



THE CORPORATION OF THE TOWN OF FOX CREEK, ALBERTA

BY- LAW 677-2009

Land Use By-Law 662-2007 Amendment

A By-law of the Municipal Corporation of the Town of Fox Creek, in the Province of Alberta to amend the Land Use By-Law 662-2007 authorizing the removal of the Discretionary Uses of “Bunkhouse”, “Campground” and “Caretakers Residence” from Section 87 (the “Industrial District (M-1)”), the removal of “Caretaker’s Residence” from Table 75-2, the removal of Section 52 in its entirety, and numerous other amendments to: the Table of Contents; Sections 9, 13, 30, 32 and 76 through 87; sub-sections 48.6, 68.7, 68.9 and 75.1; clauses 34.2(e) through (g) and 75.3(d); and Tables 75-1 and 75-2.

WHEREAS the Council of the Corporation of the Town of Fox Creek has authority to amend the Town of Fox Creek Land Use Bylaw pursuant to Section 692 of the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta 2000,

AND WHEREAS the Council of the Corporation of the Town of Fox Creek has placed a six (6) month moratorium on the approval of all future campgrounds in the M-1 District, to allow for a review of the Land Use Bylaw and the provision of industrial campgrounds,

AND WHEREAS the Council of the Corporation of the Town of Fox Creek has reviewed the Land Use Bylaw and the Municipal Development Plan and the provision of industrial campgrounds and other residential uses in industrial areas,

AND WHEREAS the Council of the Corporation of the Town of Fox Creek has reviewed some errors and omissions in the Land Use Bylaw and has identified numerous amendments to rectify these errors and omissions in the Land Use Bylaw,

NOW THEREFORE PURSUANT to the provisions of the Municipal Government Act, Chapter M26, the Council of the Town of Fox Creek, Alberta, in regular session duly assembled, enacts as follows:

SEVERABILITY

If any provision of this by-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this by-law or any documents which form part of this by-law or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

SECTION 1 - SHORT TITLE

This By-law may be cited as the “Land Use By-law 662-2007 M-1 District and Other Amendments”.

SECTION 2 – TEXT AMENDMENTS

- 2.1 That Section 87 (“Industrial District (M-1)”) is amended by deleting the Discretionary Uses of “Bunkhouse”, “Campground” and “Caretakers Residence” from sub-section 87.2.

- 2.2 That Table 75-2 (“Commercial and Industrial Land Uses”) is amended by deleting the “Caretaker’s Residence” row in its entirety.
- 2.3 That Section 52 (“Security/Operator Residential Unit”) is deleted in its entirety.
- 2.4 That the definition of “Landfill Operation” under Section 9 (“Definitions”) is amended by adding after “dry waste site” the following: “that is owned and/or operated by the Municipality”.
- 2.5 That Section 87 (“Industrial District (M-1)”) is amended by adding the following Discretionary Use to sub-section 87.2: “Landfill Operation”.
- 2.6 That the Table of Contents is amended under “Ten: Land Use Districts” is amended by deleting “Section 81: Residential High Density (R-HD)” and substituting therefore with the following: “Section 81: Residential High Density (R-4)”.
- 2.7 That the list that follows clause 75.1 under Section 75 (“Establishment of Land Use Districts”) is amended by deleting “R-HD” and substituting therefore with the following: “R-4”.
- 2.8 That Table 75-1 (“Residential Land Uses”) is amended by deleting “RHD” and substituting therefore with the following: “R-4”.
- 2.9 That the definition of “Personal Service Shop” under Section 9 (“Definitions”) is amended by adding after “beauty shop,” the following: “massage therapy shop,”.
- 2.10 That Table 75-2 (“Commercial and Industrial Land Uses”) is amended by adding the following row:

