the front wall of the main building;

**"YARD, REAR"** - means that portion of the parcel extending across the full width of the parcel from the rear property boundary of the parcel to the exterior wall of the building;

**"YARD, SIDE"** - means that portion of the parcel extending from the front yard to the rear yard and lying between the side property boundary of the parcel and the nearest portion of the exterior wall of the building.

**"YARD SETBACK"** - means a required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded parcel, unless otherwise permitted in this Bylaw;

**"YARD SETBACK, FRONT"** - means that portion of the parcel extending across the full width of the parcel, from the front parcel boundary, back to a distance required under the land use district regulations. A parcel abutting onto two streets or more shall have a front yard on each street in accordance with Section 4.19 of this Bylaw;

**"YARD SETBACK, REAR"** - means that portion of the parcel extending across the full width of the parcel from the rear parcel boundary back to a distance required under the land use district regulations;

**"YARD SETBACK, SIDE"** - means that portion of the parcel extending from the side parcel line back to that distance required under the land use district regulations and extending from the front yard setback to the rear yard setback;

**"ZERO SIDE YARD"** - means a case in which a development is permitted to be built on the side parcel line, with no required side yard setback on the side to which the development is located.

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

## PART 2 – ESTABLISHMENT OF DEVELOPMENT CONTROL AGENCIES

### 2.1 ESTABLISHMENT OF DEVELOPMENT AUTHORITY

1. The Development Authority for The Town of Onoway is established under this Bylaw pursuant to Section 624 of the Municipal Government Act.
2. The Development Authority for The Town of Onoway is:
  - i) the person(s) appointed by resolution of Council as Development Officer pursuant to this Bylaw, and
  - ii) the Municipal Planning Commission established by Bylaw pursuant to the Municipal Government Act.
  - iii) the Council for The Town of Onoway in matters related to Direct Control Districts.
3. The office of the Development Officer is established through this Bylaw and shall be filled by person(s) employed, or contracted, by The Town of Onoway.
4. The Development Authority shall be carried out in accordance to powers and duties described in the Municipal Government Act, regulations established under the Act, and this Bylaw, as amended from time to time.
5. For the purpose of the Development Authority, the Development Officer is hereby declared to be an authorized person of The Town of Onoway.
6. The Development Officer shall perform such duties that are specified under this Bylaw.
7. The Development Officer shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto; keep a register or all applications for development, including the decisions thereon and the reasons therefore.
8. For the purposes of right of entry, the Development Officer is hereby declared an authorized person of Council.

9. For the purposes of Section 542 of the Act, the Development Officer is hereby designated as authorized by the Municipality to discharge the relevant powers and functions.

## **2.2 ESTABLISHMENT OF MUNICIPAL PLANNING COMMISSION**

The Municipal Planning Commission is established by a separate Municipal Planning Commission Bylaw of The Town of Onoway, as amended.

The Municipal Planning Commission shall perform such duties as are specified in this Bylaw and as are specified in the Municipal Planning Commission Bylaw.

## **2.3 ESTABLISHMENT OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

1. The Subdivision and Development Appeal Board for The Town of Onoway, as established through The Town of Onoway Subdivision and Development Appeal Board Bylaw, as amended, shall perform the duties and functions as described in the Bylaw and the Act.
2. The Subdivision and Development Appeal Board shall review all appeal applications within its jurisdiction for development appeal, stop order appeal, and subdivision application appeal.

## **2.4 AMENDMENT OF THE LAND USE BYLAW**

1. The Council on its own initiative may give first reading to a bylaw to amend this Land Use Bylaw.
2. A person may make application to the Development Officer for amendment to this Land Use Bylaw. The application shall include:
  - a) a statement of the specific amendment requested;
  - b) the purpose and reason for the application;

- c) if the application is for a change of district, the legal description of the lands, or a plan showing the location and dimensions of the lands;
  - d) the applicant's interest in the lands;
  - e) an application fee to be determined by resolution of Council;
  - f) the cost of advertising for the public hearing; and
  - g) such other information as the Development Officer or Council deems necessary to assess the motive of the application.
3. Upon receipt of a completed application along with all information required to process the application for amendment to this Land Use Bylaw, the Development Officer shall determine when the application will be placed before the Council and shall issue not less than ten (10) day's notice to the applicant advising that he may appear before Council at that time, and speak to the application. The Development Officer shall place an application for amendment before the council within sixty (60) days of its receipt.
4. The Council, in considering an application for an amendment to this Land Use Bylaw, may at its sole discretion:
- a) refer the application for further information; or
  - b) pass first reading to a bylaw to amend this Land Use Bylaw, with or without modifications; or
  - c) pass first reading of an alternate amendment to this Land Use Bylaw.
5. Following first reading to an amending bylaw, Council shall:
- a) establish the date, time and place for a public hearing on the proposed bylaw;
  - b) outline the procedure to be followed by anyone wishing to be heard at the public hearing; and
  - c) outline the procedure by which the public hearing will be conducted.
6. Following passage of the first reading to an amending bylaw, the Development Officer shall issue notice of the public hearing:
- a) by publication in two issues of a newspaper circulating in the area, the publication date of the second issue being not less than five (5) days preceding the date of the hearing; and

- b) by mailing notice no less than ten (10) days preceding the date of the hearing to:
  - (i) the applicant, and
  - (ii) to the registered owner of the land, if not the applicant, and the owners of adjacent land if the proposed bylaw will result in a change of district designation.
- 7. The notice of the public hearing shall provide the following information:
  - (a) the purpose of the proposed bylaw;
  - (b) the date, time and place of the public hearing;
  - (c) that the proposed bylaw and any public documents applicable to the proposed bylaw may be inspected at the Town Office at all reasonable times;
  - (d) the procedure for the public hearing.
- 8. Prior to the public hearing, the Development Officer may forward a copy of the proposed bylaw to any Agency or organization the Town determines may have an interest in the proposed amendment.
- 9. At the public hearing, Council shall hear:
  - (a) any person or group of persons acting on his or their behalf, who:
    - (i) has complied with the procedures outlined by Council, and
    - (ii) claims to be affected by the proposed bylaw; and
  - (b) any other person who wishes to make representations and whom Council agrees to hear.
- 10. Council after considering:
  - (a) any representations made at the public hearing; and
  - (b) the Municipal Development Plan, any other Statutory Plan affecting the subject property, and the provisions of the Land Use Bylaw;may
  - (A) make such amendments or changes as it considers necessary to the proposed bylaw, if any, and proceed to pass the proposed bylaw; or

(B) defeat the proposed bylaw.

11. Prior to third reading of the proposed bylaw, Council may require the applicant to apply for a development permit and/or negotiate a development agreement in respect of the proposal which initiated the application for amendment.

12. After third reading of the proposed bylaw, the Development Officer shall send a copy of it to:

(a) The applicant; and

(b) The registered owner of the land if different from the applicant.

## **2.5 SECTIONS FOUND TO BE INVALID**

If one or more provisions of this Land Use Bylaw are for any reason declared to be invalid, all remaining provisions are to remain in full force and in effect.

## **2.6 FORMS**

For the purpose of administering the provisions of this Land Use Bylaw, Council shall, by resolution, authorize the preparation and use of such forms and notices as it deems necessary.



## **PART 3 – DEVELOPMENT PERMITS**

### **3.1 CONTROL OF DEVELOPMENT**

No development other than that designated in Section 3.2 of this Bylaw shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

### **3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT**

All development undertaken in the municipality requires an approved development permit prior to commencement, except the following provided the development conforms to all other provisions of this Bylaw:

- (a) the carrying out of works of improvement, maintenance or renovation to any building provided that such works do not include structural alterations or additions;
- (b) the completion of any development which has lawfully commenced before the passage of this Land Use Bylaw or any amendment thereof, provided that the development is completed in accordance with the terms of any permit granted in respect of it, and provided that the development is completed within the time limit of such a permit or within twelve (12) months of the effective date of the Bylaw, whichever is earlier;
- (c) the use of any such development as is referred to in subsection (b) for the purpose for which development was commenced;
- (d) the erection or construction of gates, fences, walls or other means of enclosure less than 1.0 m. in height in front yards and less than 2.0 m. in other yards, and the maintenance or improvements of any gates, fences or walls or other means of enclosure. No electrified wire fences shall be permitted within the corporate boundaries of the Town;
- (e) the erection or placement of a temporary building, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building is removed within thirty (30) days of substantial completion or as determined by the development officer;

- (f) the completion, alteration, maintenance or repair of a street, lane or utility undertaken upon a public thoroughfare or utility easement, or undertaken to connect the same with any lawful use of buildings or land;
- (g) any development carried out by or on behalf of the Crown but not including that carried out by or on behalf of a Crown corporation;
- (h) any development carried out by or on behalf of the municipality provided that such development complies with all applicable provisions of this Land Use Bylaw;
- (i) a portable garden or tool shed not on a fixed foundation on the residential parcel, such building not to exceed 9.3 m<sup>2</sup> (100.10 ft.<sup>2</sup>) in floor area and 2.5 m (8.2 ft.) in height;
- (j) development exempted from requiring a development permit under the Municipal Government Act;
- (k) signs posted or exhibited in a building;
- (l) signs posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign;
- (m) a statutory or official notice of a function of The Town of Onoway;
- (n) traffic signs authorized by The Town of Onoway and/or Alberta Provincial authorities;
- (o) a sign or signs posted or exhibited solely for the identification of the land or building on which it is displayed, or to give directions to visitors, including professional, corporate or trade name plates identifying the occupants, if the sign(s) does not exceed 0.19 m<sup>2</sup> (2.0 ft.<sup>2</sup>) in area, subject to all other orders, bylaws and regulations affecting such signs;
- (p) the erection of a maximum of two on-site signs relating to the sale, lease or rental of the buildings, or land to which they are attached provided that:
  - (i) such signs for any single detached dwelling or single detached dwelling parcel does not exceed 0.56 m<sup>2</sup> (6.0 ft.<sup>2</sup>) in area, and
  - (ii) such signs for a multiple dwelling parcel, a commercial parcel does not exceed 3.0 m<sup>2</sup> (32.0 ft.<sup>2</sup>), and
  - (iii) such sign shall not be illuminated;

- (q) campaign signs for federal, provincial, municipal or school board elections on private properties for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation provided that:
  - (i) such signs are removed within fourteen (14) days after the election date, and
  - (ii) the consent of the property owner or occupant is obtained, and
  - (iii) such signs do not obstruct or impair vision or traffic, and
  - (iv) such signs are not attached to trees or utility poles, and
  - (v) such signs indicate the name and address of the sponsor and the person responsible for removal;
- (r) signs on land or buildings used for religious, educational, cultural, recreational, medical or similar public or quasi-public purposes, provided that:
  - (i) such signs shall not exceed 1.10 m<sup>2</sup> (12.0 ft.<sup>2</sup>) in area, and
  - (ii) there shall be a limit of one sign for each side of the land or buildings on a different street;
- (s) signs of building contractors relating to construction work in progress on the land on which such signs are erected, provided that:
  - (i) such signs do not exceed 3.0 m<sup>2</sup> (32.0 ft.<sup>2</sup>) in area, and
  - (ii) there shall be a limit of one sign for each boundary of the property under construction which fronts onto a public street, and
  - (iii) such signs shall be removed within fourteen (14) days of occupancy;
- (t) landscaping where it will not adversely affect the subject or adjacent properties but does not include changes in grade, stockpiling or excavation;
- (u) hard surfacing of any yard area for the purpose of providing vehicular access from a public roadway to an on-site parking stall provided that such hard surfacing does not cause storm drainage to flow onto adjacent properties;
- (v) the erection of radio towers, antennas, poles, etc. not exceeding 4.5 m (15 ft.) in height from grade provided that the structure is not located in the front yard or on public land (i.e. lakefront or beach areas);

- (w) flagpoles shall be permitted in the front yard, so long as same are not erected on public land;
- (x) A home office.

### **3.3 SAME OR SIMILAR USES**

The uses which are listed in the permitted and discretionary use columns under the land use districts are not intended to be exclusive or restrictive. Where a specific use does not conform to the wording of any definition, the Development Authority may, at his/her discretion, determine that the use conforms to the spirit and intent of the purpose of the land use district and is determined "same" or "similar" to other uses allowed in that land use district. Notwithstanding the above, all uses defined as "same" or "similar" shall be considered discretionary.

### **3.4 DEVELOPMENT PERMIT APPLICATIONS**

1. An application for a development permit shall be made to the Development Authority in writing:
  - (a) on the form prescribed by Council and may be accompanied by:
    - (i) a scaled parcel plan in duplicate showing the legal description, the front, rear, and side yards and provision for off-street loading and vehicle parking,
    - (ii) a scaled floor plans, elevations and sections in duplicate,
    - (iii) a statement of existing and proposed uses,
    - (iv) a statement of registered ownership of land and interest of the applicant therein together with a copy of the Certificate of Title indicating ownership and encumbrances,
    - (v) the estimated commencement and completion dates,
    - (vi) the estimated cost of the project or contract price, and

- (vii) such other plans and information as the Development Authority may consider necessary to properly evaluate the proposed development;
  - (b) the Development Authority may refuse to accept an application for a development permit where the information required by Section 3.4.1(a) has not been supplied or where, in the opinion of the Development Authority, the quality of the material supplied is inadequate to properly evaluate the application; and
  - (c) the Development Authority may review an application and make a decision without all of the information required by Section 3.4.1(a), if it is the opinion of the Development Authority that a decision on the application can be properly made without such information.
2. A non-refundable processing fee, the amount of which being determined by Council from time to time, shall accompany each application for a development permit. Where the development was initiated prior to the Development Permit being issued, the fee for the said permit is double the normal rate.
  3. The municipality may register a caveat pursuant to the provisions of the Land Titles Act and the Municipal Government Act in respect of the development agreement against the Certificate of Title for the land that is the subject of the development, with the said caveat being discharged when the agreement has been complied with.
  4. In the case where an application for a development has been refused by the Development Authority or ultimately after appeal pursuant to Part 3 of this Bylaw, the submission of another application for development by the same applicant or any other applicant,
    - (a) On the same parcel, and
    - (b) For the same or similar use;may not be made for at least six (6) months after the date of refusal.

### 3.5 DEVELOPMENT PERMITS AND NOTICES

1. A permit issued pursuant to this part shall come into effect:
  - (a) after the twenty-first (21) day of the date of the issue of the Notice of Decision by the Development Officer on the application for development permit (14 day appeal period & 7 days for mailing in province); or
  - (b) if an appeal is made, on the date that the appeal is finally determined and the permit may be modified or nullified thereby.

Any development proceeded with by the applicant prior to the expiry of the above is done solely at the risk of the applicant.

2. On the same date a development permit is issued, the Development Officer shall publicize a notice of the issuance of the permit in any or all of the forms described as follows:
  - (a) mail a notice of the decision to all persons whose use, enjoyment or value of property may, in the opinion of the Development Officer, be affected; and/or
  - (b) post a notice of the decision conspicuously on the property for which the application has been made; and/or
  - (c) publish in a newspaper circulating in the municipality a notice of the decision.
3. If the development authorized by a permit is not commenced within twelve (12) months from the date of its issue, of the date of decision of the Subdivision and Development Appeal Board, nor carried out with reasonable diligence as determined by the Development Officer, the permit ceases to be effective, unless an extension to this period, being no longer than an additional twelve (12) months, has previously been granted by the Development Officer.
4. The decision of the Development Officer on an application for a development permit shall be given to the applicant in writing.
5. If the Development Officer refuses an application for a development permit, the notice of decision shall contain the reasons for the refusal.
6. Notwithstanding other provisions of Section 3.4.1 of this Bylaw, in accordance with Section 685(3) of the Act, a development permit for a permitted use without variance does not require notification other than to the landowner and applicant.

### 3.6 DECISION ON DEVELOPMENT PERMIT APPLICATIONS

#### 1. Permitted and Discretionary Use Applications (Non-Direct Control Districts).

- (a) The Development Authority shall be the approving authority for all proposed development, which is listed as either a permitted or discretionary use under a land use district under this Bylaw.
- (b) Upon receipt a completed application for a development permit for a permitted use, the Development Officer shall approve the application with or without conditions, where the proposed use conforms to this Bylaw. Generally, the Development Officer is authorized to approve all permitted use development permit applications.
- (c) Subject to Section 3.6.2(c), the Development Officer is authorized to decide all discretionary use development permit applications which are related to an approved use on the subject property.
- (d) All development permit applications which are discretionary and not related to an approved use on the subject property and/or which require a variance to any quantitative regulation (i.e., side yard setback) contained in this Bylaw shall be referred to the Municipal Planning Commission for decision.
- (e) The Municipal Planning Commission is authorized to decide all development permit applications that are referred to it by the Development Officer.
- (f) When approving a discretionary use application, the Development Authority may attach conditions to the approval to ensure that the proposal conforms to this Bylaw.

#### 2. Variance Provisions:

- (a) The Development Authority may conditionally approve a proposed use that does not comply with this Bylaw, if, in its opinion,
  - (i) the proposed development would not,
    - (A) unduly interfere with the amenities of the neighbourhood, or
    - (B) materially interfere with or affect the use, enjoyment, or value of neighbouring properties, and

(ii) the proposed development conforms to the uses prescribed for that land or building in this Bylaw.

(b) Notwithstanding the above, a variance shall be considered only in cases of unnecessary hardship or practical difficulties to the use, character, or situation of land or building which are not generally common to other land in the same district.

(c) When considering a variance to quantitative criteria such as floor area or a site setback, the Development Officer may approve in accordance with this Bylaw a variance up to a maximum of 20% of the stated regulation. Any variance requests in excess of 20% shall be referred to the Municipal Planning Commission.

3. Development Permit Refusals:

(a) When refusing an application for a development permit, the Development Authority shall clearly describe the reasons for the said refusal on the notice of decision.

4. Temporary Permits:

Where a development permit is not required on a permanent basis, the Development Authority may approve the development permit for a specified period of time. The expiry date of all temporary development permits shall be clearly indicated on the notice of decision.

### **3.7 DEEMED REFUSALS ON DEVELOPMENT PERMIT APPLICATIONS**

In accordance with Section 684 of the Municipal Government Act, an application for a development permit shall at the option of the applicant, be deemed to be refused when the decision of the Development Authority, is not made within forty (40) days of the completed application being received by the Development Authority unless the applicant and the Development Authority have mutually entered into an agreement to extend the forty (40) day period.



### 3.8 SUSPENSION OR CANCELLATION OF DEVELOPMENT PERMITS

1. If, after a development permit has been issued, the Development Authority becomes aware that:
  - (a) The application for the development contains a misrepresentation;
  - (b) facts concerning the application or the development were not disclosed at the time the application was considered;
  - (c) the development permit was issued in error; or
  - (d) the conditions of Development Permit Approval are not being complied with to the satisfaction of the Development Authority,the Development Authority may suspend or cancel the notice of decision or the development permit by notice, in writing to the holder of it.
2. A person whose development permit is suspended or cancelled under this section may appeal to the Subdivision and Development Appeal Board.

