MUNICIPALITY OF CROWSNEST PASS

IN THE PROVINCE OF ALBERTA

LAND USE BYLAW NO. 1165, 2023



December 2023

Consolidated to 1272,2026 October 2026

Prepared by

OLDMAN RIVER REGIONAL SERVICES COMMISSION

Prepared by Oldman River Regional Services Commission



MUNICIPALITY OF CROWSNEST PASS

BYLAW NO. 1165, 2023

LAND USE BYLAW AMENDMENT – OMNIBUS No. 3

BEING a bylaw of the Municipality of Crowsnest Pass in the Province of Alberta, to amend Bylaw No. 868-2013, being the municipal Land Use Bylaw, repeal it and adopt a new Land Use Bylaw in its place, in accordance with section 692 of the Municipal Government Act, Chapter M26, Revised Statutes of Alberta 2000, as amended.

WHEREAS the Council of the Municipality of Crowsnest Pass determines it prudent to clarify the development standards and land uses, apply current best practices, reduce red tape, incorporate relevant policies of the Municipal Development Plan, and align the Land Use Bylaw with the provisions of the Municipal Government Act, it wishes to amend the Land Use Bylaw as follows (details of the amendments are identified in Schedule 'A' attached hereto and forming part of this bylaw):

1. Land Use Definitions

(a) The land use definitions are separated from the general word definitions.
(b) Several redundant land use definitions that were not listed in any land use district are deleted.
(c) New definitions were established for those land uses that were listed in the districts but were not defined.
(d) Some land uses are renamed, e.g. "Kennel" becomes "Animal Care Service Facility".
(e) Some land use definitions are being combined with others – e.g. "Barber Shop" is deleted because it is re-categorized as "Personal Service", or "Restaurant", "Coffee Shop" and "Bakery" are deleted and re-categorized as a new land use "Food & Beverage Service Facility", or "Liquor Store" is deleted and recategorized as "Retail".
(f) A clear distinction is made between "Campground" and "Recreational Vehicle Park" on the one hand, and "Resort" (which may include RVs) on the other, by requiring that a "Resort" must be a destination (e.g. include some form of recreation facility or convention centre).
(g) The definitions of "Campground" and "Recreational Vehicle Park" were revised to clarify that the RV stalls may be held under a rental, a lease or a bareland condominium subdivision.
(h) The wording of some land use definitions is clarified.

2. Land Use Districts and Land Uses

(a) The purpose statement of several land use districts is clarified.
(b) The distinction between R-2, R-2A and R-3 is made clearer (R-2 is duplex, R-2A is Medium Density with Multi-unit Residential (townhouses) as permitted use and Apartment as a discretionary use, and R-3 is High Density with 3-storey Apartment as permitted use and more than 3-storey Apartment as discretionary use, and Multi-unit Residential as discretionary use.
(c) In all land use districts some uses are moved from the discretionary use list to the permitted use list or retained in the discretionary use list and delegated to approval by the development Officer. This means that fewer development permit applications would have to be reviewed by the Municipal Planning Commission. The same standards apply, and the Development Office will still add conditions to the Development Permit. **The key is that a permitted use cannot be refused, and adjacent landowners cannot appeal a permitted use** (in most cases).
(d) In the NUA-1 district, several land uses including Single-detached Dwelling is retained in the discretionary use list, but its approval is delegated to the Development Officer.

(e) Solar Panels and small wind energy conversion systems are re-categorized as Private Utilities. Schedule 12 is revised to apply only to large solar panel farms, large wind energy farms and other large energy operations.
(f) In the CM-1 district Apartment up to 4-storeys is added as a permitted use, and Apartment more than 4-storey is a discretionary use.
(g) "Campground" and "Recreational Vehicle Park" are being deleted from the discretionary use list in the C-2 district, because the current distribution of the C-2 district is such that campgrounds may not be desirable in those locations. This will result in two existing campgrounds becoming non-conforming - these campgrounds may continue to operate as non-conforming uses but cannot be expanded unless the properties were rezoned to NUCR-1 (or the Municipality could initiate the rezoning in Omnibus No. 4).