Personal Service Shop	P	P	P	
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- 2.11 That Sections 84 (“Central Business District (C-1)”), 85 (“Service Commercial District (C-2)”) and 86 (“Highway Commercial District (C-3)”) are amended by adding the following Permitted Use to sub-sections 84.2, 85.2 and 86.2 respectively: “Personal Service Shop”.
- 2.12 That Section 13 (“Subdivision and Development Appeal Board”) is amended by deleting the third paragraph and substituting therefore with the following paragraph: “At the hearing of the appeal, should the SDAB desire legal or technical opinions, it may adjourn the hearing pending receipt of such information, opinions or other assistance. The Subdivision and Development Appeal Board is established by this Bylaw.”
- 2.13 That Sections 30 (“Contravention”) and 32 (“Offences and Penalties”) and that clause 68.7 under Section 68 (“Election Signs”) are amended by deleting “Bylaw Enforcement Officer” and substituting therefore with the following: “Community Peace Officer”.
- 2.14 That clause 68.9 under Section 68 (“Election Signs”) is amended by deleting “Bylaw Enforcement Officers” and substituting therefore with the following: “Community Peace Officers”.
- 2.15 That Section 32 (“Offences and Penalties”) is amended by deleting the second paragraph and substituting therefore with the following paragraph: “Is guilty of an offence and is liable on the first offence to a penalty of up to

\$500.00 plus supplementary fees for costs to remove the contravening item(s). The penalty for a second offence shall be up to \$1500.00 plus supplementary fees for costs to remove the contravening items(s)."

- 2.16 That Section 32 ("Offences and Penalties") is further amended by adding the following paragraph after the second paragraph: "Where an item(s) including a sign(s) has been placed in contravention of the Bylaw the Town shall have the authority to confiscate the item(s) and any subsequent item(s) placed in contravention of the Bylaw. Where the removal of the item(s) may cause an inherent risk to the town, its Staff or Contractors, the Town shall seek a Court Order before removing the contravening item(s)."
- 2.17 That clause 34.2(e) under Section 34 ("Accessory Buildings and Uses") is amended by deleting "building onto a public utility lots, easements or onto adjacent property maintenance easements, accessory buildings and structures shall be located as follows:" and substituting therefore with the following: "building is onto a public utility lot (PUL), easement or adjacent property maintenance easement, accessory buildings and structures shall be located as follows:".
- 2.18 That clause 34.2(f) under Section 34 ("Accessory Buildings and Uses") is amended by deleting "building onto public utility lots, easements or onto adjacent property maintenance easements, detached garages shall be located as follows:" and substituting therefore with the following: "building is onto a public utility lot (PUL), easement or adjacent property maintenance easement, detached garages shall be located as follows:".
- 2.19 That clause 34.2(g) under Section 34 ("Accessory Buildings and Uses") is amended by deleting "building onto public utility lots, easements or onto adjacent property maintenance easements, detached garages shall be located as follows:" and substituting therefore with the following: "building is onto a public utility lot (PUL), easement or adjacent property maintenance easement, detached garages shall be located as follows:".
- 2.20 That clause 48.6 under Section 48 ("Moved-in Buildings") is amended by deleting "a security deposit" and substituting therefore the following: "an automatically renewing irrevocable letter of credit".
- 2.21 That clause 75.3(d) under Section 75 ("Establishment of Land Use Districts") is amended by deleting "accord" and substituting therefore with the following: "accordance".
- 2.22 That Sections 76 ("Residential Single Family Class A (R-1A)", 77 ("Residential Single Family Class B (R-1B)", 78 ("Residential Estate Residential (R-ER)", 79 ("Residential Two Family (R-2)", 80 ("Residential Medium Density (R-3)") and 83 ("Residential Manufactured Home Park (R-MHP)") are amended by deleting the Discretionary Use of "Similar Use" from sub-sections 76.2, 77.2, 78.2, 79.2, 80.2 and 83.2 respectively and substituting therefore with the following: "Other related uses, which in the opinion of the Development Authority are appropriate".
- 2.23 That Sections 81 ("Residential High Density (R-4)") and 82 ("Residential Manufactured Home Subdivision (R-MHS)") are amended by deleting the Discretionary Use of "Similar Uses" from sub-sections 81.2 and 82.2 respectively and substituting therefore with the following: "Other related uses, which in the opinion of the Development Authority are appropriate".