### 3.9 CONTRAVENTION

1. Where the Development Authority finds that a development or use of land or buildings is not in accordance with:
  - (a) the Municipal Government Act or the regulations; or
  - (b) a development permit or subdivision approval; or
  - (c) the Land Use Bylaw;the Development Authority may, by notice in writing, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention or all of them to,
  - (a) stop the development or use of the land or buildings in whole or in part as directed by the notice; or
  - (b) demolish, remove or replace the development; or

- (c) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Municipal Government Act, the regulations, a development permit, subdivision approval or this Bylaw, as the case may be.
- 2. Where a person fails or refuses to comply with an order directed to him under Subsection (1) or an order of the Subdivision and Development Appeal Board under Section 645 of the Municipal Government Act within the time specified, the Council or a person appointed by it may, in accordance with the Municipal Government Act, enter upon the land or building and take such action as is necessary to carry out the order. 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 registered as a caveat under the Land Titles Act against the Certificate of Title for the land that is subject of the order pursuant to Section 646 of the Municipal Government Act.
- 3. Where a notice is issued under Subsection (1), the notice shall state the following and any other information considered necessary by the Development Authority:
  - (a) An explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Act the order is being carried out; and
  - (b) The alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention; and
  - (c) A time frame in which the contravention must be corrected prior to the Town pursuing action; and
  - (d) Advise the person of his right to appeal the notice to the Subdivision and Development Appeal Board.

### **3.10 BYLAW ENFORCEMENT, PENALTIES AND FINES**

This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Court of Queen's Bench of Alberta upon action brought by Council, whether or not any penalty has been imposed for the contravention.

- 1. A person who:
  - (a) contravenes any provision of the Act or the regulations under the Act,

- (b) contravenes this Bylaw,
  - (c) contravenes an order under Section 3.9 of this Bylaw and/or Section 645 of the Municipal Government Act,
  - (d) contravenes a development permit or subdivision approval or condition attached thereto, and/or,
  - (e) obstructs or hinders any person in the exercise or performance of his powers or duties under this Act, the regulations under the Act or this Bylaw,
- is guilty of an offense and is liable to a fine prescribed in Section 566 of the Municipal Government Act.
2. If a person is found guilty of an offense under this Section or Section 557 of the Municipal Government Act, the court may, in addition to any other penalty imposed, order the person to comply with:
- (a) the Act and the regulations under the Act,
  - (b) this Bylaw,
  - (c) an order under this Section and/or Section 645 of the Act, and/or
  - (d) a development permit or subdivision approval or a condition attached to a development permit or subdivision approval.
3. Any written notice, order, or decision that is required under any provision of this Bylaw to be provided to any person shall be deemed to have been so provided if it is:
- (a) delivered personally to the person or their agent it is directed to; or
  - (b) mailed by certified mail to the last known address of the person it is directed to.
4. If a person is found guilty of an offense under Subsections (1) or (2), the Court may, in addition to any other penalty imposed, order the person to comply with the Act, The Town of Onoway Land Use Bylaw, or a development permit, as the case may be.

5. Where a person is guilty of an offence under Subsection (1) or (2), the person is liable upon conviction to a fine of not less than \$2,500.00 and of not less than \$500.00 for every day that the offence continues.

### **3.11 DEVELOPERS' RESPONSIBILITY**

1. A person to whom a development permit has been issued shall obtain from the appropriate authority, where applicable, permits and/or approvals required in connection with the proposed development.
2. The person to whom a development permit has been issued may be required to notify the Development Officer:
  - (a) following the preliminary layout of the site, but prior to the commencement of actual development therein; and
  - (b) upon completion of the development for which approval has been given and which has been authorized by the issuance of the development permit.
3. The Development Officer may require that further to Section 3.11.2(a), the applicant arrange with the Development Officer for an on-site inspection before commencing construction.
4. The applicant shall be financially responsible during construction for any damage by the applicant, his/her servants, suppliers, agents or contractors to any public or private property.
5. The applicant shall prevent excess soil or debris from being spilled on public streets, lanes and sidewalks, and shall not place soil or any other material on adjacent properties without permission in writing from adjacent property owners.
6. The applicant shall provide fencing, or other manner of enclosure, around open excavation to prevent access by the public.
7. The applicant shall not place refuse bins upon municipal roadways or other municipal lands.
8. Sections 3.11.4 and 3.11.5 may be enforced pursuant to Section 3.10. Any costs incurred as a result of damage or neglect to public property may be collected pursuant to Section 3.10.

9. The Development Officer may require a Real Property Report relating to the building for which a permit is applied.
10. A development permit is not transferable without the prior consent of:
  - (a) the Development Officer, if the permit was issued by the Development Officer;
  - (b) the Municipal Planning Commission, if the permit was issued by the Municipal Planning Commission;
  - (c) Council, if the permit was issued by Council with respect to development in a Direct Control District; or
  - (d) the Subdivision and Development Appeal Board, if the permit was issued by the Subdivision and Development Appeal Board.

## **PART 4 – GENERAL DEVELOPMENT REGULATIONS**

### **4.1 PRINCIPAL BUILDING OR USE**

The number of dwelling units allowed on any single parcel shall be one (1) except for the following:

- (a) where provision is made in this bylaw for a secondary suite the number of dwelling units shall be two (2); and
- (b) in medium density residential districts and manufactured home courts, the number of dwelling units shall be governed by that district's density provisions.

### **4.2 DWELLING UNITS ON A PARCEL**

1. Subject to Section 4.1, no more than one dwelling shall be placed upon a single parcel in a residential district within the corporate boundaries of The Town of Onoway;
2. For the purposes of this Section, each lease area in a manufactured home court/park shall be regarded as a single parcel.

### **4.3 BOARDERS AND LODGERS**

In any residential land use district or any land use district which provides for residential uses, there shall not be more than two (2) boarders or lodgers in any residential development other than in a boarding or lodging home.

#### **4.4 HOUSE NUMBERS**

Every residence shall have its house number clearly displayed near the front door entrance. The numbers shall be easily visible from the street.

#### **4.5 BUILDING ATTACHED TO A PRINCIPAL BUILDING**

Where a building is attached to the principal building by open or enclosed roof structure, it is to be considered a part of the principal building and not an accessory building

#### **4.6 DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS AND STRUCTURES**

- (1) The purpose of this Section is to provide the Town of Onoway with controls and guidance so that aesthetically attractive and compatible development is provided throughout the Town of Onoway.
- (2) The design, siting, external finish and architectural appearance of all land, buildings, including any accessory building or structure, and signs, shall be to the satisfaction of the Development Officer for a permitted use and the Municipal Planning Commission for a discretionary use, in order that there shall be general conformity in such matters with respect to adjacent buildings and that there may be adequate protection afforded to the amenities of adjacent parcel.
- (3) Pursuant to Sections 4.6(1) and (2), the Development Officer or Municipal Planning Commission shall consider all of the following when reviewing development proposals in all districts:
  - (a) The design, character and appearance of all buildings must be compatible with any other buildings existing in the vicinity unless the building is setting a new standard of design and character for the land use district or a particular location within it.
  - (b) The design of the building must be consistent with the purpose and intent of the land use district in which it is located.

- (c) The siting of buildings must conform to the prescribed setback requirements.
  - (d) The height, massing, size and shape of the buildings should be consistent relative to existing adjacent buildings.
  - (e) The external finish of the principal and accessory buildings should be reviewed for consistency with respect to colour, finish and texture.
  - (f) The impact of a proposed building on the existing streetscape should be considered in order to maintain conformity of sight lines, and to reduce any extreme and distracting variations.
  - (g) The use of landscaping should be encouraged to enhance the appearance of a development.
  - (h) The existing trees and natural features should be preserved in new subdivisions and developments.
  - (i) The building or structure shall comply with any provisions of a statutory plan, which sets out specific guidelines as to the design, character, appearance or building materials to be used within a district or area, or any architectural control guidelines adopted by Council.
- (4) Further to Section 4.6(3), the Development Officer or Municipal Planning Commission shall consider, but not be limited to, the following criteria when evaluating the design, character and appearance of development proposals.
- (a) Guidelines for Commercial and Industrial Development:
    - i) The harsh contrasts of very large buildings, mixed with small buildings can be softened by using similar sizes and shapes of massing elements like roof lines, exterior design and treatment.
    - ii) Blank, unfinished walls give a very bland appearance to the streetscape. Particular attention should be given to reduce large vacant spaces between buildings which are left open to public view.
    - iii) Rooftop mechanical equipment should be hidden from view from public streets and from adjacent buildings.
    - iv) Utility installations and buildings should be located in such a manner so as to be compatible with adjacent buildings and development. This may be achieved by placing utility installations within buildings wherever possible, or developing utility buildings which blend into the surrounding area.



- v) Natural features are an important part of the urban environment and should be given a high priority in developing a parcel. This may be achieved by, for example, preserving existing trees wherever possible.
  - vi) Corner parcels at the intersection of major streets should be given special consideration. Sight lines for drivers and more pedestrian space are features which should be incorporated into the design of buildings on corner parcels.
  - vii) Buildings should provide weather protective overhangs at outdoor pedestrian areas and at building entrances. The overhangs can be achieved through the use of cantilevers, awnings and canopies.
  - viii) Long buildings along the street front should include a public route through the building which can be used by pedestrians to access parking areas or simply to avoid having to walk around the building.
  - ix) Pedestrian areas in parking lots should be designed for safety and at a pedestrian scale. The combination of landscaping and pedestrian walkway connections from the parking area to the shopping area can act as a windbreak, slow the traffic in the parking area and soften the harsh visual impact of large asphalt areas.
  - x) The illumination of commercial and industrial parcels should not shine into residential windows.
  - xi) On-parcel parking, loading and shipping areas are less attractive elements of a streetscape and should be hidden from public roadways by buildings, screening and landscaping.
  - xii) Outdoor storage and garbage collection areas are generally unsightly and undesirable elements from public roadways and should be screened or hidden behind buildings. Existing storage and garbage collection areas should be screened from roadways by using berms, walls and landscaping.
  - xiii) Signage on the building facade should be integrated with signage in the immediate vicinity and the district as a whole to avoid the creation of visual cluttering, clashing or detracting from the appearance of the area or street.
- (b) Guidelines for Residential Development:
- i) Visual privacy of internal living space and areas should be maintained in new and existing developments. The use of berms, landscaping

and the orientation of the dwellings and the living space windows can improve the visual privacy between developments.

- ii) Identical or similar housing styles, models, designs and colours should be discouraged. The same housing colour, design or treatment should not be used for any more than three adjacent dwellings.
- iii) The intensity of colours should be restricted while encouraging the use of earth tone and pastel colours with natural finishes like wood and brick.
- iv) Corner parcel houses should be generally lower lying houses as height and mass is emphasized beside a void such as a road.
- v) Any accessory building built on a parcel, such as a detached garage or garden shed, should be similar to the principal building in terms of proportional mass, roof line and exterior treatment.
- vi) Developments should be encouraged to possess good proportion in the front elevations through the use of such elements as dormers, bay windows, shutters, brickwork, roof lines and variations of window sizes.

#### **4.7 ARCHITECTURAL DESIGN GUIDELINES**

- (1) Further to Section 4.6, Council may adopt more detailed architectural control guidelines where Council wishes to achieve a higher standard of design and appearance within a specific development, subdivision or neighbourhood.
- (2) Where Council adopts architectural control guidelines for a specific subdivision or neighbourhood, the following elements shall be contained in the document in order to ensure the aesthetic and functional quality of development:
  - (a) the compatibility of parcel grading and drainage requirements within the parcel;
  - (b) the placement of the structure/building on the parcel to ensure proper utilization of the land and compatibility with surrounding structures/buildings;
  - (c) the styling and type of structure/building to ensure compatibility with surrounding structures/buildings; and

- (d) the compatibility of exterior finish and coordination of colour relationships.
- (3) Where Council adopts architectural control guidelines, the Development Officer or Municipal Planning Commission shall ensure the controls are adhered to using, but not limited to, the regulations and mechanisms contained in Parts 3 and 4 as well as Section 4.6 of this Bylaw.
- (4) The Town of Onoway may require that the developer register a restrictive covenant against the parcel or subdivision in order to ensure ongoing conformance with the architectural control guidelines.

#### **4.8 RELOCATION OF BUILDINGS**

1. No person shall:
  - (a) Place on a parcel a building which has previously been erected or placed on a different parcel, or
  - (b) Alter the location on a parcel of a building which has already been constructed on that parcel, unless the Development Authority approves the placement or alteration
  - (c) Notwithstanding any other provision of this Bylaw, no mobile homes may be moved into the corporate boundaries of The Town of Onoway after the adoption date of this Bylaw.
2. An application to “relocate” a building may require:
  - (a) a colour photograph of the building,
  - (b) a statement of the present location of the building,
  - (c) a notification of the relocation route, date, and time that the relocation is to take place, and
  - (d) a complete site plan showing all buildings located or to be located on the lot.

3. The Development Authority may require, when a development permit is issued for a relocated building, a performance bond or a letter of credit related to the proposed development.
4. The Development Authority may require; when a development permit application is received to relocate a building, a notice in writing be forwarded to all adjacent landowners in the receiving neighbourhood.
5. Any renovations and any conditions imposed by the Development Authority to a relocated building shall be completed within one year of the issuance of the development permit. Non-compliance shall result in the forfeiture of the performance bond or letter of credit.
6. When reviewing development permit applications for moved-in buildings, the Development Authority shall consider the impact of the proposed moved-in building on the aesthetics and value of the adjoining properties.
7. In the case of a building to be relocated, it shall, in the opinion of the Development Authority, be compatible, with respect to age and appearance, with the buildings in the receiving neighbourhood once all required renovations and improvements have been completed.
8. An approval shall not be granted under Subsection (1) unless the Development Authority is satisfied that:
  - (a) The placement or location of the building would meet the requirements of this Bylaw; and
  - (b) The building and the parcel meet the requirements of this Bylaw and the land use district in which the building is proposed to be located as well as all applicable building standards of the Alberta Government.

#### **4.9 EXCAVATION, STRIPPING AND GRADING**

1. In all land use districts, no person shall commence or continue the removal of topsoil, without first obtaining an approved development permit.
2. Pursuant to subsection (1) and in addition to the requirements of Section 3.4 of this Bylaw, development permit applications for landscaping shall be accompanied

- by a general parcel grading plan, drainage plan and indicate any existing or proposed retaining wall construction.
3. The grading plan shall be provided upon occupancy of the development; a minimum topsoil coverage of 7.6 cm (3.0 inches) and the affected area shall be landscaped to the satisfaction of the Development Authority.
  4. In any commercial or industrial land use district, all areas of a parcel not covered by buildings, parking or vehicular maneuvering areas shall be landscaped to the satisfaction of the Development Authority.
  5. In any commercial land use district, off-street parking lots shall be landscaped by the planting of trees and/or shrubs in the amount of at least one tree and/or shrub for every 185.8 m<sup>2</sup> (2,000 ft<sup>2</sup>) of parking lot area. The trees and/or shrubbery shall be of a type and size approved by the Development Authority. Trees/shrubbery required shall be located within the parking area in locations where visibility for the safe movement of persons and traffic is not impaired.
  6. As a condition of the development permit, all required landscaping and planting must be carried out to the satisfaction of the Development Authority and within one (1) year (weather permitting) of occupancy or commencement of operation of the proposed development.
  7. As a condition of a development permit, the Development Authority may require that the developer provide a financial guarantee, in a form acceptable to The Town of Onoway, up to the value of the estimated cost of the proposed landscaping/planting to ensure that such landscaping/planting is carried out with reasonable diligence.

#### **4.10 LANDSCAPING**

(1) In all land use districts, no person shall commence or continue the removal of topsoil, and in the M Industrial District and UR Urban Reserve District, no person shall commence any landscaping of any kind, without first obtaining an approved development permit.

(2) Pursuant to Section 4.10(1) and in addition to the requirements of Section 3.4 of this Bylaw, development permit applications shall be accompanied by a

general parcel grading plan, drainage plan and indicate any existing or proposed retaining wall construction.

(3) There shall be provided upon occupancy of the development, a minimum topsoil coverage of 7.5 cm and the affected area shall be landscaped to the satisfaction of the Development Officer or Municipal Planning Commission.

(4) In any commercial or industrial land use district, all areas of a parcel not covered by buildings, parking or vehicular maneuvering areas shall be landscaped to the satisfaction of the Development Officer or Municipal Planning Commission.

(5) In any commercial land use district, off-street parking lots shall be landscaped by the planting of trees and/or shrubs in the amount of at least one tree and/or shrub for every 185.0 m<sup>2</sup> of parking lot area. The trees and/or shrubbery shall be of a type and size approved by the Development Officer or Municipal Planning Commission. Trees/shrubbery required shall be located within the parking area in locations where visibility for the safe movement of persons and traffic is not impaired.

(6) As a condition of the development permit, all required landscaping and planting must be carried out to the satisfaction of the Development Officer or Municipal Planning Commission and within one (1) year (weather permitting) of occupancy or commencement of operation of the proposed development.

(7) As a condition of a development permit, the Development Officer or Municipal Planning Commission may require that the developer provide a financial guarantee, in a form acceptable to the Town of Onoway, up to the value of the estimated cost of the proposed landscaping/planting to ensure that such landscaping/planting is carried out with reasonable diligence.

#### **4.11 DEVELOPMENT ON OR NEAR SLOPES**

1. For the purposes of this Section, "top of the bank" is as determined by the Development Officer or Municipal Planning Commission in consultation with Alberta Environment.
2. Notwithstanding the yard requirements prescribed in the land use districts, no permanent buildings shall be permitted within 6.0 m. of the top of the bank of any water body and no development shall be permitted within 6.0 m of the top or bottom of an escarpment bank or slope where the grade exceeds 15% (fifteen percent).

3. The Development Officer or Municipal Planning Commission may require a greater setback than is prescribed in Section 4.11(2).
4. Notwithstanding that a proposed development conforms in all respects with this Bylaw, including Sections 4.11(2) and (3), where the application is for development on lands that are or may be subject to subsidence, the Development Officer or Municipal Planning Commission shall not issue a development permit unless the applicant can demonstrate, by means of an engineering report bearing the seal and signature of a professional engineer registered in the Province of Alberta, that preventive engineering and construction measures can be instituted to make the parcel suitable for the proposed development.
5. Further to Section 4.11(4), the Development Officer or Municipal Planning Commission may, at their discretion, require that the development site and buildings be designed by a professional engineer registered in the Province of Alberta.
6. Subject to Sections 4.11(4) and (5), the Development Officer or Municipal Planning Commission may, at their discretion, reduce the setback requirements established pursuant to Sections 4.11(2) and (3) if the applicant provides satisfactory proof of bank stability.