3. Minimum Single-detached Dwelling size

(a) In the R-1 district the minimum size is kept at 1,100ft² and in the GCR-1 district the minimum size is reduced from 1,800 ft² to 1,100 ft² for any size parcel.
(b) The minimum habitable floor area of a Singe-detached Dwelling that applies to the R-1 District is added to the NUA-1 district (1,100 ft²).
(c) In the CRV district the minimum size is reduced from 1,400 ft² to 1,100ft², to be the same as for the R-1 district.
(d) In the CSV district (Southmore) the minimum size is increased from 750ft² to 1,100 ft².

4. Accessory Buildings

(a) The minimum side and rear yard setbacks for an Accessory Building in various land use districts are reduced to 0.6m (2ft) to make more useable yard space available.
(b) The maximum height for an Accessory Building in various land use districts are increased by 0.5m (approximately 2ft) from 4.5m to 5m to accommodate an observable trend for loft space.
(c) The above changes will reduce the number of variance applications that are considered by the Municipal Planning Commission.

5. Secondary Suites

(a) Secondary Suite, Attached (i.e. inside a Single-detached Dwelling) is a permitted use in all districts and Secondary Suite, Detached (i.e. within a detached garage or as a stand-alone accessory building) remains a discretionary use.
(b) The maximum floor area of a Secondary Suite, Attached is kept at 900 ft² with the exception that when the suite is in a basement, the entire basement can be used as secondary suite, regardless of the size.
(c) The maximum floor area of a Secondary Suite, Detached is increased to 1,100 ft².
(d) In the GCR-1 district additional Secondary Suites, Detached are still allowed but are now restricted to a maximum of two.
(e) When a development permit is issued for Secondary Suite (Attached or detached) on a property where a development permit was previously issued for a Tourist Home, the development permit for the Secondary Suite shall revoke the development permit for the Tourist Home (also see 11. Tourist Homes below).

6. **Tree Felling**
   (a) In the GCR-1, NUA-1, NUCR-1 and NUCR-2 districts tree felling within the yard setback areas require a development permit.

7. **Number of Dwelling Units and Principal Buildings on a Parcel**
   (a) Recreational Vehicle is no longer included in the definition of "Dwelling Unit".
   (b) This section is expounded and clarified.

8. **Multi-unit and Apartment Development Standards**
   (a) Schedule 5 is significantly expounded, clarified and specific policies from the Municipal Development Plan are incorporated into it.

9. **Sign Standards**
   (a) Schedule 11 is reformatted, clarified and rationalized.
   (b) Commercial sign types are removed from the CRV and CSV districts.
   (c) In all districts some signs are moved from discretionary to permitted.

10. **Standards for Renewable Energy Operations**
    (a) Schedule 12 is reformatted, clarified and rationalized by moving Solar Collector and Small Wind Energy Conversion System into each land use district as a "Private Utility" and focussing Schedule 12 on standards that apply only to large scale "Renewable Energy Operations" as a land use in specific land use districts.

11. **Tourist Homes**
    (a) It is clarified that only one Tourist Home may be approved on a property.
    (b) To this effect, a development permit for a Tourist Home on a property where there is a Duplex or a Secondary Suite shall impose a condition that the entire property shall be rented as one Tourist Home rental unit, i.e. only one reservation for the entire property may be made.

12. **Key Amendments - Housing**
    (a) Introducing enhanced ability to develop Secondary Suites in most residential land use districts.
    (b) Making the development approval process more favourable for higher density residential proposals with respect to the allocation of uses in the R-2A and R-3 districts.
    (c) Incentivizing the development of entry-level units in higher-density residential projects by eliminating the minimum floor area requirement per unit and relying on lot coverage ratio and height as the chief mechanisms to regulate the expression of bulk form on a parcel. Not only does this revision embed broader flexibility with respect to building configuration - it also increases the attainability of homeownership as well as supports a stable supply of rental housing to attract prospective members of the labour force.
    (d) Strengthening the design criteria for Apartment Buildings and Multi-Unit Residential Buildings in exchange for the increased allowances described above (Schedule 5).

13. **Document Formatting**
    (a) Relocated the overlay districts to Schedule 2 (these were previously separate Schedules).
    (b) Separated the use definitions from the non-use definitions.
    (c) Eliminated redundancies and, more importantly, inconsistencies regarding definitions throughout the Bylaw.

(d) Select renumbering and other adjustments to the document formatting aimed at enhancing readability.