2.24 That a new Section be added to identify “Industrial Temporary Housing Overlay (I-THO)” as follows:

92.1 Purpose

To allow for the continued use or “grandfathering” of temporary housing uses, which includes Bunkhouses, Campgrounds and Caretaker’s Residences that lawfully existed in the M-1 District prior to June 22, 2009, the effective date of Bylaw 677-2009. The overlay is intended to allow previously approved temporary housing uses to continue as accessory uses to established industrial uses, regardless of any change in ownership of the site or tenancy of the principal use(s) or building(s) of the site. The overlay is not intended to facilitate approval of new temporary housing uses in the M-1 District, which is contrary to the Municipal Development Plan.

92.2 Application

This overlay applies only to those sites on which Development Permits have been previously approved, as identified in Table 92-1.

Table 92-1 – Sites with Grandfathered Temporary Housing Uses

<u>Civic Address</u>	<u>Legal Land Description</u>	<u>Description of Accommodation</u>
40 – 2 nd Avenue	Plan 772-0839	Caretaker 2 Bedroom
210 – 2 nd Avenue	Lot 1 Block 44 Plan 952-0059	Caretaker 1 Bedroom Campground 3 Stall
294 – 2 nd Avenue	Lot 11 Block 44 Plan 052-1920	Campground 7 Stall
430 – 2 nd Avenue	Lot 23 Block 36 Plan 952-1380	Campground 2 Stall
120 – 1 st Avenue	Lot 18 Block 36 Plan 012-5752	Bunkhouse 30 beds Campground 8 Stall
111 – 1 st Avenue	Lot 6 Block 16 Plan 6611 N.Y.	Security 1 Bedroom
302 – 1 st Avenue 304 – 1 st Avenue	Lots 38 & 39 Block 40 Plan 922-0823	Bunkhouse 5 Beds Security 1 Bedroom
306 – 1 st Avenue	Lot 37 Block 40 Plan 922-0823	Campground 1 Stall
305 – 1a Avenue	Lot 41 Block 40 Plan 022-1716	Bunkhouse 1 Bed Campground 1 Stall
395 – 3 rd Street	Lot 28 Block 36 Plan 012-4348	Apartment 2 bedroom Campground 1 Stall
121 – 1 st Avenue 123 – 1 st Avenue	Lot 11 Block 16 Plan 6611 NY Lot 19 Block 16 Plan 002-4841	Bunkhouse 9 Beds

92.3 Site Regulations

The regulations under Sections 87.3 and 87.4 of the M-1 District shall apply.

92.4 Additional Regulations

- (a) Notwithstanding the provisions of Section 17 of this Bylaw, existing temporary housing uses may continue to exist but the extent of the use or building may not be enlarged, added to, rebuilt or structurally altered except:
 - i) for routine maintenance of the use or building if the Development Authority considers it necessary;
 - ii) in accordance with the Land Use Bylaw, or any amendment thereto, that provides minor variance powers to the Development Authority for the purposes of non-conforming use and non-conforming buildings; or
 - iii) if it has been damaged or destroyed above its foundation, the use or building may be repaired or rebuilt, in accordance with the conditions of the original development permit, with the approval of the Development Authority.
- (b) In the event that a temporary housing use is rebuilt in accordance with Subsection (a), the number of housing units or sleeping capacity of the new structure shall not exceed that of the original use.
- (c) The land use or use of a building is not affected by a change of ownership or tenancy of the site or building.
- (d) All temporary housing uses contained in this overlay shall be subject to regular inspections at the discretion of the Development Authority.
- (e) The occupancy of any temporary housing uses shall be limited to only those persons that are directly employed in the operation of the principal use(s) of the site.
- (f) The Town of Fox Creek reserves the right to monitor the occupancy of temporary housing uses and as such the owner shall provide the Town, upon request, verification of employment for all occupants of a temporary housing use.

SECTION 3 - EFFECTIVE DATE

This By-law shall come into effect the date upon third and final reading.

READ A FIRST TIME this 09 day of March, 2009


PUBLIC HEARING HELD this 27 day of April, 2009

PUBLIC HEARING HELD this 22 day of June, 2009

READ A SECOND TIME this 22 day of June, 2009

READ A THIRD AND FINAL TIME this 22 day of June, 2009


Leora MacKinnon
Mayor


Dennis M. Egyedy
Chief Administrative Officer