#### **4.12 LIMITED ACCESS TO MAJOR ROADS**

No access for vehicles will be permitted from a major collector or arterial road, as designated in the Municipal Development Plan, Transportation Study or any area structure plans, to:

- (a) any residential parcel, unless the access serves more than four dwelling units;
- (b) any parcel, unless turning space is provided on the parcel such that vehicles entering upon the parcel may turn before reentering the street; and
- (c) any parcel where, in the opinion of the Development Officer or Municipal Planning Commission, there would be an excessive number of access points onto the street.

#### **4.13 ON PARCEL AND OFF PARCEL SERVICES AND IMPROVEMENTS**

- (1) For the purposes of consistency with the Municipal Government Act, the word "parcel" in this Section of the Bylaw has the same meaning as the word "site" in the Municipal Government Act as it pertains to "off-site levy".
- (2) Where on-parcel services or improvements, including but not limited to water/sewer lines, power and other utility services, or any off-parcel local improvements, relating to but not limited to infrastructure such as roads, lanes, trunk water and sewer lines, are required to service a proposed development, a person shall not begin the excavation for the foundation nor commence the development until the Development Officer or Municipal Planning Commission is satisfied that such services will be provided or the improvements will be undertaken using, as required, the means of securing performance available in this Bylaw.
- (3) If a development is to be served by private sewer and water systems, approval from the appropriate municipal and provincial authorities having jurisdiction with respect to the private sewer and water systems shall be a condition of the development permit issued for said development.

#### **4.14 EMERGENCY ACCESS TO BUILDINGS**

The Development Officer, Municipal Planning Commission or Council, as the case may be, shall ensure that parcels are designed such that safe, unrestricted access for fire fighting vehicles and equipment is afforded to all buildings and parcels in accordance with municipal and provincial fire authorities having jurisdiction.

#### **4.15 CURB CUTS**

In determining curb cuts, the Development Officer or Municipal Planning Commission shall ensure that the amount of curb space lost for use as on-street parking is kept to an absolute minimum and that curb cuts are located such that they provide for the safe and efficient movement of vehicles and pedestrians.



#### 4.16 PROJECTIONS OVER YARDS

- (1) Except as provided in Section 4.16(2), no person shall permit any portion of the principal building on a parcel to project over or onto a front yard, side yard or rear yard.
- (2) On a parcel in a residential land use district, the parts of and the attachments to a principal building which may project over or onto the front, side and rear yards, as the case may be, are as follows:
  - (a) a chimney, balcony, sill, cornice, deck, canopy, eave or any other architectural feature which, in the opinion of the Development Officer or Municipal Planning Commission, is similar, that project(s) over a side yard, if the projection does not exceed 0.6 m and does not, under any circumstances, encroach into the 3.0 m side yard intended to accommodate a driveway for vehicular passage and/or general access to the rear of the parcel;
  - (b) an unenclosed verandah, porch, deck, eave or canopy or open balcony individually supported by cantilever, projecting no more than 1.2 m over a required front yard;
  - (c) unenclosed steps, if the steps are:
    - i) 2.5 m or less above the surface of the yard; and
    - ii) not located in a required side yard which provides or is intended to accommodate a driveway for vehicular passage and/or general access to the rear of the parcel, and the steps would not reduce the required side yard by more than 0.6 m;
  - (d) eaves of a private garage or other accessory building if the eaves are not closer to the parcel line than one-half the width of the required side yard or 0.5 m, whichever is less;
  - (e) a bay or bow window or cantilevered section of a building which projects into a front yard or side yard if the projection is not wider than 2.5 m, does not project more than 0.6 m over the required front yard or side yard and does not, under any circumstances, encroach into the 3.0 m side yard intended to accommodate a driveway for vehicular passage and/or general access to the rear of the parcel; and
  - (f) a patio or other similar development may project into the yard requirement up to the property line, as determined by the Town, provided said development is at grade level.

- (3) On a parcel in a commercial land use district, the parts of and attachments to a principal building which may project over or onto a front, side or rear yard are:
  - (a) a canopy or extension over a front yard or side yard if the projection complies with the sign regulations contained in Part 4 of this Bylaw.
  - (b) a canopy or extension over a rear yard if the projection is at least 4.0 m above the surface of the yard and does not obstruct the normal use of the yard.

#### **4.17 GARAGES, ACCESSORY BUILDINGS AND STRUCTURES**

- (1) Where an accessory building is attached to the principal building on a parcel by a roof or an open or enclosed structure, except carports where vehicular access to the rear yard is not obstructed, said accessory building it is to be considered part of the principal building and not as an accessory building and shall, therefore, adhere to the setback requirements for principal buildings as specified in the land use districts.
- (2) In Residential Land Use Districts:
  - (a) Accessory buildings include garages, carports, sheds, storage buildings, sundecks, patios or balconies, permanently installed private swimming pools and hot tubs and other accessory structures such as television and radio antennas, poles, satellite dishes and towers.
  - (b) Height:
    - i) The height of an accessory building shall be at the discretion of the Development Officer or Municipal Planning Commission who shall have regard for the following in determining height:
      - 1. The topography of the parcel upon which the accessory building is or is to be situated as well as the topography of immediately adjacent parcels and the surrounding area shall be considered to ensure that the sight lines and view angles of the subject parcel and adjacent parcel are not unduly obstructed by the height of the accessory building.
      - 2. The height of an accessory building shall be in proportion with the principal and accessory buildings on immediately adjacent parcels as well as in keeping with the neighbourhood itself.

3. The height of an accessory building shall be such that the accessory building, in relation to the principal building, does not visually dominate the parcel.
- ii) An accessory structure, as referred to in Section 4.17(2)(a), shall not exceed twice the height of the highest building situated on the parcel, the height of the structure being measured from the average grade of the parcel.

(c) Parcel Coverage:

The total combined floor area of accessory buildings shall be as prescribed in the land use district regulations.

(d) Siting of Buildings:

Unless otherwise provided in this Bylaw, detached garages, carports and other accessory buildings shall be located:

- i) a minimum of 3.0 m. in a laneless subdivision, and a minimum of 2.1 m. in a lane subdivision, from the dwelling provided that both buildings meet the requirements of the Alberta Building Code and the Alberta Fire Code, and any amendments made from time to time;
- ii) no closer than the front line of the principal building. This regulation may be relaxed for garages and carports only where, at the discretion of the Development Officer, insufficient setbacks exist to place the building in the rear yard or side yard. In no case however, shall the building encroach beyond the front yard setback;
- iii) no closer than 1.0 m. to the rear parcel line provided there is no encroachment of any part of the building onto public utility easements or onto adjacent property maintenance easements. Where the vehicle approach faces the lane, the garage or carport shall be no closer than 6.0 m. from the lane;
- iv) no closer than 1.2 m. to the side parcel line excepting where an agreement exists between the owners of adjoining parcels to have built or build their garages using a common parcel line, in which case a fire wall will be constructed to the requirements of the Alberta Safety Codes Act and Alberta Fire Code, and regulations pursuant thereto, and any amendments made from time to time;
- v) no closer than 1.2 m. from the side parcel line and 1.0 m. from the rear parcel line in the case of an angular or curved approach from a lane; and

- vi) accessory buildings, at the discretion of the Development Officer or Municipal Planning Commission, may be constructed on a zero side yard setback, provided they are located on the same zero side yard as the principal building, and provided the provisions under Section 4.20 of this Bylaw are adhered to.
- (e) Sundecks, Patios and Balconies:
- i) which are higher than 0.6 m. above grade at any point shall adhere to the siting requirements under Section 4.17(1), where attached to the principal building, and to the siting requirements of Section 4.17(2)(d) where detached; and
  - ii) which are higher than 0.6 m. above grade at any point shall be in accordance with Section 4.17(2)(c) in terms of parcel coverage requirements; or
  - iii) which do not project more than 0.6 m. above grade, as defined in Section 1.9 if at grade, shall adhere to the siting requirements under Sections 4.17(2)(d)(ii through vi), whether attached or detached, except that such structures may be allowed within the required front yard, but not closer than 1.5 m. from the front parcel line and shall be subject to Section 4.27 of this Bylaw with respect to fences and screening.
- (f) Private Swimming Pools and Hot Tubs:
- i) Every private swimming pool or hot tub shall be secured against entry by the public other than owners, tenants or their guests.
  - ii) No privately owned outdoor swimming pool or hot tub shall be constructed unless fenced; except that a wall of a building may be considered to provide adequate protection for its length when substituted for any portion of the fence.
  - iii) Every fence enclosing an outdoor swimming pool or hot tub shall be at least 1.7 m. in height above the level of the grade outside the enclosure and shall be of approved design such that it will deter children from climbing over or crawling through or under it to gain access. Gates in the fence shall provide protection equivalent to the fence and shall be equipped with a self-latching device located on the inside of the gate.
  - iv) A private swimming pool shall be provided with at least one exit ladder or stair from the deepest part of the pool where the greatest dimension of the pool does not exceed 9.0 m. An additional ladder

or stair is to be provided at the opposite end of the pool where the pool exceeds 9.0 m.

v) Swimming pools and hot tubs shall be sited as per Section 4.17(2)(d).

(g) Additional Requirements:

i) Notwithstanding any provision in this Section, no accessory building or structure shall be permitted that, in the opinion of the Development Officer or Municipal Planning Commission, will serve to restrict access to the rear yard where a parcel has vehicular access from the front yard only and one side yard setback of 3.0 m. has been provided to accommodate a driveway for vehicular passage and general access to the rear of the parcel.

ii) Accessory buildings shall not be used as dwellings.

iii) Subject to Section 4.17(2)(g)(iv), accessory structures, as referred to in Section 4.17(2)(a), shall satisfy the siting requirements as established in Section 4.17(2)(d).

iv) Flag poles may be located in the front yard to the satisfaction of the Development Officer or Municipal Planning Commission, as the case may be.

(3) In all other land use districts, unless otherwise specified in this Bylaw, the provisions for accessory buildings and structures will be at the discretion of the Development Officer or Municipal Planning Commission who shall have regard for the siting requirements applicable to principal buildings in the land use district in which the subject parcel is located.

#### **4.18 SECONDARY SUITES**

1. A secondary suite shall be operated as an accessory use only and shall not change the residential character of the principal dwelling involved.

2. A secondary suite may be considered within:

(a) the principal dwelling unit;

(b) notwithstanding Section 4.6 of this Bylaw – the second storey of a detached garage; or

- (c) an accessory building or structure.
- 3. A development permit for a secondary suite does not expire upon transfer of ownership of land upon which the secondary suite is located.
- 4. A secondary suite shall not contain more than fifty percent (50%) of the total floor area of the principal dwelling.
- 5. On-site parking shall conform to the parking regulation of this Bylaw for the principal dwelling unit, and one (1) additional on-site parking stall shall be required for each bedroom provided in the secondary suite.
- 6. Required parking stall(s) shall not be allowed on public roadways.
- 7. Prior to its use as an approved secondary suite the property owner shall be required to meet all applicable safety code requirements.
- 8. The applicant shall provide an original copy of a fire inspection report to the Development Officer, no older than 1 month, showing no deficiencies or evidence that all identified deficiencies have been corrected, prior to the issuance of an approval for a Secondary Suite.

#### **4.19 CORNER AND DOUBLE FRONTING PARCELS**

In all land use districts, a parcel abutting onto two streets or more shall have a front yard setback on each street in accordance with the front yard requirements of this Bylaw. For the purposes of determining the setback requirements, the long front yard shall be referred to as the flanking front yard.

In all cases, the location of buildings on corner parcels shall be subject to approval of the Development Officer or Municipal Planning Commission who may, at their discretion, relax the front yard setback requirements taking into account the location of existing adjacent buildings or the permitted setback on adjacent parcels where a building does not exist and having regard for Section 3.6(2) of this Bylaw.

## 4.20 ZERO SIDE YARD DEVELOPMENTS IN RESIDENTIAL DISTRICTS

(1) Where developments are proposed which are permitted to have a zero side yard, the regulations of this Section and the regulations of the land use district in which the development is proposed shall apply.

(2) Prior to the approval of any zero side yard development, plans showing grading and drainage on adjacent parcels must be submitted and must be acceptable to the Development Officer or Municipal Planning Commission.

### (3) Easements Required

(a) Where a zero side yard is permitted, an easement shall be provided on the parcel abutting that side yard, the full width of the side yard required on the adjacent property, for the maintenance of all principal and accessory buildings, and for any overhang of principal or accessory buildings onto that adjacent parcel. The Development Officer or Municipal Planning Commission may require that an easement plan be registered in addition to the normal plan of subdivision.

(b) Where an accessory building is permitted to have a zero side yard abutting a parcel, the applicant will be responsible for the negotiation and registration of any easements required pursuant to Section 4.20(3)(a) prior to the issuance of a development permit for the zero side yard development proposal.

### (4) Provisions for Future Zero Side Yard Development

Where a plan is accepted for a zero side yard project or zero side yard parcel, and where that plan indicates the location or alternative locations for future accessory buildings (including garages) on the parcel, easements required under Section 4.20(3) shall be provided for all possible alternative future locations of accessory buildings at, or prior to, the time of the development of the principal building.

### (5) Side Yard Setbacks

Side yard setbacks shall be as prescribed below:

(a) Zero for one side, except where a parcel in which the principal or accessory buildings are permitted to have a zero side yard abuts another land use district, in which case the minimum side yard

setback from the boundary abutting the adjacent district shall be 1.5 m.

- (b) 3.0 m. except that where a parking space is provided in the required side yard and adjacent to a zero side yard of another unit, the minimum side yard setback where the parking space is provided shall be 3.5 m.
- (c) No part of any structure or building shall be erected within 5.0 m. of the street boundary on the flanking front yard side of a zero side yard parcel.

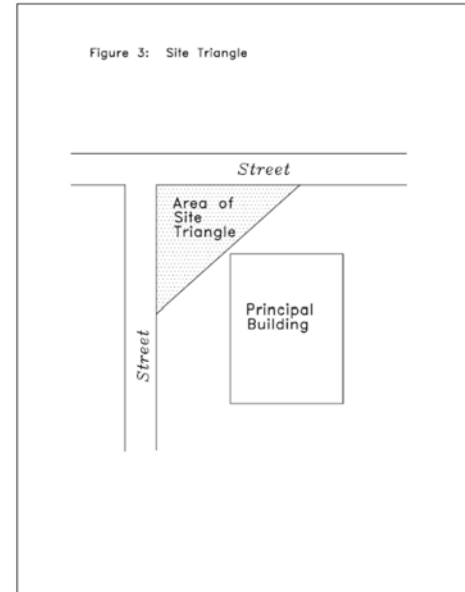
(6) Surveyed Boundaries

- (a) Notwithstanding other Sections of this Bylaw, at the discretion of the Development Officer or Municipal Planning Commission approval may be given and a development permit may be issued on a zero side yard development prior to the registration of a plan of subdivision for the development, if the development is in conformance with a parcel plan that proposes future subdivision to accommodate the zero side yard development provided that:
  - i) subdivision approval has been previously given on the proposed parcel by the subdivision approving authority;
  - ii) a preliminary survey plan has been undertaken and applied to the land to establish the location of buildings proposed;
  - iii) after the registration of the linen plan, the development will be in conformance with all regulations of this Bylaw; and
  - iv) the developer will be held responsible under Section 3.10 of this Bylaw for any development that is undertaken which is not in conformance with the Bylaw prior to, or after the registration of the linen plan of subdivision.
- (b) Where Section 4.20(6)(a) is enforced, the plan of subdivision must be prepared and registered immediately upon the completion of foundations and, at the discretion of the Development Officer or Municipal Planning Commission, prior to any further development taking place on the parcel.



#### 4.21 CORNER SIGHT TRIANGLES

1. A sight triangle means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site 6.1 m. (20 ft.) from the point where they intersect.
2. On laneways, the sight triangle shall be formed by a straight line drawn between two points on the exterior boundaries of the said site 3.05 m. (10.0 ft.) from the point where they intersect.
3. On any corner site, no person shall erect, place or maintain within the sight triangle a wall, fence, shrub, trees, hedge, or any object over 0.9 m. (3.0 ft.) in height above the lowest street grade adjacent to the intersection.
4. On any corner site, no finished grade shall exceed the general elevation of the street line by more than 0.6 m. (2 ft.) within the area defined as the sight triangle.
5. When a lot has more than one front yard line (corner lot), the front yard requirement shall apply to all front yards, but, at the discretion of the Development Authority, one front yard may be considered a side yard.



#### 4.22 OUTSIDE STORAGE

The following shall apply in the C1 Commercial District (Office, Retail and Service), C2 Commercial District (Secondary), C3 Commercial District (Highway), and M Industrial District:

- (a) There shall be no outside storage of goods, products, materials or equipment permitted within the front yard setback prescribed in the above-noted land use districts.
- (b) Outside storage of goods, products, materials or equipment shall be kept in a clean and orderly condition at all times and shall be screened by means

of a solid wall or fence from public thoroughfares and adjacent residential uses to the satisfaction of the Development Officer.

(c) No storage or activity may be undertaken that would in the opinion of the Development Officer or Municipal Planning Commission:

- i) unduly interfere with the amenities of the district, or
- ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcel,

by reason of excessive noise, smoke, steam, odour, glare, dust, vibration, refuse matter or other noxious emissions or containment of hazardous materials.

(d) When part of the parcel is to be used for the temporary outdoor display of goods or products for sale, lease or hire, such display shall be arranged and maintained in a neat and tidy manner and shall not, in the opinion of the Development Officer:

- i) unduly interfere with the amenities of the district, or
- ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcel.

#### **4.23 POLLUTION CONTROL**

(1) In any land use district, no use of land or a development may be undertaken in a manner that would, in the opinion of the Development Officer or Municipal Planning Commission:

- (a) unduly interfere with the amenities of the district, or
- (b) materially interfere with or affect the use, enjoyment or value of neighbouring parcel,

by reason of potential for contamination of the water supply for the Town of Onoway, excessive noise, smoke, steam, odour, glare, dust, vibration, refuse matter or other noxious emissions or containment of hazardous materials.

#### **4.24 BUILDING DEMOLITION**

An application to demolish a building shall not be approved without a statement or plan, which indicates:

- (a) how the operation will be carried out so as to create a minimum of dust or other nuisance, and
  - (b) the final reclamation of the parcel,
- that is satisfactory to the Development Authority.