AND WHEREAS the Municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

AND WHEREAS, due to the extent of cumulative amendments in Omnibus No. 1, 2 and 3, the Municipality wishes to adopt this amending bylaw as a new Land Use Bylaw pursuant to s. 692 of the Municipal Government Act.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Municipality of Crowsnest Pass in the Province of Alberta duly assembled does hereby enact the following amendments:

1. Replace the existing sections of the Land Use Bylaw with the revised sections of the Land Use Bylaw as identified in Schedule 'A' attached hereto and forming part of this bylaw.
2. Bylaw No. 868, 2013 is hereby repealed and replaced by Bylaw 1165, 2023.
3. This bylaw shall come into effect upon third and final reading hereof.
4. Bylaw amendments to Bylaw 868, 2013 that have received first reading prior to the repeal of Bylaw 868, 2013 and are pending further consideration after Bylaw 1165, 2023 comes into effect, shall be deemed to be amendments to Bylaw 1165, 2023.

READ a **first** time in council this 14th day of November 2023.

READ a **second** time in council this 5th day of December 2023.

READ a **third and final** time in council this 5th day of December 2023.

Blair Painter
Mayor

Patrick Thomas
Chief Administrative Officer

Municipality of Crowsnest Pass Land Use Bylaw No. 1165,2023 – Amendments

Bylaw No.	Amendment Description	Legal Description	Passed
1156,2023	“Retail Commercial – C-1” to “High Density Residential – R-3”	Lots 1-4, Block 2, Plan 6099AQ within NE ¼ 20-7-3-W5M containing ± 0.1 (0.25 acres).	28-May-2024
1162,2023	"Non-Urban Area NUA-1" to "Grouped Country Residential GCR-1" "Non-Urban Area NUA-1" to "Recreation & Open Space RO-1"	Portion of NW 1/4 15-8-5-W5M containing approximately 8.27 ha (20.44 acres) Portion of NW 1/4 15-8-5-W5M containing ± 0.03 ha (0.07 acres)	12-Mar-2024
1173,2023	"Non-Urban Area NUA-1" to "Grouped Country Residential GCR-1"	Portion of Lot 1, Block 3, Plan 191 1496 within SE 1/4 16-8-4-W5M	5-Mar-2024
1174,2023	"Comprehensive Resort Village - CRV" and "Directo Control - DC-1" to "Non-Urban Commercial Recreation - NUCR-1" Delete Direct Control District - DC-1 (Crowsnest Mountain Resort). Amend "Direct Control District - DC-2 (Turtle Mountain Restricted Development Area) to "Direct Control District - DC-1 (Turtle Mountain Restricted Development DC-1)".	Lot 4, Block 1, Plan 991 0341 and Lot 1, Block 4, Plan 071 4095 within NW 1/4 12-8-5-W5M	6-Feb-2024
1175,2023	"Retail Commercial - C1" to "Residential - R-1"	Lot 14, Block 19, Plan 101 1620 within NE 1/4 20-7-3-W5M	13-Feb-2024
1177,2023	“Residential – R-1” to “Medium Density Residential – R-2A”	Plan 0611201 within NW 1/4 35-7-4-W5M	9-Apr-2024
1182,2024	Delete “Non-Urban Commercial Recreation – NUCR-1” District and “Non-Urban Commercial Recreation – NUCR-2” District, and combine the two districts to become the “Non-Urban Tourism Accommodation and Recreation – NUTAR” District within Schedule 2. Addition of “Urban Tourism Accommodation and Recreation – UTAR” Land Use District to Schedule 2. Amend applicable text in Schedule Land Use District Table of contents, Schedule 3 Development Not Requring a Development Permit, Schedule 4 Standards of Development, Schedule 6 Off-street Parking and Load Standards, and Schedules 18A Use Definitions and Schedule 18B Administrative Definitions. Amend “Non-Urban Commercial Recreation – NUCR-1” and “Non-Urban Commercial Recreation – NUCR-2” to “Non-Urban Tourism Accommodation and Recreation – NUTAR”	Lot N/A, Block 1, Plan 9610315, within a portion of SW;12;8;6;W5 and NW;1;8;6;W5 and NE;1;8;6;W5, containing ±17.06ha (42.16 acres), LINC 0026 649 533 (Island Lake Christian Retreat Centre) A portion of SW;9;8;5;W5 containing ±1.15 ha (2.85 acres), LINC 0021 393 863 (Hatchet Creek Campground)	