#### **4.25 AUTOMOBILE PARKING AND LOAD REQUIREMENTS**

##### **1. OFF-STREET AUTOMOBILE PARKING**

- (a) An off-street parking area:
  - (i) shall not be located within 1.0 m (3.28 ft.) of a lot line common to the lot and to a street unless the parking area is shared between the adjoining lots;
  - (ii) shall be constructed so that adequate access to, and exit from each stall is to be provided at all times by means of maneuvering aisles designed to the satisfaction of the Development Authority;
  - (iii) shall have necessary curb cuts located to the satisfaction of the Development Authority; and
  - (iv) shall be hard-surfaced to the satisfaction of the Development Authority or of a gravel mixture approved by the Development Authority.
- (b) All parking areas shall conform to the minimum parking standards set out in The Town of Onoway Land Use Bylaw.

##### **2. REQUIRED NUMBER OF OFF-STREET PARKING STALLS**

- (a) The minimum number of off-street parking spaces required for each building class shall be as in the following table. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Development Authority. Where a

development falls within more than one class, the required number of spaces shall be the sum of the requirements for each of the development classes.

<b><u>RESIDENTIAL</u></b>	
One and two unit dwellings	2 per dwelling unit
Multiple unit dwellings of one bedroom or less per dwelling unit	1.5 per dwelling unit
Multiple unit dwellings of two or more bedrooms per dwelling unit	2 per dwelling unit
Senior citizen self-contained dwelling units	1 per dwelling unit
<b><u>COMMERCIAL</u></b>	
Business, public administration and offices other than doctor and dentist	1 per 40.0 m <sup>2</sup> (430.0 ft <sup>2</sup> ) of gross leasable area
Medical and dental offices or clinics	1 space for each 30.0 m <sup>2</sup> (323.0 ft <sup>2</sup> ) of gross leasable area or 3 spaces for each full to part-time professional, whichever is greater
Retail, personal service, equipment and repair shops with a gross leasable floor area of 1000.0 m <sup>2</sup> (10,764.0 ft <sup>2</sup> ) or less	1 per 30.0 m <sup>2</sup> (323.0 ft <sup>2</sup> ) of gross leasable floor area
Retail and personal service shops and shopping centre buildings with a gross leasable area of between 1000.0 m <sup>2</sup> and 4000.0 m <sup>2</sup> (10,764.0 ft <sup>2</sup> and 43,057.0 ft <sup>2</sup> )	1 per 20.0 m <sup>2</sup> (215.0 ft <sup>2</sup> ) of gross leasable floor area
Retail and personal service shops and shopping centre buildings with a gross leasable area of more than 4000.0 m <sup>2</sup> (43,057.0 ft <sup>2</sup> ) on one parcel	1 per 17.0 m <sup>2</sup> (183.0 ft <sup>2</sup> ) of gross leasable area
Restaurants, beer parlours and cocktail bars	1 for each 6.0 m <sup>2</sup> (65.0 ft <sup>2</sup> ) of gross floor area or 1 per five seating spaces and 1 per three employees at maximum shift, whichever is greater

Drive-in businesses and car washing establishments	8 except where more are required under other requirements of this section
Restaurants (food exclusively taken off-parcel)	1 for each 13.0 m <sup>2</sup> (140.0 ft <sup>2</sup> ) of gross floor area plus 1 for each three employees on maximum shift
Hotels, motor hotels, motels and apartment hotels	1 per sleeping unit and 1 space per three employees on maximum shift
<b><u>PLACES OF PUBLIC ASSEMBLY</u></b>	
Theatres, auditoriums, halls, churches and other amusement or recreational facilities	1 per 7.5 seating spaces or 1 per 7.0 m <sup>2</sup> (75.0 ft <sup>2</sup> ) used by the patrons, whichever is greater

<b><u>SCHOOLS</u></b>	
Elementary schools and junior high schools	1 per school hour employee, and plus 5
Senior high schools which do not include an auditorium, gymnasium or swimming pool	1 per school hour employee plus 1 for every twenty students

<b><u>INDUSTRIAL</u></b>	
Manufacturing and industrial plants, wholesale, warehousing and storage buildings and yards, servicing and repair establishments, research laboratories and public utility buildings	1 per employee on maximum shift. This standard may be varied by the Development Officer to no fewer than 1 per three employees on maximum shift where it can be shown by the applicant that fewer stalls are required

<b><u>HOSPITALS AND SIMILAR USES</u></b>	
Hospitals, sanatoriums, group care facilities, nursing homes, convalescent homes and senior citizens lodges	1 per 100.0 m <sup>2</sup> (1,076.0 ft <sup>2</sup> ) of floor area or 1 per four beds and 1 for every two employees on maximum shift, whichever is greater

(b) At the option of the Development Authority and in lieu of providing off-street parking, an owner of land proposed for development shall pay the municipality to assist in providing the equivalent parking area. Council will determine the

amount of money required. Money so received by the municipality will be used only for the development of municipal off-street parking facilities.

- (c) Where development on a parcel contains more than one use of a building or development, the required number of spaces shall be the sum of the requirements for each of the uses.

### **3. COMMUNAL AND OFF-PARCEL PARKING**

- (a) Parking may be supplied on a parcel other than the parcel of the principal use provided that it is in accordance with the following regulations:

- (i) Except in the case of highway commercial land use districts as well as parcels in parks/recreation or urban services land use districts adjacent to residential parcels, and subject to the approval of the Municipal Planning Commission, an owner of land or a group of such owners may pool his or their required off-street parking stalls within one or more communal parking facilities and may thereby collectively fulfill the requirements of Section 4.25.2;

- (ii) Where a group of uses is served by a communal parking facility, the requirement for such facility shall be the sum of the off-street parking requirements for each of the uses served by the parking facility;

- (iii) Where a group of uses or businesses pool their parking requirements onto one parcel, such a communal parcel shall be located no more than 122.0 m. (400 ft.) from any one of the owners who have pooled their off-street parking requirements;

- (iv) The owners who have pooled their parking requirements shall enter into an agreement with The Town of Onoway and the owners shall consent to such an agreement being registered as an encumbrance against the titles of land involved; and

- (v) The owners involved in a communal parking arrangement shall pay the full costs of preparation and registration of the agreement referred to in Subsection 4.25.3(a)(iv).

- (b) At the option of the Municipal Planning Commission, and in lieu of providing off-street parking, an owner/developer of land proposed for development shall pay The Town of Onoway to provide the equivalent parking area. The amount of money required will be determined by a resolution of Council and shall be based on the amount needed to purchase the land required and construct the

parking facility and required number of parking stalls. Money so received by The Town of Onoway will be used only for the development or improvement of municipal, off-street parking facilities.

#### **4. OFFSTREET LOADING SPACES**

- (a) Off-street loading spaces shall be required for all non-residential development and apartments.
- (b) Loading spaces shall be designed and located so that all vehicles using those spaces can be parked and maneuvered entirely within the bounds of the parcel before moving onto a public roadway.
- (c) An off-street loading space shall be at least 4.0 m (13.12 ft.) in width, 8.0 m (26.24 ft.) in length, with height of 4.0 m (13.12 ft.).
- (d) Hard surfacing shall be required where an off-street parking facility is required to be hard-surfaced.
- (e) Number of off-street loading spaces:
  - (i) In a retail, industrial, warehouse or similar development of less than 465.0 m<sup>2</sup> (5,000.0 ft<sup>2</sup>) of gross floor area, one space;
  - (ii) two spaces for between 465.0 m<sup>2</sup> (5000.0 ft<sup>2</sup>) and 2,323.0 m<sup>2</sup> (25,000 ft<sup>2</sup>) of gross floor area, and one additional space for each additional 2,323 m<sup>2</sup> (25,000 ft<sup>2</sup>) or fraction thereof;
  - (iii) office buildings, places of public assembly, institution, club or lodge, school, or any other use one space up to 2,787.0 m<sup>2</sup> (30,000 ft<sup>2</sup>) of gross floor area and for each additional 2,787 m<sup>2</sup> (30,000 ft<sup>2</sup>) or fraction thereof, one additional space; and
  - (iv) neighbourhood commercial stores, one loading space.

#### 4.26 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

1. All matters related to unsightly property, improper storage of vehicles, parking of commercial vehicles over 5500 kg. (12,125.22 lbs.) shall be addressed through the Municipal Government Act and bylaws adopted by Council other than this Land Use Bylaw.
2. The following prohibited or restricted developments shall be subject and addressed in accordance with this Bylaw:
  - (a) any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.
3. Subject to Section 4.26(1) no person shall keep or permit in any part of a yard in a residential land use district:
  - (a) any dismantled or wrecked vehicle;
  - (b) any object or chattel which, in the opinion of the Development Officer, Municipal Planning Commission, or Council, is unsightly or tends to adversely affect the amenities of the district.
4. In all land use districts, garbage shall be stored in weather and animal proof containers screened from adjacent parcels and public thoroughfares to the satisfaction of the Development Officer, Municipal Planning Commission or Council and shall be in a location easily accessible for pickup.
5. Sites and buildings in all districts shall be maintained in a clean and tidy condition free from all rubbish and debris.
6. In any district, no storage or activity may be undertaken which, in the opinion of the Development Officer, Municipal Planning Commission, or Council, constitutes a danger or annoyance to persons on site, on public property, or on any other site, by reasons of excessive noise, vibration, dust and other particulate matter, smoke, odour, toxic, and noxious matter, traffic, radiation hazards, fire, and explosive hazards, heat, humidity and glare, refuse matter or waterborne waste, water or steam.

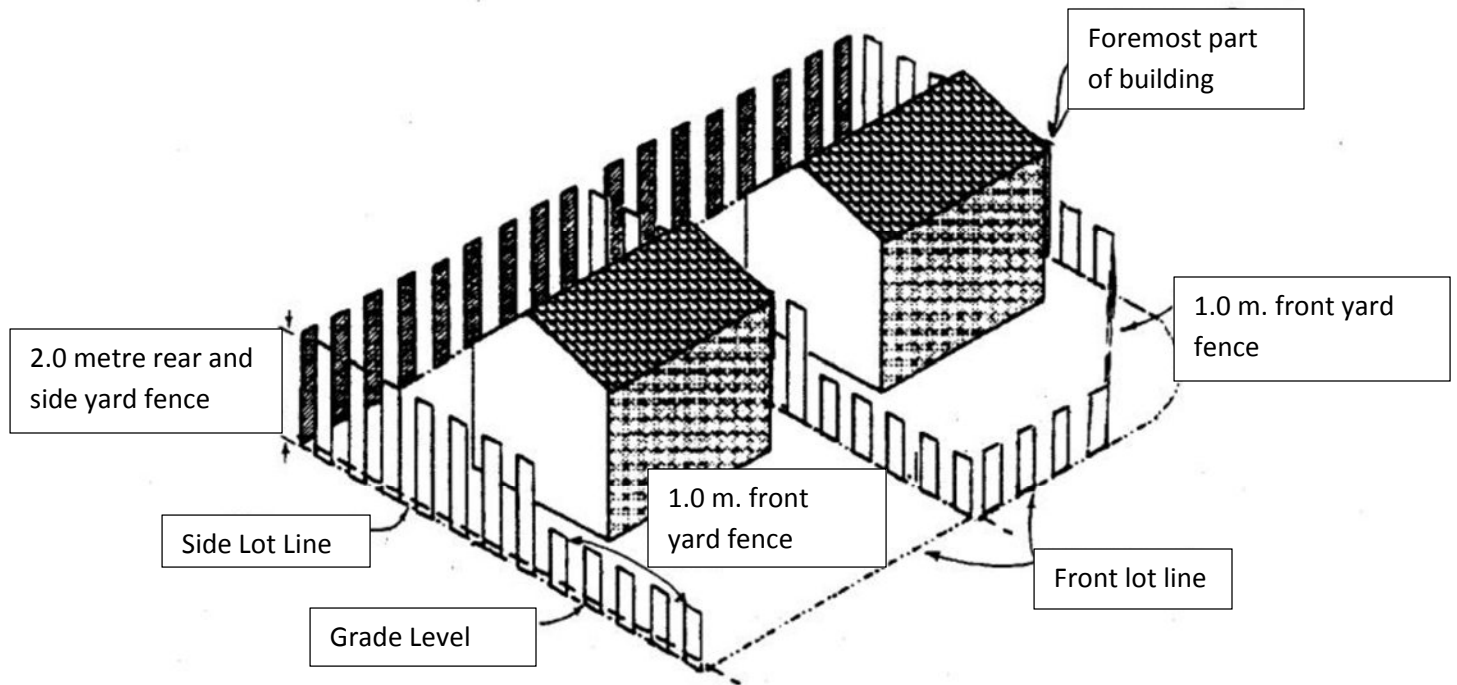


7. Recreational Vehicles in Residential Districts shall be restricted in the following manner:
- (a) Between the dates of April 1 and October 31 (inclusive) for any given year, recreational vehicles shall not be kept on private property within a residential district unless they are located entirely within the area of:
    - (i) the driveway, or
    - (ii) the rear yard, or
    - (iii) a recreational vehicle parking space shown on the site plan for an approved development permit for the site, or
    - (iv) an area designated for recreational vehicle storage on the site plan for an approved development permit for the site.
  - (b) From November 1 to March 31 (inclusive) for any given year, recreational vehicles shall not be kept on private property within a residential district unless they are located entirely within the area of:
    - (i) the rear yard, or
    - (ii) a recreational vehicle parking space shown on the site plan of an approved development permit for the site where the recreational vehicle parking space is located, or
    - (iii) an area designated for recreational vehicle storage on the site plan of an approved development permit for the site where the recreational vehicle storage area is located.
  - (c) A recreational vehicle parking space shall only be approved on a development permit provided the recreational vehicle parking space:
    - (i) is an accessory use to a principal residence, and
    - (ii) would not impede emergency access to any area on the site, and
    - (iii) would not encroach into any required setbacks for the front or side yard within the Land Use District that the parking space would be located.
  - (d) At no time shall any recreational vehicle be kept so that the recreational vehicle encroaches on a sidewalk or roadway.

#### 4.27 FENCES AND SCREENING

- (1) In any land use district, except as herein provided:
  - (a) No fence shall be constructed that is:
    - i) higher than 2.0 m for that portion of the fence that does not extend beyond the foremost portion of the principal building on the parcel; and
    - ii) higher than 1.0 m for that portion of the fence that does extend beyond the foremost portion of the principal building on the parcel.
- (2) In the case of corner parcels in all land use districts, regardless of whether or not a corner cut-off has been taken:
  - (a) No person shall construct a fence or other screening within the portion of the parcel facing the fronting street that extends beyond the foremost portion of any principal or accessory building, as illustrated in the diagram following Section 4.27(10).
  - (b) There shall be no obstruction of the sight triangle by fencing or other screening, including landscaping. For the purposes of this Bylaw, the sight triangle, in the case of laneways, is the triangle formed by a straight line drawn between two points on the exterior boundaries of the subject parcel 3.0 metres from the point where they intersect. In the case of all other roadways the sight triangle is the triangle formed by a straight line drawn between two points on the exterior boundaries of the subject parcel 9.14 m. from the point where they intersect.
- (3) Where parcels have both their front and rear yards facing onto a street, special approval of the Development Officer must be obtained prior to the erection of any fences on such parcel. Size and specifications for fences in these areas must conform to the overall standard set for the area by the Town of Onoway.
- (4) Where hedges, trellises, arbors, and similar things are located on or adjacent to a parcel line, they shall comply with the height requirements for fences.
- (5) Multiple family dwellings adjacent to a Single Detached Dwelling shall provide a wooden fence, or other such screening approved by the Development Officer or

- Municipal Planning Commission, of not less than 1.5 m or more than 2.0 m in height along the side abutting the Single Detached Dwelling.
- (6) In the case of commercial, industrial, public and quasi-public uses abutting a residential area, a solid or chain link fence shall be provided of not less than 1.5 m or more than 2.0 m. in height along the sides abutting the residential area.
  - (7) Notwithstanding Sections 4.27(l) and 4.27(2)(a) and (b), in the M Industrial District, or UR Urban Reserve District, the maximum height of a fence and the location of fencing and other screening within the parcel, including landscaping, shall be determined by the Development Officer or Municipal Planning Commission who shall consider the requirements of Sections 4.27(l) and 4.27(2)(a) and (b) in determining fence height and location within the parcel. Where a fence has been permitted to be higher than 2.0 m. in the above-noted land use districts, no barbed wire fences shall be permitted below a height of 2.0 m. This requirement may be relaxed by the Development Officer or Municipal Planning Commission in an area where residences would not be in close proximity to the fence proposed.
  - (8) No electrification of fences will be permitted.
  - (9) No barbed wire, "snow fencing" or "wood-slab" fences will be permitted in residential land use districts.
  - (10) The Development Officer or Municipal Planning Commission shall ensure that all fences are made of material and constructed and maintained in such a manner so as not to pose a hazard to the public.



#### 4.28 HOME OCCUPATIONS

Home occupations (Home Based Businesses) that involve home visits/client related traffic shall be considered “major” home occupations and must adhere to the following section of this bylaw. For “minor” home occupations note section 3.2(x) of this Bylaw.

1. Home occupations (Home Based Businesses) shall comply with the following provisions:
  - (a) Home occupations shall not be allowed on a site unless a dwelling is located on the site on which the home occupation is to be located.
  - (b) All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in its opinion, the home occupation is or has become detrimental to amenities of the neighborhood in which it is located or if there is any change or intensification of the home occupation as originally approved.
  - (c) The Development Authority may, in its sole discretion, place time limits on the period for which a development permit for a home occupation is valid.

- (d) No home occupation shall substantially change the principal character of external appearance of the dwelling involved or of any accessory buildings.
- (e) Home occupations shall be incidental and subordinate to the principal use of the dwelling and/or garage and shall not be conducted within any other structures on the property.
- (f) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the home occupation allowed on the site.
- (g) The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
- (h) There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.
- (i) When a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.
- (j) Pedestrian or vehicular traffic or parking, shall not, in the opinion of the Development Authority, be generated in excess of that which is characteristic of the district in which the home occupation is located.
- (k) Only one (1) commercial vehicle, of a haul capacity not exceeding 5.5 metric tonnes (5500 kgs.), shall be used in conjunction with the home occupation, or parked or maintained on the site or on the road in proximity to the site. Truck trailers or vehicle accessories or equipment shall not be kept on site unless they are located within an accessory building.
- (l) Home occupations shall not involve:
  - a. activities that use or store hazardous material in quantities exceeding those found in a normal household; or
  - b. any use that would in the opinion of the Development Authority, materially interfere with or affect the used, enjoyment, or value of neighboring properties.
- (m) The number of non-resident employees or business partners working on site shall not exceed one (1) at any time. No more than two people shall be working at the home occupation site at any time.

- (n) Storage related to the business activity and the business activity itself may be allowed in either the dwelling or garage.
- (o) The home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in the Commercial or an Industrial District, having regard for the overall compatibility of the use with the residential character of the area.
- (p) The dwelling or garage in which a home occupation is located may have one fascia sign placed on the structure, providing that the sign does not exceed 0.4 sq. m (4 sq. ft.) in area. No other signage will be permitted.
- (q) In addition to a development permit, home occupations shall be required to obtain a business license in accordance with the Town of Onoway Business License Bylaw.