Bylaw No.	Amendment Description	Legal Description	Passed
1182,2024 (cont'd)		Lot N/A, Block B, Plan 7510370, within SW;15;8;5;W5, containing ±12.33 ha (30.47 acres), LINC 0018 024 406 (Eckardt's Tecumseh Mountain Resort) Lots 2&3, Block 1, Plan 0313303, within SW;11;8;5;W5, containing ±13.9 ha (34.35 acres), LINC 0030 219 414 and LINC 0030 219 422 (Crowsnest River RV Park) Lot 1, Block 4, Plan 0714095, containing ±3.719 ha (9.19 acres) LINC 0032 619 439 and Lot 4, Block 1, Plan 9910341, containing ± 19.627 ha (48.5 acres) LINC 0032 619 421 within NW;12;8;5;W5 (Crowsnest Mountain Resort / The Nest) A portion of SW;8;8;4;W5 containing ±29.52 ha (73.08 acres), LINC 0034 353 433. A portion of NW8;8;4;5 containing ±1.30 ha (3.21 acres), LINC 0013025508 (Green Mountain RV Park) Lot 3, Block 1, Plan 2210225, within SE;2;8;4;W5, containing ±24.02 ha (59.35 acres), LINC 0039 095 915 (Kenai Acres) A portion of SE;36;7;4;W5 and NE;36;7;4;W5, containing ±6.68 ha (16.51 acres), LINC 0017 207 911 and Block O; Plan 1503JK, containing ±0.03 acres, LINC 0020384 863(Goat Mountain Getaway) A portion of SW;16;7;3;W5, containing ±1.65 ha (4.88 acres), LINC 0021 264 049 (Adanac Adventures) Lot 1-8, Block 15, Plan 185AA, within SE;16;7;3;W5, containing ±0.27 ha (0.66 acres), LINC 0029 179 298 (Crowsnest Pass Campground RV Storage) Lot 7, Block 1, Plan 2110398, containing ± 94.488 ha (233.48 acres) LINC 0038 827 739 (Golf Course) Lot 2, Block 2, Plan 8410844, within NW;10;85;5, containing ±1.43 ha (3.53 acres), LINC 0014 635 743 (Private Residence- 2610 21 Avenue)	

Bylaw No.	Amendment Description	Legal Description	Passed
1182,2024 (cont'd)		Lot 2, Block 2, Plan 0610447, within W; 20;7;3;W5, containing ±5.41 ha (13.37 acres) (Private Residence- 790 223 Street) A portion of NE;4;8;4;W5, containing ±4.77ha (117.99 acres). LINC 0028 300 424, (Private Residence- 1853 York Creek Drive) Lot 5, Block 1 Plan 2011720, ± 44.748 ha (110.57 acres) LINC 0038 728 697 (Northback) A portion of Lot 8, Block RW, Plan 8810387, containing ±7.89 ha (19.50 acres) LINC 0013 478 631 and Block 1 Plan 8711438, ±14.8 ha (36.57 acres) LINC 0013 025 508 and a portion of NE;3;8;4;W5, containing ±9.43 ha (23.34 acres) LINC 0021 332 663 (Crown Land)	
	"Drive-in Commercial – C-2" to "Non-Urban Tourism Accommodation and Recreation – NUTAR"	Plan 9812234, Block A within SE 16-7-3-W5M containing ± 1.46 ha (3.6 acres) (Crowsnest Pass Campground"	
	"Non-Urban Area – NUA-1" to "Non-Urban Tourism Accommodation and Recreation – NUTAR"	A portion of NE 6-8-5-W5M containing ± 11.95 ha (29.5 acres) LINC 0021 597 183 (Crowsnest Lake Bible Camp)	
	"Drive in Commercial – C-2" to "Urban Tourism Accommodation and Recreation – UTAR"	Plan 8211466, Block A, Lot 1 within SE 3-8-4-W5M containing ± 1.33 ha (3.29 acres) (Lost Lemon Campground)	
1183,2024	Clarify certain provisions, development standards and land use definitions, apply current best practices, reduce red tape, and align the Land Use Bylaw with the provisions in the Municipal Government Act and the Municipal Development Plan		27-Aug-2024
1194,2024	"Residential – R-1" to "Medium Density Residential R-2A"	Lot 8, Block 19, Plan 3387AE	20-Aug-2024
1196,2024	"Non-Urban Area – NUA-1" to "Grouped Country Residential – GCR-1"	Portion of NW ¼ 34-7-4-W5M	20-Aug-2024
1197,2024	"Recreation & Open Space – RO-1" to "Urban Tourism Accommodation and Recreation – UTAR"	Lot 51MR, Block 1, Plan 0812254 within NE ¼ 34-7-4-W5M	27-Aug-2024
1198,2024	"Non-Urban Area – NUA-1" to "Public – P-1"	Lot 1, Block 1, Plan 2311611	20-Aug-2024
1206,2024	Amend minimum yard setbacks and maximum building height in the NUA-1 district. Amend definition of Urban Area. Amend provisions in Schedule 4, Section 21 Public Utilities, Infrastructure Mains, and Servicing Connections.		19-Nov-2024