#### **4.29 BED AND BREAKFAST OPERATIONS**

In addition to all other provisions and requirements of this Section of the Bylaw, the following additional requirements shall apply to home based business in the form of bed and breakfast operations, as defined in Section 4.16 of this Bylaw:

1. Persons wishing to operate a bed and breakfast operation shall be required to apply for a development permit from The Town of Onoway.
2. A bed and breakfast operation shall be limited to residential land use districts and shall be contained entirely within the principal building.
3. A bed and breakfast operation shall be limited to one meal provided on a daily basis to registered guests only with such meal being prepared in one common kitchen and served in one common room.
4. In addition to the off-street parking requirements for the dwelling unit itself, as stipulated in Section 4.25(2) of this Bylaw, 1 (one) off-street parking space per rented guest room shall be required for a bed and breakfast operation.

#### 4.30 DAY CARE FACILITIES AND DAY HOMES

- (1) In considering a day care facility or a home day care operation, the Development Officer or Municipal Planning Commission shall, among other factors, consider if the development would be suitable for the parcel taking into account the size of the parcel required given the intended use, appropriate yard setbacks in relation to adjacent land uses, potential traffic generation, proximity to park, open space or recreation areas, isolation of the proposed parcel from residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of neighbouring parcel, and consistency with other development in the surrounding area/land use districts in terms of nature and intensity of use.
- (2) In the case of a day care facility, the Municipal Planning Commission shall establish the maximum number of children for whom care may be provided, having regard for Provincial regulations, the nature of the facility, the density of the district in which it is located, and potential impacts on the uses in the vicinity of the development.

#### 4.31 FAMILY CARE AND GROUP CARE FACILITIES

- (1) General Provisions:
  - (a) In reviewing an application for a family care or group care facility, the Municipal Planning Commission shall, among other factors, consider if the development would be suitable for the parcel taking into account the size of the parcel required given the intended use, appropriate yard setbacks in relation to adjacent land uses, potential traffic generation, isolation of the proposed parcel from residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of neighbouring parcel, and consistency with other development in the surrounding area/land use districts in terms of nature and intensity of use.
  - (b) Notwithstanding any other provisions contained in this Bylaw, family care or group care facilities shall be located no closer than 300.0 m from one another.
- (2) Group Care Facilities:
  - (a) The Municipal Planning Commission shall establish the maximum number of persons for which care may be provided having regard for Provincial

regulations, the nature of the facility, the density of the land use district in which it is located, and potential impacts such as traffic and interference with or effect on other adjacent land uses.

- (b) The group care facility shall not change the character of the land use district in which it is located.

#### **4.32 MULTIPLE FAMILY DWELLING DEVELOPMENTS**

(1) General Provisions:

- (a) At the discretion of the Development Officer or Municipal Planning Commission, the applicant for a multiple family dwelling building or development shall provide with the application for development parcel plans, design plans and working drawings including elevations which have been endorsed by a registered architect or professional engineer registered in the Province of Alberta.

(b) The parcel plans shall indicate:

- i) the location and position of all buildings and structures on the parcel;
- ii) the location and design of signage on the parcel, including any "for rent" signs;
- iii) the location and number of parking spaces, access and egress onto the parcel from public thoroughfares;
- iv) the location of refuse storage areas as well as access to/egress from refuse storage areas;
- v) the location of exterior lighting including that in the parking lot and landscaped areas;
- vi) the location and design of fencing on the parcel; and
- vii) detailed landscaping plans for the parcel.

(2) Separation Space/Setback Requirements:

In the case of buildings adjacent to each other and the relationship of those buildings to each other and their relationship to the land on which they are constructed, the following separation spaces/setbacks relating to multiple family developments shall apply:

- (a) Principal Living Room Windows:



There shall be a minimum separation space of 7.6 m between a principal living room window and a street, parcel line, walkway, on-parcel parking/circulation area or another principal living room window.

(b) Habitable Room Windows:

There shall be a minimum separation space of 3.0 m between a habitable room window and a street, parcel line, walkway, on-parcel parking/circulation area or another habitable room window. This distance shall be 5.0 m where such windows are in walls of more than two storeys.

(c) Non-Habitable Room Windows:

There shall be a minimum separation space of 1.5 m plus 0.3 m for each storey above the first between a non-habitable room window and a street, parcel line, walkway, on-parcel parking/circulation area or another non-habitable room window.

(d) Distance Between Buildings:

The minimum required distance between two dwellings facing each other shall be the sum of the minimum separation spaces calculated separately for the opposing windows or openings except where there are two walls with no windows or openings in which case the minimum distance between the dwellings shall be 3.0 m.

- (3) Separation space for windows as required in Sections 4.32(2)(a), (b) and (c), shall be effective for the full length of the exterior wall of the room in which the window is located.
- (4) Notwithstanding the provisions of this Section, the Development Officer or Municipal Planning Commission may reduce the required separation space/setback requirements respecting the setback requirements within the applicable land use district and where special aspects of design ensure equivalent or better light, ventilation, privacy or visibility from dwellings.
- (5) General Development Regulations for Mixed Commercial and Residential Uses:
  - (a) The following shall apply to commercial developments containing residential dwelling units:
    - i) Both the residential and commercial portions of the development will have separate and direct access to the outside street level.

- ii) The residential dwelling units shall not be located on the ground floor nor shall commercial uses be located on the same level as the residential dwelling units.
- iii) The minimum floor area for a dwelling unit shall be 50.0 m<sup>2</sup> for a bachelor unit and an additional 11.0 m<sup>2</sup> for each bedroom in the dwelling unit included thereafter.
- iv) The relationship of the residential dwelling units to each other, to the commercial portion of the development, to the parcel as a whole and to the adjacent parcel with respect to adequate light, ventilation and privacy or visibility of principal living room windows and habitable room windows shall be fully shown on the parcel plans for the whole development and shall be to the satisfaction of the Development Officer or Municipal Planning Commission.

#### **4.33 SURVEILLANCE SUITES**

- (1) The issuance of a development permit for a surveillance suite, as defined in this Bylaw, shall be in accordance with the following criteria and regulations:
  - (a) A development permit for a surveillance suite will only be issued if a surveillance suite, as defined in this Bylaw, is provided for either as a permitted or discretionary use in the land use district in which the subject parcel is located.
  - (b) A development permit for a surveillance suite will only be issued if the surveillance suite is clearly compatible with and subordinate to the principal use of the subject parcel. Moreover, in the opinion of the Development Officer or Municipal Planning Commission, as the case may be, the placement of a surveillance suite shall be compatible with all existing, principal development/land uses on adjacent properties and shall not interfere with future principal development/land uses of adjacent properties.
  - (c) Where a surveillance suite is allowed in accordance with this Bylaw, the Development Officer or Municipal Planning Commission, as the case may be, may issue a development permit for one surveillance suite per associated development or parcel.

- (d) Where a surveillance suite is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the principal building.
- (e) Detached surveillance suites shall be sited in accordance with siting regulations specified in the land use district within which the subject parcel is located or in accordance with the following requirements, whichever are more stringent:
  - i) a minimum of 2.0 m. from any buildings; and
  - ii) a minimum of 2.0 m. from the rear and side property lines; and
  - iii) no closer than the front line of the principal building.
- (f) Where a surveillance suite is a mobile home unit, the following shall apply:
  - i) the unit shall have C.S.A. certification or equivalent. Proof of this shall accompany the development permit application; and
  - ii) the unit shall be secured and properly skirted to the satisfaction of the Development Officer or Municipal Planning Commission, as the case may be.
- (g) The minimum and maximum floor area of any non-basement surveillance suite, as defined in this Bylaw, shall be 50.0 m<sup>2</sup> and 102.0 m<sup>2</sup>, respectively.
- (h) The quality of exterior treatment and design of any surveillance suite shall be to the satisfaction of the Development Officer or Municipal Planning Commission, as the case may be, who shall ensure that the design, character and appearance of any surveillance suite is compatible with the development(s)/use(s) with which the suite is associated as well as all development(s)/use(s) on adjacent properties.

#### **4.34 PLACES OF WORSHIP**

- (1) Parcel Width and Area:

The parcel width and area requirements for a place of worship shall be at the discretion of the Development Officer or Municipal Planning Commission, as the case may be, who shall consider the uses to which the place of worship/parcel will

be put in addition to the worship-related uses proposed, and, as an absolute minimum, that the parcel upon which the place of worship is to be located should have a frontage of not less than 30.0 m and an area of not less than 930.0 m<sup>2</sup> except where a building for a clergyman's residence is to be erected on the same parcel. The combined area of the parcel in this latter case should not be less than 1400.0 m<sup>2</sup>.

(2) Additional Parcel/Building Requirements:

Parking areas, where adjacent to residential districts must be screened by a wall, fence, earth berm or hedge constructed or maintained at not less than 1.2 m in height.

**4.35 MOTELS / HOTELS**

(1) Interpretation:

For the purposes of this Section, a rentable unit means a separate unit on a motel parcel used or intended to be used for the temporary dwelling accommodation of one or more persons.

(2) Space Between Buildings:

Except in the case of rentable units and any other buildings where connected by a continuous roof to form a shelter for motor vehicles, not less than 3.5 m of clear and unoccupied surface space shall be provided between each rentable unit and any other building on the parcel.

(3) Parcel Requirements:

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	Minimum Parcel Area/Unit	Minimum Building Setbacks	On-Parcel Parking	Minimum Floor Area/Unit
One Storey	140.0 m <sup>2</sup>	Front 7.6 m Side 3.0 m Rear 3.0 m	1 per Rentable Unit and 1 per 3 Employees	26.5 m <sup>2</sup>

Two Storey	93.0 m <sup>2</sup>	Same as above	Same as Above	Same as Above
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(4) Driveways, Entrances and Exits:

- (a) Pursuant to Sections 4.12 and 4.14 of this Bylaw, each rentable unit shall face onto or abut a driveway not less than 6.0 m in width, with unobstructed access thereto, and the parcel must be suitable, in the opinion of the Development Officer or Municipal Planning Commission, in terms of safe and efficient internal traffic circulation and access to/egress from the parcel.

**4.36 DRIVE-THROUGH BUSINESSES**

(1) Parcel Location and Coverage:

Notwithstanding the land use district regulations, drive-through businesses shall not be located on parcels which, in the opinion of the Development Officer or Municipal Planning Commission, would be considered unsafe in terms of vehicle circulation or access and egress from the parcel. To this end, the Development Officer or Municipal Planning Commission must consider, but not be limited to considering, the nature of the proposed use and uses on adjacent parcels, anticipated volumes of traffic and types of vehicles during peak and off-peak business periods, off-street parking and loading as well as landscaping requirements.

(2) Parcel Area:

The minimum parcel area for a drive-through business shall be 1500.0 m<sup>2</sup>, unless the Development Officer or Municipal Planning Commission specifies that a greater or lesser amount is required given their considerations and determinations pursuant to Section 4.36(1).

(3) Setback of Buildings:

Unless the land use district in which the drive-through business is located stipulates greater setbacks, the minimum front yard setback shall be no less than 3.0 m and the side and rear yard setbacks shall be at the discretion of the Development Officer or Municipal Planning Commission, as the case may be, who shall make provision for queuing spaces, on-parcel traffic circulation, turning and maneuvering.

(4) Additional Parcel/Building Regulations:

- (a) The on-parcel layout of vehicle circulation patterns shall be to the satisfaction of the Development Officer or Municipal Planning Commission who shall ensure that all queuing spaces lanes provide sufficient space for turning and maneuvering.
- (b) Where a drive-through business is located adjacent to a residential land use district, screening shall be provided to the satisfaction of the Development Officer or Municipal Planning Commission any lighting proposed to illuminate the parcel shall be located and arranged so that all direct rays of light are directed upon the parcel only and not on any residential parcel.

#### **4.37 GAS BARS, SERVICE STATIONS AND BULK OIL STATIONS**

(1) Parcel Location:

Notwithstanding the regulations prescribed in the land use districts, a use pursuant to this Section shall not be located on parcels which, in the opinion of the Development Officer or Municipal Planning Commission, would be considered unsafe in terms of internal vehicle circulation or access to and egress from the parcel. To this end, the Development Officer or Municipal Planning Commission must consider, but not be limited to considering, the nature of the proposed use and uses on adjacent parcels, anticipated volumes of traffic and types of vehicles during peak and off-peak business periods, off-street parking and loading as well as landscaping requirements.

(2) Parcel Area:

- (a) The minimum parcel area for a gas bar shall be 1200.0 m<sup>2</sup>.
- (b) The minimum parcel area for a service station shall be 1500.0 m<sup>2</sup>.
- (c) Where a service station or gas bar is combined with a convenience store, the minimum parcel area for the total parcel shall in no case be less than 1950.0 m<sup>2</sup>.
- (d) The minimum parcel area for bulk oil stations or a gas bar or a service station including a car wash shall be 2700.0 m<sup>2</sup>.

(3) Parcel Coverage:

The maximum building coverage for a use under this Section shall be 25% of the parcel area.

(4) Parcel and Building/Structure Requirements:

- (a) Unless the land use district in which the gas bar, service station and/or bulk oil station is located or the Alberta Building Code stipulates greater setbacks, the front yard setback shall be a minimum of 12.0 m, with no pump being located closer than 6.0 m from the front parcel line, and the side yard and rear yard setbacks shall be no less than 6.0 m.
- (b) In addition to siting requirements of Section 4.37(4)(a) and of the land use district in which the gas bar, service station and/or bulk oil station is located, the siting of all buildings and structures, including all fuel and other flammable liquid storage tanks, shall be in accordance with the requirements of the Alberta Gas Protection Act and its regulations, the requirements of the Alberta Boiler Inspection Branch and the regulations under the Fire Prevention Act.
- (c) No development permits will be issued for the installation of fuel or any other flammable liquid storage tanks prior to the Town of Onoway receiving certified copies of the required permits from the Alberta Government.
- (d) Where adjoining residential land use districts, any lighting proposed to illuminate the parcel shall be located and arranged so that all direct rays of light are directed upon the parcel only and not on any residential parcel.

#### **4.38 CAR WASHING ESTABLISHMENTS**

(1) Parcel Location:

Notwithstanding the regulations prescribed in the land use districts, a use pursuant to this Section shall not be located on parcels which, in the opinion of the Development Officer or Municipal Planning Commission, would be considered unsafe in terms of internal vehicle circulation or access to and egress from the parcel. To this end, the Development Officer or Municipal Planning Commission must consider, but not be limited to considering, the nature of the proposed use and uses on adjacent parcels, anticipated volumes of traffic and types of vehicles during peak and off-peak business periods, off-street parking and loading as well as landscaping requirements.

(2) Parcel Area:

The minimum parcel area shall be 1200.0 m<sup>2</sup> and the parcel shall contain storage space for at least twelve vehicles or a minimum of four vehicles per car wash bay, whichever is greater, prior to their entry into any part of the cleaning process for which they are bound. In the case of service stations and gas bars including car washes, the minimum parcel area shall be 2700.0 m<sup>2</sup>.

(3) Parcel and Building Requirements:

All parcel, building and setback requirements pertaining to drive-through businesses (Sections 4.36 of this Bylaw) shall also apply to car washing establishments.

#### **4.39 CHEMICAL STORAGE AND HANDLING**

(1) Parcel Location:

Notwithstanding the regulations prescribed in the land use districts, industrial and commercial uses which involve storing, handling, distributing or disposing of chemical materials or products shall not be located on parcels which, in the opinion of the Municipal Planning Commission, would be considered unsafe or may have potential for contaminating the Town of Onoway water supply, unduly interfere with, or affect the use, enjoyment or value of neighbouring parcels by reason of the storage or containment of the product or the potential release of the product.

(2) Parcel and Building Requirements:

At the discretion of the Municipal Planning Commission, the applicant applying for a use pursuant to this Section shall provide an approved parcel plan from the appropriate provincial agencies prior to a development permit being issued by the Municipal Planning Commission.



#### 4.40 RECREATIONAL VEHICLES AND TEMPORARY LIVING ACCOMMODATIONS

1. At no time may a recreational vehicle, holiday trailer, motor homes, camper or tent trailer be situated on a residential parcel unless that parcel is developed with a single family dwelling.
2. Notwithstanding subsection (1), a maximum of one (1) recreational vehicle, holiday trailer, motor homes, camper or tent trailer be situated and occupied on an undeveloped residential parcel during periods of single family dwelling construction when approved by the development authority.
3. For the purpose of storage of the vehicle, a maximum of one (1) unoccupied recreational vehicle, holiday trailer, motor homes, camper or tent trailer may be situated on a residential parcel that is developed with a single family dwelling.
4. On a residential parcel that is developed with a single family dwelling, a maximum of one (1) recreational vehicle, holiday trailer, motor homes, camper or tent trailer may be situated and occupied on a residential parcel provided that it:
  - (b) is occupied for no longer than seventy-two (72) hours total within a thirty (30) day period, or extended periods as authorized by the Development Authority; and
  - (c) is located within a required parking stall or on the site in a manner satisfactory to the Development Authority.

#### 4.41 GENERAL SIGN REGULATIONS

All temporary signs shall be regulated and controlled through a separate Municipal Sign Bylaw.

1. No sign of an advertising, directional or information, nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved by the Development Officer.
2. Signs shall comply with the setback requirements for principal buildings in the district in which the sign is located unless otherwise allowed by this Bylaw or the Development Officer.

3. In considering a development application for a sign the Development Officer shall have due regard for the amenities of the area and the design of the proposed sign.
4. No sign, other than one providing a public service and deemed appropriate by the Development Officer shall be permitted to locate on a public right of way or reserve.
5. No sign shall be illuminated unless the source of light is suitably shielded and does not interfere with vehicular traffic.
6. There shall be a minimum clearance height of 2.5 metres (6 ft.) above finished grade to the bottom of any sign projecting over a public right-of-way or sidewalk.
7. No sign shall project more than 1.5 metres (5 ft.) above the top of any main wall or parapet to which it is affixed, unless in the opinion of the Development Officer it has been designed as an integral part of the building.
8. No sign shall project more than 1.5 metres (5 ft.) out from the face of any building to which it is affixed unless, in the opinion of the Development Officer it has been designed as an integral part of the building.
9. The Development Officer may refuse to allow any sign which is deemed to be offensive in nature or inappropriate in design.
10. The area around sign structures shall be kept clean and free of overgrown vegetation and free from refuse material.
11. The Development Officer, Municipal Planning Commission, or Council may require the removal of any sign which, in their opinion is or has become unsightly or is in such state of disrepair as to constitute a hazard.