Bylaw No.	Amendment Description	Legal Description	Passed
1207,2024	No Land Use to “Residential – R-1”	Block A, Plan 2411511 and Block B, Plan 2411512	4-Mar-2025
1209, 2024	Clarify certain provisions, development standards, and administrative definitions, regarding conceptual scheme preparation, complete application, the Municipality's jurisdiction on agreements with development permit and subdivision applicants, the deferral of third reading or the repeal of land use redesignation bylaws, the definition of public roadway and access to private property, the prohibition on the private use of Municipal property, roadways, and reserves, the encroachment of a canopy sign and a projecting sign over Municipal property, the definition of Development Officer and Development Office, and the definition of a landing.		17-Dec-2024
1210,2024	“Retail Commercial – C-1” to “Drive-In Commercial – C-2”	Lot 11, Block 7, Plan 820L	4-Feb-2025
1211,2024	“Grouped Country Residential – GCR-1” to “Non-Urban Tourism Accommodation and Recreation - NUTAR”	Lot 5, Plan 961 1980	19-Aug-2025
1212,2024	“Residential – R1” to “Non-Urban Tourism Accommodation and Recreation - NUTAR”	Block S, Plan 6432FE	5-July-2025
1214,2025	“Non-Urban Area – NUA-1” to “Non-Urban Tourism Accommodation and Recreation - NUTAR” “Recreation & Open Space – RO-1” to “Non-Urban Tourism Accommodation and Recreation – NUTAR”	Portion of the SE ¼ 35-7-4-W5M, containing approximately 27.68 ha (68.35 acres), excluding approximately 1.88 ha (4.65 acres)in the northwest portion and excluding a strip of land minimum 6m wide along both banks of Lyons Creek for its entire length (area unknown until surveyed).	11-Feb-2025
1217,2025	“Comprehensive Skil Village – CSV” to “Recreation & Open Spaces – RO-1”	Plan 0812254, Block 1, Plan 49, within NW ¼ 35-7-4-W5M	15-Apr-2025
1218,2025	“Residential – R-1” to “Medium Density Residential – R-2A”	Lot 15, Block 30, Plan 6808CU	7-Oct-2025
1219,2025	Parcel to be designated Municipal Reserve	Plan 0812254, Block 1, Plan 49, within NW ¼ 35-7-4-W5M	15-Apr-2025
1221,2025	“Recreation & Open Space – RO-1” to “High Density Residential – R-3” “Non-Urban Area – NUA-1” to “Medium Density Residential – R-2A”	Portion of NW ¼ 21-7-3-W5M Plan 8311587, Block 2, Lot 35	15-Apr-2025
1225,2025	“Non-Urban Area NUA-1” to “Residential R-1”	Portion of Lot 1, Block 3, Plan 1811416 within SE ¼ 20-7-3-W5M	8-July-2025
1226,2025	Clarifying certain provisions, land uses, development standards, and administrative definitions, regarding the protection of wildlife, the environment, and historical resources, the incorporation of the Municipal development Plan policies regarding higher density infill development in mature neighbourhood, and several housekeeping items regarding lot grading certificate, parking provisions, provisions of the Areas of the Potential Environmental Concern Overlay District, and the standard practice of providing only one water service and one wastewater service connection to a parcel.		15-July-2025