#### **4.42 SIGNS IN COMMERCIAL DEVELOPMENTS**

Where commercial buildings are permitted the following regulations shall apply:

1. For each principal building, one identification sign only, not to exceed 3.0 m<sup>2</sup> (32.29 ft.<sup>2</sup>) in area.
2. Signs may be detached if they do not exceed a height of 2.0 m (6.56 ft.) or project into any required setback area.

3. Where a sign is not detached, it shall be placed flat against the building or be designed as part of an architectural feature thereof, or as a canopy sign.
4. A maximum of one wall sign will be permitted to indicate the name and nature of the occupancy for each tenant within the development. The sign shall not exceed a total area of 0.9 m<sup>2</sup> (9.68 ft.<sup>2</sup>) of copy for each lineal metre of building occupancy.
5. If the occupancy is on a corner, one wall sign will be permitted for each face.
6. If the building includes a canopy, each tenant will be permitted one under-canopy sign of no more than 0.5 m<sup>2</sup> (5.38 ft.<sup>2</sup>).

#### **4.43 ADULT SERVICE OR ENTERTAINMENT ESTABLISHMENT AND BODY RUB CENTRE**

(1) No adult service or entertainment establishment or body rub centre, or use may be located within 300 metres (1,000 feet) of:

- (a) any dwelling unit;
- (b) any Parks and Recreation District or any park use in a Residential District;
- (c) any other adult service or entertainment use;
- (d) any place of worship; or
- (e) any elementary, middle, or senior high school.

(2) Sex objects and adult publications must not be visible from the street.

(3) Signage indicating minimum age of admission must be clearly visible from the street.

## PART 5 – LAND USE DISTRICTS AND REGULATIONS

### 5.1 ESTABLISHMENT OF DISTRICTS AND LAND USES

1. For the purposes of this Bylaw The Town of Onoway is divided into the following districts:

<b><u>Short Form</u></b>	<b><u>District Designation</u></b>
R1	Residential – Single Family
R1N	Residential – Single Family Narrow Lot
R1S	Residential – Single Family Small Lot
R2	Residential – Medium Density
R3	Residential – High Density
RMHS	Residential – Manufactured Home Subdivision
RMHC	Residential – Manufactured Home Court
C1	Commercial - Office, Retail and Service
C1R	Commercial - Downtown Mixed Use
C2	Commercial - Secondary
C3	Commercial - Highway
M	Industrial
PR	Parks & Recreation
US	Urban Services
DC	Direct Control
UR	Urban Reserve

2. The boundaries of the districts listed in subsection (1) are as delineated on the Land Use District Map.
3. Where uncertainty exists as to the boundaries of districts as shown on the Land Use District Map, the following rules shall apply:

Rule 1 Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centre line thereof.

Rule 2 Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.

Rule 3 In circumstances not covered by Rules 1 and 2 the location of the district boundary shall be determined by:

- (a) Where dimensions are set out on the Land Use District Map, by the dimensions so set; or
  - (b) Where dimensions are set out on the Land Use District with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.
4. Where the application of the above rules does not determine the exact location of the boundary of a district, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the district boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.
  5. After the Council has fixed a district boundary pursuant to the provisions of subsection (4), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
  6. The Council shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

## 5.2 R1 – RESIDENTIAL – SINGLE FAMILY

(1) General Purpose of District

This land use district is generally intended to establish areas of single detached housing comprised of standard parcels and dwellings.

(2) Permitted Uses

**A**ccessory building.  
**M**odular Home.  
**S**econdary Suite.  
**S**ingle detached dwelling.

Discretionary Uses

**H**ome occupation.  
**H**ome day care.  
**F**amily care facility.  
**S**mall park and/or playground which serves specific residential development.  
**U**tility building, not containing offices, which is required to serve the immediate area.  
**T**hose uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

(3) Minimum Parcel Dimensions/Area

(a) Lane Subdivision:

<u>Use</u>	<u>Width</u>	<u>Length</u>
i) One family dwellings:		
One storey	15.0 m	33.5 m
1-1/2, 2 storey and corner lots	18.0 m	33.5 m

(b) Laneless Subdivision:

<u>Use</u>	<u>Width</u>	<u>Length</u>
i) One family dwellings		
One storey	16.75 m	33.5 m
1-1/2, 2 storey and corner lots	18.0 m	33.5 m

(c) All Other Uses:

For uses not identified in Sections 5.2(3)(a) and (b) above, the minimum site dimensions/area shall be as prescribed by the Development Officer or Municipal Planning Commission.

(4) Minimum Floor Area (not including attached garage)

- i) The minimum floor area shall be 93.0 m<sup>2</sup>.

(5) Minimum Setback Requirements

(a) Front Yard:

- i) Subject to Section 5.2(5)(a)(ii), the minimum front yard setback shall be 7.6 m.
- ii) At the discretion of the Development Officer or Municipal Planning Commission, the front yard setback may be varied for corner or double fronting parcels pursuant to Sections 3.6(4) and (5) and Section 4.19 of this Bylaw.
- iii) For the purposes of determining the front yard setback for parcels referred to in Section 5.2(5)(a)(ii), the Development Officer or Municipal Planning Commission shall consider that the setback for the flanking front yard should be no less than 4.5 m, or 5.0 m when an attached garage faces the flanking street.

(b) Side Yard:

- i) In the case of one storey dwellings, the minimum side yard setback to the principal building shall be 1.5 m and in the case of dwellings

greater than one storey, the minimum side yard setback to the principal building shall be 2.3 m.

- ii) Notwithstanding Section 5.2(5)(b)(i), where a parcel has vehicular access from the front only, one side yard setback shall be a minimum of at least 3.0 m to accommodate a driveway for vehicular passage and general access to the rear of the parcel, except where a carport is attached to the principal dwelling and does not restrict access to the rear yard in which case the setback requirements referred to in Section 5.5(6)(b) apply.

(c) **Rear Yard:**

- i) The minimum rear yard setback to the principal building shall be 7.6 m.
- ii) The Development Officer or Municipal Planning Commission may vary the rear yard setback to a maximum of 10% in the case of parcels located on curves or cul-de-sacs.

6) **Parcel Coverage**

- (a) The maximum parcel coverage for all buildings shall be 40% of the area of the parcel with all accessory buildings, as referred to in Section 4.17 of this Bylaw, combined, not being larger than the principal building.
- (b) Notwithstanding Section 5.2(6)(a), the Development Officer or Municipal Planning Commission may vary the parcel coverage in the case of corner or double fronting parcels pursuant to Sections 3.6(4) and (5) and Section 4.19 of this Bylaw.

(7) **Principal Building Height**

Shall not exceed 9.0 m above grade.

(8) **Other Provisions**

- (a) Administrative procedures and regulations: refer to Parts 1-3 of this Bylaw.
- (b) General Parcel Provisions: refer to Part 4 of this Bylaw.
- (c) Special Land Use Provisions: refer to Part 4 of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part 4 of this Bylaw.
- (e) Sign Regulations: refer to Part 4 of this Bylaw.



### 5.3 R1N – RESIDENTIAL – SINGLE FAMILY NARROW LOT

(1) General Purpose of District

The purpose of this district is to provide for Single Detached Dwellings on narrower lots in a residential environment similar to that of the R1 District, but allowing for a slightly higher density.

(2) Permitted Uses

Accessory building.  
**Modular Home.**  
**Secondary Suite.**  
**Single detached dwelling.**

Discretionary Uses

**Home occupation.**  
**Home day care.**  
**Family care facility.**  
**Small park and/or playground which serves specific residential development.**  
**Utility building, not containing offices, which is required to serve the immediate area.**  
**Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.**

(3) Minimum Parcel Dimensions/Area

(a) Laneless Subdivision:

	<u>Use</u>	<u>Width</u>	<u>Length</u>
i)	One family dwellings	14.0 m	33.0 m

(b) All Other Uses:

For uses not identified in Sections 5.3(3)(a) above, the minimum site dimensions/area shall be as prescribed by the Development Officer or Municipal Planning Commission.

(4) Minimum Floor Area (not including attached garage)

- i) The minimum floor area shall be 93.0 m<sup>2</sup>.

(5) Minimum Setback Requirements

(a) Front Yard:

- i) Subject to Section 5.3(5)(a)(ii), the minimum front yard setback shall be 6.1 m.
- ii) At the discretion of the Development Officer or Municipal Planning Commission, the front yard setback may be varied for corner or double fronting parcels pursuant to Sections 3.6(4) and (5) and Section 4.19 of this Bylaw.
- iii) For the purposes of determining the front yard setback for parcels referred to in Section 5.3(5)(a)(ii), the Development Officer or Municipal Planning Commission shall consider that the setback for the flanking front yard should be no less than 4.5 m, or 5.0 m when an attached garage faces the flanking street.

(b) Side Yard:

- i) In the case of one storey dwellings, the minimum side yard setback to the principal building shall be 1.2 m and in the case of dwellings greater than one storey, the minimum side yard setback to the principal building shall be 2.3 m. At the discretion of the Development Officer or Municipal Planning Commission, the side yard may be varied in the case of dwellings greater than one storey; where such developments are made to conform to the provisions of the Alberta Safety Codes Act in effect upon the date of application for Development Authority approval.

(c) Rear Yard:

- i) The minimum rear yard setback to the principal building shall be 7.6 m.
- ii) The Development Officer or Municipal Planning Commission may vary the rear yard setback to a maximum of 10% in the case of parcels located on curves or cul-de-sacs.

6) Parcel Coverage

- (a) The maximum parcel coverage for all buildings shall be 40% of the area of the parcel with all accessory buildings, as referred to in Section 4.17 of this Bylaw, combined, not being larger than the principal building.
- (b) Notwithstanding Section 5.3(6)(a), the Development Officer or Municipal Planning Commission may vary the parcel coverage in the case of corner or double fronting parcels pursuant to Sections 3.6(4) and (5) and Section 4.19 of this Bylaw.

(7) Principal Building Height

Shall not exceed 9.0 m above grade.

(8) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts 1-3 of this Bylaw.
- (b) General Parcel Provisions: refer to Part 4 of this Bylaw.
- (c) Special Land Use Provisions: refer to Part 4 of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part 4 of this Bylaw.
- (e) Sign Regulations: refer to Part 4 of this Bylaw.

## 5.4 R1S – RESIDENTIAL – SINGLE FAMILY SMALL LOT

### (1) General Purpose of District

This land use district is generally intended to establish areas of single detached housing comprised of standard parcels and dwellings.

### (2) Permitted Uses

Accessory building.  
 Modular Home.  
 Secondary Suite.  
 Single Detached Dwelling.

### Discretionary Uses

Day care facility.  
 Family care facility.  
 Group Care Facility.  
 Home day care.  
 Home occupation.  
 Small park and/or playground which serves specific residential development.  
 Utility building, not containing offices, which is required to serve the immediate area.  
 Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

### (3) Minimum Parcel Dimensions/Area

#### (a) Lane Subdivision:

<u>Use</u>	<u>Width</u>	<u>Length</u>
i) One family dwellings:		
One storey	9.0 m	30.0 m

1-1/2, 2 storey and corner lots	18.0 m	33.5 m
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(b) Laneless Subdivision:

<u>Use</u>	<u>Width</u>	<u>Length</u>
i) One family dwellings		
One storey	10.4 m	30.0 m
1-1/2, 2 storey and corner lots	18.0 m	33.5 m

(c) All Other Uses:

For uses not identified in Sections 5.3(3)(a) and (b) above, the minimum site dimensions/area shall be as prescribed by the Development Officer or Municipal Planning Commission.

(4) Minimum Floor Area (not including attached garage)

i) The minimum floor area shall be 75.0 m<sup>2</sup>.

(5) Minimum Setback Requirements

(a) Front Yard:

- i) Subject to Section 5.3(5)(a)(ii), the minimum front yard setback shall be 6.0 m.
- ii) At the discretion of the Development Officer or Municipal Planning Commission, the front yard setback may be varied for corner or double fronting parcels pursuant to Sections 3.6(4) and (5) and Section 4.19 of this Bylaw.

iii) For the purposes of determining the front yard setback for parcels referred to in Section 5.3(5)(a)(ii), the Development Officer or Municipal Planning Commission shall consider that the setback for the flanking front yard should be no less than 4.5 m, or 5.0 m when an attached garage faces the flanking street.

(b) Side Yard:

i) In the case of one storey dwellings, the minimum side yard setback to the principal building shall be 1.5 m and in the case of dwellings greater than one storey, the minimum side yard setback to the principal building shall be 2.3 m.

ii) Notwithstanding Section 5.3(5)(b)(i), where a parcel has vehicular access from the front only, one side yard setback shall be a minimum of at least 3.0 m to accommodate a driveway for vehicular passage and general access to the rear of the parcel, except where a carport is attached to the principal dwelling and does not restrict access to the rear yard in which case the setback requirements referred to in Section 5.5(6)(b) apply.

(c) Rear Yard:

i) The minimum rear yard setback to the principal building shall be 7.5 m.

ii) The Development Officer or Municipal Planning Commission may vary the rear yard setback to a maximum of 10% in the case of parcels located on curves or cul-de-sacs.

6) Parcel Coverage

(a) The maximum parcel coverage for all buildings shall be 40% of the area of the parcel with all accessory buildings, as referred to in Section 4.17 of this Bylaw, combined, not being larger than the principal building.

(b) Notwithstanding Section 5.3(6)(a), the Development Officer or Municipal Planning Commission may vary the parcel coverage in the case of corner or double fronting parcels pursuant to Sections 3.6(4) and (5) and Section 4.19 of this Bylaw.

(7) Principal Building Height

Shall not exceed 9.0 m above grade.

(8) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts 1-3 of this Bylaw.
- (b) General Parcel Provisions: refer to Part 4 of this Bylaw.
- (c) Special Land Use Provisions: refer to Part 4 of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part 4 of this Bylaw.
- (e) Sign Regulations: refer to Part 4 of this Bylaw.

## 5.5 R2 – RESIDENTIAL – MEDIUM DENSITY

### (1) General Purpose of District

This land use district is intended to provide a variety of low to medium density multiple family housing types ranging from duplex dwellings up to row housing. The dwelling forms shall be of a low profile/elevation thereby making such developments compatible with adjacent single family residential neighbourhoods. All units within this land use district will be designed to have direct access to street level.

### (2) Permitted Uses

**Accessory building.**  
**Duplex.**  
**Fourplex.**  
**Park.**  
**Secondary Suite.**  
**Triplex.**

### Discretionary Uses

**Boarding or lodging home.**  
**Cluster housing.**  
**Day care facility.**  
**Family care facility.**  
**Group care facility.**  
**Home day care.**  
**Home occupation.**  
**Row housing.**  
**Utility building, not containing offices, which is required to serve the immediate area.**  
Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

### (3) Parcel Dimensions

(a) Subject to the minimum parcel area requirements for duplexes and triplexes where all dwelling units in these developments are contained within the same parcel, as stipulated in Sections 5.4(3)(b), (c) and (d) below, the minimum parcel width shall be 11.0 m and the minimum parcel depth shall be 36.0 m.

(b) The minimum parcel area for vertical duplex units shall be 570.0 m<sup>2</sup>.



- (c) The minimum parcel area for side-by-side duplex units shall be 670.0 m<sup>2</sup> located on an interior parcel and 740.0 m<sup>2</sup> if located on a corner or double fronting parcel.
- (d) The minimum parcel area for a triplex shall be 700.0 m<sup>2</sup> located on an interior parcel and 770.0 m<sup>2</sup> if located on a corner or double fronting parcel.
- (e) The maximum parcel area shall be 1.2 hectares.

(4) Minimum Floor Area

The minimum floor area for a dwelling unit shall be:

- (a) In the case of duplex housing, not less than 79.0 m<sup>2</sup>.
- (b) In the case of triplex and fourplex housing, not less than 75.0 m<sup>2</sup> for each unit.
- (c) In the case of horizontal housing or row housing, not less than 72.0 m<sup>2</sup> for a one bedroom unit, and an additional 11.0 m<sup>2</sup> per unit for each additional bedroom in the unit thereafter.
- (d) In the case of vertical or stacked row housing, not less than 50.0 m<sup>2</sup> for a bachelor unit with an additional 11.0 m<sup>2</sup> for each bedroom in the unit thereafter.

(5) Minimum Setback Requirements

(a) Front Yard:

- i) Subject to Section 5.4(5)(a)(ii), the minimum front yard setback shall be 6.0 m.
- ii) At the discretion of the Development Officer or Municipal Planning Commission, the front yard setback may be varied for corner or double fronting parcels pursuant to Sections 3.6(4) and (5) and Section 4.19 of this Bylaw.
- iii) For the purposes of determining the front yard setback for parcels referred to in Section 5.4(5)(a)(ii), the Development Officer or Municipal Planning Commission shall consider that the setback for the flanking front yard should be no less than 4.5 m, or 5.0 m when an attached garage faces the flanking street.

(b) Side Yard:

- i) The minimum side yard setback shall be 10% of the parcel width up to a maximum of 2.0 m.
  - ii) Notwithstanding Section 5.4(5)(b)i), where a parcel has vehicular access from the front only, one side yard setback shall be a minimum of at least 3.0 m to accommodate a driveway for vehicular passage and general access to the rear of the parcel, except where a carport is attached to the principal dwelling and does not restrict access to the rear yard in which case the setback requirements referred to in Section 5.5(5)(b)(i) apply.
  - iii) In the case zero parcel line development, see Section 4.20 of this Bylaw.
- (c) Rear Yard:
  - i) The minimum rear yard setback to the principal building shall be 6.75 m.
  - ii) The Development Officer or Municipal Planning Commission may vary the rear yard setback to a maximum of 10% in the case of parcels located on curves or cul-de-sacs.
- (6) Parcel Coverage
  - (a) The maximum parcel coverage for all buildings shall be 42% of the area of the parcel with all accessory buildings, as referred to in Section 71 of this Bylaw, combined, not being larger than the principal building.
  - (b) Notwithstanding Section 5.4(6)(a), the Development Officer or Municipal Planning Commission may vary the parcel coverage in the case of corner or double fronting parcels pursuant to Sections 3.6(4) and (5) and Section 4.19 of this Bylaw.
- (7) Dwelling Unit Density

Maximum density shall be 30 units to each net hectare (12 units to each net acre) of the parcel upon which the development is proposed.
- (8) Principal Building Height

Shall not exceed 10.6 m above grade.
- (9) Landscaping and Amenities
  - (a) The minimum landscaped area for row/cluster housing shall be 35% of the parcel.

- (b) A minimum of 10% of the open space required pursuant to Section 5.4(9)(a) shall be provided for recreational purposes, and recreational equipment shall be provided on this area to the satisfaction of the Development Officer or Municipal Planning Commission.
  - (c) Each dwelling unit in row/cluster housing shall have one yard which serves as an outdoor living area for the occupants and this yard shall have a depth of 7.6 m.
  - (d) Within the 7.6 m outdoor living area referred to in Section 5.4(9)(c), there shall be a privacy zone of 4.5 m which is contained by a fence or other means of enclosure at least 1.5 m in height.
- (10) Other Provisions
- (a) Administrative procedures and regulations: refer to Parts 1-3 of this Bylaw.
  - (b) General Parcel Provisions: refer to Part 4 of this Bylaw.
  - (c) Special Land Use Provisions: refer to Part 4 of this Bylaw.
  - (d) Parking and Loading Regulations: refer to Part 4 of this Bylaw.
  - (e) Sign Regulations: refer to Part 4 of this Bylaw.

## 5.6 R3 – RESIDENTIAL – HIGH DENSITY

### (1) General Purpose of District

This land use district is intended to provide a variety of medium to high density housing. This land use district will normally be located adjacent to collector and arterial roadways to reduce the impact of higher density development upon single family residential land use districts.

### (2) Permitted Uses

**Accessory building.**  
**Apartment.**  
**Cluster housing.**  
**Park.**  
**Row housing.**  
**Secondary Suite.**

### Discretionary Uses

**Boarding or lodging home.**  
**Day care facility.**  
**Duplex.**  
**Family care facility.**  
**Fourplex.**  
**Group care facility.**  
**Home day care.**  
**Senior citizen housing.**  
**Triplex.**  
**Utility building, not containing offices, which is required to serve the immediate area.**  
Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

### (3) Parcel Dimensions

#### (a) Width:

The minimum parcel width shall be not less than 35.0 m.

#### (b) Depth:

The minimum parcel depth shall be not less than 35.0 m.

#### (c) Area:

The minimum parcel area shall be the product of the minimum parcel width and depth and the maximum parcel area shall be 1.2 hectares.

(4) Minimum Floor Area

The minimum floor area for a dwelling unit shall be:

- (a) In the case of apartment buildings and vertical or stacked housing, not less than 50.0 m<sup>2</sup> for a bachelor unit and an additional 11.0 m<sup>2</sup> for each bedroom in the unit included thereafter.
- (b) In the case of horizontal housing or row housing, not less than 72.0 m<sup>2</sup> for a one bedroom unit and an additional 11.0 m<sup>2</sup> per unit for each additional bedroom in the unit thereafter.

(5) Minimum Yard Setbacks

(a) Front Yard:

- i) The minimum front yard setback shall be at the discretion of the Development Officer or Municipal Planning Commission who shall have concern for development or potential development on adjacent parcels and for the amenities of the area, but in no case shall the setback be permitted less than:

<u>Storeys</u>	<u>Distance</u>
1	6.0 m
2	7.6 m
3	9.0 m

- ii) The front yard setback standards may be varied by the Development Officer or Municipal Planning Commission with respect to corner parcels pursuant to Sections 3.6(4) and (5) and Section 4.19 of this Bylaw.

(b) Side Yard:

The minimum side yard setback shall be one-half the height of the building or 15.0% of the width of the parcel, whichever is the greater.

(c) Rear Yard:

The minimum rear yard setback shall be 7.6 m.

(6) Parcel Coverage

- (a) The maximum parcel coverage of all buildings shall be 40% of the area of the parcel.
  - (b) Notwithstanding Section 5.5(6)(a), the Development Officer or Municipal Planning Commission may vary the parcel coverage in the case of corner or double fronting parcels pursuant to Sections 3.6(4) and (5) and Section 4.19 of this Bylaw.
- (7) Dwelling Unit Density
- Maximum density shall be 74 (seventy four) units to each net hectare (thirty units to each net acre) of the parcel upon which the development is proposed.
- (8) Principal Building Height
- Shall not exceed 10.6 m above grade.
- (9) Landscaping and Amenities
- (a) The minimum landscaped area shall be 35% of the parcel.
  - (b) A minimum of 10% of the open space required pursuant to Section 5.5(9)(a) shall be provided for recreational purposes, and recreational equipment shall be provided on this area to the satisfaction of the Development Officer or Municipal Planning Commission.
  - (c) Each dwelling unit in row/cluster housing shall have one yard which serves as an outdoor living area for the occupants and this yard shall have a depth of 7.6 m.
  - (d) Within the 7.6 m outdoor living area referred to in Section 5.5(9)(c), there shall be a privacy zone of 4.5 m which is contained by a fence at least 1.5 m in height.
- (10) Other Provisions
- (a) Administrative procedures and regulations: refer to Parts 1-3 of this Bylaw.
  - (b) General Parcel Provisions: refer to Part 4 of this Bylaw.
  - (c) Special Land Use Provisions: refer to Part 4 of this Bylaw.
  - (d) Parking and Loading Regulations: refer to Part 4 of this Bylaw.
  - (e) Sign Regulations: refer to Part 4 of this Bylaw.

## 5.7 RMHS – RESIDENTIAL – MANUFACTURED HOME SUBDIVISION

(1) General Purpose of District:

This District is generally intended to provide for single manufactured home development on individual subdivided parcels.

(2) Permitted Uses:

**B**uildings and uses accessory to permitted uses.

**M**anufactured Home.

**S**econdary Suite.

Discretionary Uses:

**B**uildings and uses accessory to discretionary uses.

**D**ay care facility.

**H**ome occupations.

**P**arks and playgrounds.

**S**how homes or temporary sales offices.

**O**ther uses which, in the opinion of the Development Authority, are similar to the permitted and discretionary uses.

(3) Minimum Lot Area:

Minimum Lot Area shall be 370.0 m<sup>2</sup> (3,982.8 ft<sup>2</sup>).

(4) Parcel and Yard Regulations:

a) Minimum Front Yard:

Shall be 7.0 m (22.9 ft.).

b) Minimum Side Yard:

Shall be 1.5 metre (4.9 ft.) on one side and 3.0 metres (9.8.0 feet) on another side.

c) Minimum Rear Yard:

Shall be 6.0 m (19.7 ft.).

d) Minimum Lot Depth:

Shall be 46.2 metres (140 feet).

(5) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts 1-3 of this Bylaw.
- (b) General Parcel Provisions: refer to Part 4 of this Bylaw.
- (c) Special Land Use Provisions: refer to Part 4 of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part 4 of this Bylaw.
- (e) Sign Regulations: refer to Part 4 of this Bylaw.



## 5.8 RMHS – RESIDENTIAL – MANUFACTURED HOME COURT

(1) General Purpose of District:

This district is generally intended to provide for the placement of more than one manufactured home on a single parcel.

(2) Permitted Uses:

Buildings and uses accessory to permitted uses.  
Manufactured home court.  
Manufactured homes.  
Manufactured home court office.  
Secondary Suite.

Discretionary Uses:

Buildings and uses accessory to discretionary uses.  
Daycare facilities.  
Garage.  
Parks & playgrounds.  
Other uses which, in the opinion of the Development Authority are similar to the permitted and discretionary uses.

(3) Parcel Coverage:

Dwellings – 28%.

Accessory buildings – 12%.

(4) Maximum Height:

The height of structures shall not exceed 6.0 m (19.7 ft.) and is subject to the provisions of this Bylaw.

(5) Parcel Area:

Minimum court area shall be 2.0 hectares (4.9 acres).

(6) Unit Area & Depth:

The minimum area assigned for the exclusive or private use of each dwelling unit shall be 370.0 m<sup>2</sup> (3,982.8 ft<sup>2</sup>). All lots shall have a minimum depth of 46.2 metres (140 feet).

(7) Minimum Front Yard:

Shall be 7.5 m. (24.9 ft.).

(8) Minimum Side Yard:

Shall be 1.5 metre (4.9 ft.) on one side and 3.0 metres (9.8.0 feet) on another side.

(9) Minimum Rear Yard:

Shall be 6.0 m (19.7 ft.).

(10) Development Requirements:

(a) All roads in a manufactured home court should be graveled or hard-surfaced to the satisfaction of the Development Authority and shall have a width of at least 7.5 m (24.9 ft.) including a hard-surfaced sidewalk of at least 1.0 m (3.3 ft.) in width.

(b) All on-site municipal utilities shall be provided underground.

(c) Principal buildings must be separated from each other by at least 6.0 m (19.7 ft.).

(d) On-site traffic circulation patterns and lighting are to be to the satisfaction of the Development Authority.

(11) Landscaping and Amenity Area:

(a) All areas of a manufactured home court not occupied by private dwelling unit area, roads or other development, shall be landscaped to the satisfaction of the Development Authority.

(b) In manufactured home developments, a minimum of 40.0 m<sup>2</sup> (430.5 ft<sup>2</sup>) of common amenity area must be provided for each dwelling unit up to ten units, with an additional 3.0 m<sup>2</sup> (32.3 ft<sup>2</sup>) for each unit above ten units.

(c) A screen fence shall be required along the side property line between any manufactured home development and abutting a single detached dwelling or district. The height of the screen fence shall be at the discretion of the Development Authority, but shall not be less than 1.0 m (3.3 ft.), nor exceed 2.0 m (6.5 ft.).

(12) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts 1-3 of this Bylaw.
- (b) General Parcel Provisions: refer to Part 4 of this Bylaw.
- (c) Special Land Use Provisions: refer to Part 4 of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part 4 of this Bylaw.
- (e) Sign Regulations: refer to Part 4 of this Bylaw.

## 5.9 C1 – COMMERCIAL – OFFICE, RETAIL AND SERVICE

### (1) General Purpose of District

This land use district is generally intended to provide for a wide variety of retail commercial and office uses at higher densities than would normally be found or provided for in other commercial areas in Onoway.

### (2) Permitted Uses

**Bakery.**  
**Dry cleaning establishment.**  
**Hotel or motel.**  
**Major or minor eating and drinking establishment.**  
**Medical clinic.**  
**Park.**  
**Parking facility.**  
**Personal service establishment.**  
**Professional, financial, office and business support service.**  
**Retail establishment.**  
**Theatre or cinema.**

### Discretionary Uses

**Accessory building.**  
**Amusement arcade.**  
**Commercial school not including a school using heavy and industrial vehicles.**  
**Day care facility.**  
**Gas bar, service station or car wash establishment.**  
**Hardware and home improvement centre.**  
**Indoor recreational establishment.**  
**Private club or lodge.**  
**Public or quasi-public use.**  
**Public utility.**  
**Public utility building.**  
**Repair service establishment.**  
**Residential dwelling unit attached to a commercial operation.**  
**Second hand store.**  
**Storage and sales of Agricultural Equipment.**  
Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

### (3) Minimum Parcel Dimensions

Unless otherwise prescribed in Part 4 of this Bylaw:

- (a) Width:  
Shall be no less than 8.0 m.
- (b) Depth:  
Shall be no less than 30.0 m.
- (c) Area:  
Shall be the product of the minimum parcel width and depth.

(4) Parcel Coverage

- (a) Unless parcel coverage is specifically prescribed or otherwise affected by provisions in Part 4 of this Bylaw for the uses prescribed in this land use district, 90% parcel coverage will be allowed, with the remaining 10% to be used for landscaping.
- (b) Developing to maximum parcel coverage, as prescribed in Section 5.8(4)(a), will depend on provision being made for off-street parking, loading, storage and waste disposal to the satisfaction of the Development Officer or Municipal Planning Commission in accordance with the regulations of this Bylaw.

(5) Minimum Floor Area

The minimum floor area for a dwelling unit shall be:

- (a) In the case of apartment buildings and vertical housing, not less than 50.0 m<sup>2</sup> for a bachelor unit and an additional 11.0 m<sup>2</sup> for each bedroom in the unit included thereafter.
- (b) In the case of horizontal housing or row housing, not less than 72.0 m<sup>2</sup> for a one bedroom unit and an additional 11.0 m<sup>2</sup> per unit for each additional bedroom in the unit thereafter.

(6) Minimum Setback Requirements

Unless otherwise prescribed in Part 4 of this Bylaw:

- (a) Front Yard:  
No front yard shall be required except as specified under Section 4.19 of this Bylaw.
- (b) Side Yard and Rear Yard:

- i) No side yard or rear yard shall be required.
- ii) Notwithstanding Section 5.8(6)(b)i), and in addition to the provisions of Parts VI and VII of this Bylaw, side yard and rear yard setbacks immediately adjacent to a residential land use district shall be 3.0 m or one-half the height of the building, to a maximum of 6.0 m, whichever is the greater distance.

(7) Building Height

No building shall exceed 12.0 m above grade.

(8) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts 1-3 of this Bylaw.
- (b) General Parcel Provisions: refer to Part 4 of this Bylaw.
- (c) Special Land Use Provisions: refer to Part 4 of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part 4 of this Bylaw.
- (e) Sign Regulations: refer to Part 4 of this Bylaw.

## 5.10 C1R – COMMERCIAL - DOWNTOWN MIXED USE

### (1) General Purpose of District

This land use district is generally intended to provide for a wide variety of retail commercial and office uses at higher densities than would normally be found or provided for in other commercial areas in Onoway.

#### (2) Permitted Uses

Eating and drinking establishment.

Hotel.

Medical clinic.

Park.

Parking facility.

Personal services establishment.

Professional, financial and office support service.

Public utility building.

Retail establishment.

Single detached dwelling, if attached to a commercial operation.

Theatre.

#### Discretionary Uses

Accessory building.

Amusement arcade.

Apartment building.

Automobile service centre.

Convenience store.

Data reception and/or transmission aerial, dish, mast, tower.

Daycare facility.

Excavation, strip or grading.

Fencing and vegetation screening.

Flag pole.

Gas bar, service station.

General equipment sales, service, rental.

Landscaping.

Mixed use (commercial + residential)

Outdoor living structure.

Outside storage and display of items.

Public use.

Quasi-public use.

Recreational establishment, facility.

Repair service establishment.

Swimming pool, hot tub (private).

### 3) Minimum Parcel Dimensions

Unless otherwise prescribed in Part 4 of this Bylaw:

(a) Width:

Shall be no less than 8.0 m.

(b) Depth:

Shall be no less than 30.0 m.

(c) Area:

Shall be the product of the minimum parcel width and depth.

(4) Parcel Coverage

- (a) Unless parcel coverage is specifically prescribed or otherwise affected by provisions in Part 4 of this Bylaw for the uses prescribed in this land use district, 90% parcel coverage will be allowed, with the remaining 10% to be used for landscaping.
- (b) Developing to maximum parcel coverage, as prescribed in Section 5.8(4)(a), will depend on provision being made for off-street parking, loading, storage and waste disposal to the satisfaction of the Development Officer or Municipal Planning Commission in accordance with the regulations of this Bylaw.

(5) Minimum Floor Area

The minimum floor area for a dwelling unit shall be:

- (a) In the case of apartment buildings and vertical housing, not less than 50.0 m<sup>2</sup> for a bachelor unit and an additional 11.0 m<sup>2</sup> for each bedroom in the unit included thereafter.
- (b) In the case of horizontal housing or row housing, not less than 72.0 m<sup>2</sup> for a one bedroom unit and an additional 11.0 m<sup>2</sup> per unit for each additional bedroom in the unit thereafter.

(6) Minimum Setback Requirements

Unless otherwise prescribed in Part 4 of this Bylaw:

(a) Front Yard:

No front yard shall be required except as specified under Section 4.19 of this Bylaw.

(b) Side Yard and Rear Yard:

- i) No side yard or rear yard shall be required.
- ii) Notwithstanding Section 5.8(6)(b)i), and in addition to the provisions of Parts VI and VII of this Bylaw, side yard and rear yard setbacks



immediately adjacent to a residential land use district shall be 3.0 m or one-half the height of the building, to a maximum of 6.0 m, whichever is the greater distance.

(7) Building Height

No building shall exceed 12.0 m above grade.

(8) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts 1-3 of this Bylaw.
- (b) General Parcel Provisions: refer to Part 4 of this Bylaw.
- (c) Special Land Use Provisions: refer to Part 4 of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part 4 of this Bylaw.
- (e) Sign Regulations: refer to Part 4 of this Bylaw.

## 5.11 C2 – COMMERCIAL – SECONDARY

### (1) General Purpose of District

This land use district is generally intended to provide for retail and service commercial outlets where, in some cases, part of the parcel is required for outside storage and display of goods and services.

#### (2) Permitted Uses

**Gas bar or service station.**  
**Hardware or home improvement centre.**  
**Medical clinic.**  
**Personal service establishment.**  
**Professional financial office and business support service.**  
**Repair service establishment.**  
**Tradesman.**  
**Wholesale or retail of the following**  
    **Plumbing or heating equipment and supplies.**  
    **Furniture or lumber.**  
    **General machinery.**  
    **Manufactured homes and trailers.**

#### Discretionary Uses

**Accessory building.**  
**Amusement arcade.**  
**Car wash.**  
**Commercial school not including a school using heavy industrial vehicles.**  
**Funeral home/chapel.**  
**Indoor recreational establishment.**  
**Daycare facility.**  
**Minor or major eating or drinking establishment.**  
**Moving/cartage firm.**  
**Private club or lodge.**  
**Public or quasi-public use.**  
**Public utility.**  
**Public utility building.**  
**Surveillance suite.**  
**Vehicle, recreational equipment, and equipment sales, service and rentals.**  
**Veterinary clinic.**  
**Warehousing, storage, receiving or distribution facility.**  
Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this district.

### (3) Minimum Parcel Dimensions

Unless otherwise prescribed in Part 4 of this Bylaw:

(a) Width:

No parcel shall be created with a width less than 8.0 m.

(b) Depth:

Shall be no less than 30.0 m.

(c) Area:

Shall be the product of the minimum parcel width and depth. The minimum parcel area may be reduced at the discretion of the Development Officer or Municipal Planning Commission, as the case may be, who shall take into account the general purpose and intent of this land use district, the location and setbacks of adjacent land uses and buildings, the safe and efficient movement of pedestrians and motor vehicles and the landscaping, parking and loading requirements of this Bylaw.

(4) Parcel Coverage

Unless specifically prescribed or otherwise affected by provisions in Part 4 of this Bylaw, all developments shall not exceed 80% of the parcel area if provision has been made for off-street parking, loading, storage and waste disposal to the satisfaction of the Development Officer or Municipal Planning Commission.

(5) Minimum Setback Requirements

Unless otherwise prescribed in Part 4 of this Bylaw:

(a) Front Yard:

No front yard shall be required except where the Development Officer or Municipal Planning Commission may deem it necessary to conform to existing development.

(b) Side Yard:

i) No side yard setback shall be required where the side(s) of the parcel is (are) bound(ed) by land designated C1 Commercial - Office, Retail, and Service or C2 Commercial - Secondary.

ii) Where the development is bounded by a land use district other than as described in Section 5.9(5)(b)i), the minimum side yard setback shall be 1.5 m.

iii) Notwithstanding Section 5.9(5)(b)ii), side yards adjacent to a residential land use district shall be 3.0 m, or one half the height of the building, to a maximum of 6.0 m, whichever is the greater.

(c) Rear Yard:

The minimum rear yard shall be 6.0 m, or as required by the Development Officer or Municipal Planning Commission in order to provide adequate off-street parking, storage, internal traffic circulation and landscaping.

(6) Building Height

No building shall exceed 12.0 m above grade. This requirement does not apply to building facade or other design features of a building not forming part of the useable or functional floor space of the building.

(7) Other Provisions

(a) Administrative procedures and regulations: refer to Part 1-3 of this Bylaw.

(b) General Parcel Provisions: refer to Part 4 of this Bylaw.

(c) Special Land Use Provisions: refer to Part 4 of this Bylaw.

(d) Parking and Loading Regulations: refer to Part 4 of this Bylaw.

(e) Sign Regulations: refer to Part 4 of this Bylaw.

## 5.12 C3 – COMMERCIAL – HIGHWAY

### (1) General Purpose of District

This land use district is generally intended to provide for a range of commercial uses to serve the travelling and local public.

### (2) Permitted Uses

**C**ar wash establishment.  
**C**onvenience store.  
**G**as bar and service station.  
**H**otel and motel.  
**L**audromat.  
**M**ajor or minor eating and drinking establishment.  
**P**ersonal service establishment forming part of a hotel or motel.

### Discretionary Uses

**A**ccessory use or building.  
**B**ulk fuel storage and distribution.  
**E**quipment sales, service rental.  
**M**obile home sales and service.  
**M**oving or Cartage Firm.  
**P**ublic or quasi-public use.  
**P**ublic utility.  
**P**ublic utility building.  
**R**ecreational establishment.  
**R**etail establishment with retail floor space, including public access, sales and display area, exceeding 190.0 m<sup>2</sup>.  
**S**urveillance suite.  
**V**ehicle or recreational equipment sales and service.  
**W**arehousing.  
Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

### (3) Minimum Parcel Dimensions

Unless otherwise prescribed in Part 4 of this Bylaw:

#### (a) Width:

Shall be no less than 15.0 m.

(b) Depth:

Shall be no less than 30.0 m.

(c) Area:

Shall be the product of the minimum parcel width and depth. The minimum parcel area may be reduced at the discretion of the Development Officer or Municipal Planning Commission, as the case may be, who shall take into account the general purpose and intent of this land use district, the location and setbacks of adjacent land uses and buildings, the safe and efficient movement of pedestrians and motor vehicles and the landscaping, parking and loading requirements of this Bylaw.

(4) Parcel Coverage

Unless specifically prescribed or otherwise affected by provisions in Part 4 of this Bylaw, the parcel area is at the discretion of the Development Officer or Municipal Planning Commission provided that provision has been made for off-street parking, loading, storage and waste disposal to the satisfaction of the Development Officer or Municipal Planning Commission.

(5) Minimum Setback Requirements

Unless otherwise prescribed in Part 4 of this Bylaw:

(a) Front Yard:

i) The minimum front yard setback shall be no less than 6.0 m. These standards may be varied by the Municipal Planning Commission with respect to corner parcels, where the Municipal Planning Commission shall take into account the location and setbacks of existing adjacent buildings.

ii) There shall be no parking, loading, storage, or any other similar use permitted within 1.5 m of the front yard parcel line.

(b) Side Yard:

The minimum side yard shall be no less than 3.0 m.

(c) Rear Yard:

The minimum rear yard shall be 6.0 m, or as required by the Development Officer or Municipal Planning Commission in order to provide adequate off-street parking, storage, internal traffic circulation and landscaping.

(6) Building Height

The height of structures shall not exceed 12.0 m. This requirement does not apply to building facade or other design features of a building not forming part of the useable or functional floor space of the building.

(7) Other Provisions

- (a) Administrative procedures and regulations: refer to Part 1-3 of this Bylaw.
- (b) General Parcel Provisions: refer to Part 4 of this Bylaw.
- (c) Special Land Use Provisions: refer to Part 4 of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part 4 of this Bylaw.
- (e) Sign Regulations: refer to Part 4 of this Bylaw.

## 5.13 M – INDUSTRIAL

### (1) General Purpose of District

This land use district is generally intended to establish an area of industrial uses, and those commercial uses which provide service to industrial uses or which, as a result of their nature, are better suited in an industrial area. The uses in this land use district are not intended to cause any objectionable or dangerous conditions beyond the confines of the building and parcel upon which they are located.

Retail or service commercial uses may be allowed in this land use district if it can be demonstrated to the satisfaction of the Town that this is the most viable location for the business, and that they can coexist with surrounding industrial uses. Commercial uses which would be more appropriately located in either the C1 Office, Retail and Service District shall not be permitted in this land use district.

### (2) Permitted Uses

**A**ccessory Building.  
**G**as bar, service station or car wash establishment.  
**G**reenhouse.  
**M**anufacturing processing, packaging or assembly of goods or materials.  
**R**epair service establishment.  
**V**eterinary clinic.  
**W**arehousing, storage receiving or distribution facility.  
**W**holesale or retail establishment.

### Discretionary Uses

**A**uctioneering establishment.  
**D**rive through business.  
**M**inor eating or drinking establishment.  
**P**rivate club or lodge.  
**P**ublic or quasi-public use.  
**P**ublic utility.  
**P**ublic utility building.  
**R**ecreational establishment.  
**S**alvage establishment.  
**S**urveillance suite.  
Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

### (3) Parcel Dimensions

Unless otherwise prescribed in Part 4 of this Bylaw, parcel area shall be at the discretion of the Development Officer or Municipal Planning Commission, as the



case may be, who, in determining parcel area, given the proposed use, shall consider, among other variables, adjacent land uses, the utilization of existing or proposed infrastructure, on-parcel storage, internal traffic circulation, off-street parking and loading, landscaping and the required setbacks of the this land use district.

(4) Parcel Coverage

Unless specifically prescribed or otherwise affected by provisions in Part 4 of this Bylaw:

- (a) Industrial commercial centre - for all combined uses and buildings the total parcel coverage shall not exceed 0.50 times the parcel area.
- (b) All other developments shall not exceed 0.60 times the parcel area.

(5) Minimum Setback Requirements

Unless otherwise prescribed in Part 4 of this Bylaw:

(a) Front Yard:

- i) The minimum front yard setback shall be not less than 6.0 m, except where a greater distance is deemed necessary by the Development Officer or Municipal Planning Commission. No area for loading, storage, display of goods or products, or any other similar use, shall be permitted within 3.0 m of the front yard and such area shall be landscaped to the carriageway.
- ii) Notwithstanding Section 5.11(5)(a)i), patron and employee parking may be permitted 3.0 m back from the front yard parcel line at the discretion of the Development Officer or Municipal Planning Commission.
- iii) Subject to Section 5.11(5)(a)v), the standard with respect to the building setback may be varied at the discretion of the Development Officer or Municipal Planning Commission for corner or double fronting parcels pursuant to Sections 3.6(4) and (5) and Section 4.19 of this Bylaw.
- iv) The front yard setback shall not prohibit the use of a portion of the front yard for walks, driveways or freestanding signs.

(b) Side Yard:

- i) No side yard setback is required unless, in the opinion of the Development Officer or Municipal Planning Commission, a setback is required in order to provide spatial separation distance between uses or as may be required pursuant to the Alberta Building Code.
- ii) Notwithstanding Section 5.11(5)(b)(i), where a parcel has vehicular access from the front public roadway only, one side yard setback of not less than 6.0 m shall be provided in order to gain access to the rear of the parcel.
- iii) Notwithstanding Section 5.11(5)(b)(i), side yards adjacent to a residential land use district shall be 3.0 m, or one half the height of the building, to a maximum of 6.0 m, whichever is the greater.

(c) Rear Yard:

Shall be not less than 6.0 m, or where in the opinion of the Development Officer or Municipal Planning Commission, a greater distance is required in order to provide for off-street parking, on-parcel traffic circulation, storage or separation between adjacent land uses.

(6) Building Height

The maximum height of buildings shall be at the discretion of the Development Officer or Municipal Planning Commission who shall consider the design, siting and screening of the proposed development in order to minimize any objectionable aspects or incompatibilities as a result of an increased height of a building or structure beyond what would normally be found in the land use district or adjacent land use districts; but, in no case shall the height of any building exceed 10.6 m above grade.

(7) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts 1-3 of this Bylaw.
- (b) General Parcel Provisions: refer to Part 4 of this Bylaw.
- (c) Special Land Use Provisions: refer to Part 4 of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part 4 of this Bylaw.
- (e) Sign Regulations: refer to Part 4 of this Bylaw.

## 5.14 PR – PARKS AND RECREATION

(1) General Purpose of District

This land use district is generally intended to establish an area for the use and development of public areas to meet the active or passive recreational and leisure pursuits at the local, neighbourhood, municipal and district level.

(2) Permitted Uses

Accessory use or building.  
Active and passive recreational facility or building, and parks.

Discretionary Uses

Campground.  
Day care facility.  
Public use.  
Public utility.  
Public utility building.  
School.  
Surveillance suite.  
Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

(3) Development Regulations

All parcel and development regulations shall be at the discretion of the Development Officer or Municipal Planning Commission. In reviewing applications, the Development Officer or Municipal Planning Commission, as the case may be, shall consider the design, siting, landscaping and screening of the proposed development to minimize any objectionable aspects or incompatibilities such as traffic and patrons using the parcel, increased noise, dust, odours or refuse and any other factors which would interfere with or affect the use and enjoyment of adjacent land uses and land use districts.

(4) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts 1-3 of this Bylaw.
- (b) General Parcel Provisions: refer to Part 4 of this Bylaw.
- (c) Special Land Use Provisions: refer to Part 4 of this Bylaw.

- (d) Parking and Loading Regulations: refer to Part 4 of this Bylaw.
- (e) Sign Regulations: refer to Part 4 of this Bylaw.

## 5.15 US – URBAN SERVICES

### (1) General Purpose of District

This land use district is generally intended to establish an area for the development of publicly or privately owned institutions or community services.

### (2) Permitted Uses

**A**ccessory use or building.  
**C**emetery.  
**G**overnment service.  
**H**ospital.  
**L**ibrary.  
**M**useum or archives.  
**N**ursing home.  
**P**ark.  
**P**lace of worship.  
**P**ublic use.  
**R**ecreation facility.  
**S**chool.  
**S**enior citizen housing.

### Discretionary Uses

**D**ay care facility.  
**F**amily care facility.  
**G**roup care facility.  
**P**ublic utility.  
**P**ublic utility building.  
**Q**uasi-public use.  
**S**urveillance suite.  
Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

### (3) Development Regulations

All parcel and development regulations shall be at the discretion of the Development Officer or Municipal Planning Commission. In reviewing applications, the Development Officer or Municipal Planning Commission, as the case may be, shall consider the design, siting, landscaping and screening of the proposed development to minimize any objectionable aspects or incompatibilities such as traffic and patrons using the parcel, increased noise, dust, odours or refuse and any other factors which would interfere with or affect the use and enjoyment of adjacent land uses and land use districts.

### (4) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts 1-3 of this Bylaw.
- (b) General Parcel Provisions: refer to Part 4 of this Bylaw.
- (c) Special Land Use Provisions: refer to Part 4 of this Bylaw.

- (d) Parking and Loading Regulations: refer to Part 4 of this Bylaw.
- (e) Sign Regulations: refer to Part 4 of this Bylaw.

## 5.16 DC – DIRECT CONTROL

### (1) General Purpose of District

To enable land use and development to occur in areas of special character or circumstance. Interim uses may be allowed provided they do not preclude or significantly increase cost for development, conversion or redevelopment in terms of the existing and future urban infrastructure. Proposed developments are subject to the regulations below and such rules with respect to land generally or specifically as Council may make from time to time and as described within policies of the Municipal Development Plan or any other statutory plan in effect. Pursuant to Part 3 of the Bylaw, all proposals will be received, considered and decided upon by Council.

### (2) Uses

As prescribed by Council

### (3) General Development Regulations

- (a) All development and parcel regulations, including but not limited to general parcel provisions, special land use provisions, parking and loading regulations and sign regulations, shall be at the discretion of Council.
- (b) The design, siting, landscaping, screening and buffering shall minimize and compensate for any objectionable aspects or potential incompatibility with development in this land use district or abutting land use districts.
- (c) In evaluating a proposed land use or a development, Council:
  - i) shall have regard for, but not be limited to:
    - 1. the existing use of the land,
    - 2. the uses, regulations and development criteria specified in the land use district superseded by this land use district,
    - 3. the general and special regulations as contained elsewhere in this Bylaw, and
    - 4. the land use regulations of adjoining land use districts; and
  - ii) shall comply with the Municipal Government Act, Subdivision Regulation, Yellowhead Regional Plan, Municipal Development Plan and any statutory plan in effect.

(4) Land Use Agreement

- (a) An applicant may be required to enter into a legal land use agreement with the Town to ensure that the use and development of land and buildings on the parcel complies with the approved development plan, as a condition of a development permit issued pursuant to the Direct Control District.
- (b) The land use agreement shall run as a restrictive covenant against the title of the parcel and shall serve to restrict the development of land in accordance with the approved development plan.
- (c) The land use agreement may also provide that the applicant post security in such form and amount as may be approved by Council to ensure performance with the terms of the agreement.
- (d) An agreement made pursuant to this Direct Control District may specify a time period for which it is to remain in effect.



## 5.17 UR – URBAN RESERVE

### (1) General Purpose of District

This land use district is generally intended to reserve those areas within the Town of Onoway that are rural in character or land use for development that is urban in character and density. When development on lands within this land use district is proposed, other than for the uses and development prescribed in this land use district and at any time when subdivision on lands within this land use district is proposed, such development or subdivision will require redistricting the subject lands to the appropriate land use district.

### (2) Permitted Uses

**Public park and recreational area.**  
**Public utility.**  
**Public utility building.**  
**Public use.**

### Discretionary Uses

**Accessory building or use.**  
**Home occupation.**  
**Farming and cultivation of land but not such agricultural pursuits as a feed lot or fur farm.**  
**Mobile Home.**  
**Modular dwelling.**  
**Single detached dwelling.**  
**Surveillance suite.**  
**Any strictly temporary use or building which, in the opinion of the Development Officer, will not prejudice the possibility of conveniently and economically replotting or developing the area in the future.**

### (3) Development Regulations

(a) Unless the associated impacts on the general purpose and intent of this land use district are considered to be minimal or non-existent by the Development Officer, Municipal Planning Commission or Council, as the case may be, all subdivision applications, reclassification of land from UR Urban Reserve District into any other land use district, or development proposals other than for the permitted or discretionary uses above, shall be accompanied by an outline plan or area structure plan satisfactory to the

Town. This outline plan or area structure plan should include but not be limited to identifying the following:

- i) municipal service distribution systems (i.e., water, sewer, storm sewer, fire protection, street lighting, utilities and so on);
  - ii) roads, walkways and easements;
  - iii) allocation of municipal reserve requirements;
  - iv) periods of time for completion of construction or installation of facilities;
  - v) densities;
  - vi) the incorporation of natural topography, vegetation and drainage into the design of the development and subdivision; and
  - vii) any other matters as may be deemed necessary by Council.
- (b) All siting, parcel coverage, densities, yard setbacks and height of buildings shall be at the discretion of the Development Officer or Municipal Planning Commission.
  - (c) In deciding upon applications involving the keeping of livestock, the Municipal Planning Commission will ensure that such use is compatible with the uses occurring or proposed/expected to occur on adjacent parcels by limiting number, scale and intensity and by requiring proper screening;
  - (d) Water supply and sewage disposal shall be provided in accordance with the Public Health Act Regulations.
  - (e) An applicant may be required to enter into a legal land use agreement with the Town to ensure that the use and development of land and buildings on the parcel complies with the approved development plan, as a condition of a development permit issued pursuant to the UR Urban Reserve District.
  - (f) The land use agreement shall run as a restrictive covenant against the title of the parcel and shall serve to restrict the development of land in accordance with the approved development plan.
  - (g) The land use agreement may also provide that the applicant post security in such form and amount as may be approved by Council to ensure performance with the terms of the agreement.
  - (h) A land use agreement made pursuant to this land use district may specify a time period for which it is to remain in effect.

- (i) The Development Officer or Municipal Planning Commission may specify the length of time a use is permitted in this land use district having regard to the future servicing and development of the subject land.
- (4) Other Provisions
- (a) Administrative procedures and regulations: refer to Parts 1-3 of this Bylaw.
  - (b) General Parcel Provisions: refer to Part 4 of this Bylaw.
  - (c) Special Land Use Provisions: refer to Part 4 of this Bylaw.
  - (d) Parking and Loading Regulations: refer to Part 4 of this Bylaw.
  - (e) Sign Regulations: refer to Part 4 of this Bylaw.

## PART 6 – ADMINISTRATION

### 6.1 SCHEDULES

Schedule A is part of this Bylaw. Schedule A is the Land Use Map.

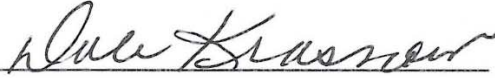
### 6.2 REPEALING EXISTING CONTROLS

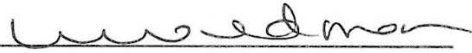
Bylaw No. 687-09, as amended, is hereby repealed.

### 6.3 DATE OF COMMENCEMENT

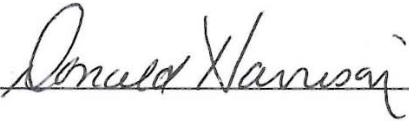
This Bylaw comes into effect upon the date of it finally being passed.


READ A FIRST TIME IN COUNCIL THE **5<sup>th</sup>** DAY OF **JULY** , A.D. 2013

  
\_\_\_\_\_  
Mayor

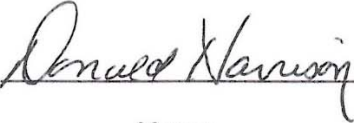
  
\_\_\_\_\_  
Chief Administrative Officer


READ A SECOND TIME IN COUNCIL THE **6<sup>th</sup>** DAY OF **MARCH** , A.D. 2014

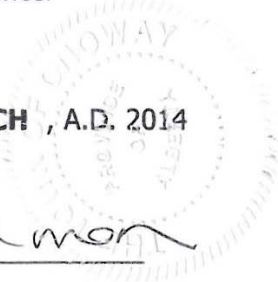
  
\_\_\_\_\_  
Mayor

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

READ A THIRD AND FINAL TIME IN COUNCIL THE **6<sup>th</sup>** DAY OF **MARCH** , A.D. 2014

  
\_\_\_\_\_  
Mayor

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



## 6.4 SCHEDULE "A" LAND USE DISTRICT MAP

This Map forms part of the Bylaw.

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