Bylaw No.	Amendment Description	Legal Description	Passed
1228,2025	Addition of Future Urban Development – FUD Land Use District. "Non-Urban Area – NUA-1" to "Future Urban Development – FUD" "Comprehensive Ski Village – CSV" to "Future Urban Development – FUD"	 Portion of LSD 15, NE ¼ 34-7-4-W5M Lot 13, Block 6, Plan 951 0566 Portion of LSD 16, NE ¼ 34-7-4-W5M Portion of LSDs 9,10, NE ¼ 34-7-4-W5M Portion of LSDs 9,10 15, NE ¼ 34-7-4-W5M Lot 47, Block 1, Plan 081 2254	24-Jun-2025
1229,2025	"Drive-In Commercial – C-2" to "Medium Density Residential – R-2A"	Lot 1, Block C, Plan 061 1227	19-Aug-2025
1231,2025	"Drive-In Commercial – C-2" to "Non-Urban Tourism Accommodation and Recreation – NUTAR"	Lot 5, Block 1, Plan 921 1271	26-Aug-2025
1232,2025	"Comprehensive Mixed Use – CM-1" to "High Density Residential – R-3"	Area 'B', Plan 221 0634	19-Aug-2025
1234,2025	"Non-Urban Area – NUA-1" to "Grouped Country Residential GCR-1" "Non-Urban Area – NUA-1" to "Recreation & Open Space – RO-1"	Portions of NW ¼, SEC 15, TWP 8, RGE 5, W5M	16-Sept-2025
1236,2025	"Non-Urban Area – NUA-1" to "Grouped Country Residential – GCR-1" "Non-Urban Area – NUA-1" to "Recreation and Open Space – RO-1" "Grouped Country Residential – GCR-1" to "Non-Urban Area – NUA-1"	Portions of NE ¼ 17-7-3-W5M Portions of NE ¼ 17-7-3-W5M Lot 8, Block 1, Plan 0210159	26-Aug-2025
1239,2025	No Land Use to "Residential – R-1"	All that portion of 133 Street shown as Area 'A" on Plan ____	7-Oct-2025
1241,2025	"Non-Urban Area – NUA-1" to "Grouped Country Residential – GCR-1"	NE ¼, SEC 8, TWP 7, RGE 3, W5M	7-Oct-2025
1242,2025	"Non-Urban Area – NUA-1" to "Grouped Country Residential – GCR-1" "Non-Urban Area – NUA-1" to "Recreation and Open Space – RO-1" "Non-Urban Area – NUA-1" to "Future Urban Development – FUD" "Non-Urban Area – NUA-1" to "Industrial – I-1"	Portions of NW ¼ and SW ¼ SEC 20, TWP 7. RGE 3, W5M (Title No. 241 017 358 +4) And Portions of Plan 3523JK And Road Plans 2319Azm 2157EZ, and 1074EZ	7-Oct-2025

Bylaw No.	Amendment Description	Legal Description	Passed
1243,2025	"Non-Urban Area – NUA-1" to "Grouped Country Residential – GCR-1"	Portion of NE ¼, SEC 18, TWP 8, RGE 4, W5M	7-Oct-2025
1244,2025	Amend Schedule 1 and Schedule 2 to add "Reduced Impact Housing – RIH", following Grouped Country Residential. Amend Schedule 18A to add definition for "Compact Housing Community"		7-Oct-2025
1249,2025	"Public - P-1" to "Non-Urban Tourism Accommodation and Recreation – NUTAR" No Zoning to Public - P-1	Portion of SE 1/4 2-8-4-W5M All that portion of Government Road Allowance Forming Part of Lot 5, Block 1, Plan _____	10-Feb-2026
1251,2025	"Drive-In Commercial - C-2" to "Medium Density Residential - R-2A"	Lot 1, Block 37, Plan 9711300	10-Feb-2026
1252,2026	"Non-Urban Area – NUA-1" to "Retail Commercial – C-1"	Portion of Lot 6, Block 1, Plan 0813536	24-Feb-2026
1253,2026	Addition of Secondary Suites within "Duplex / Semi-Detached Dwelling" and "Multi-Unit Residential Building" with relevant development standards.		24-Feb-2026
1256,2026	"Non-Urban Area – NUA-1" to "Retail Commercial – C-1"	Portion of Lot 6, Block 1, Plan 0813536	10-Mar-2026
1260,2026	"Residential – R-1" to "Duplex or Semi-Detached Residential – R-2"	Lots 22-23, Block 18, Plan 2347BS	24-Feb-2026
1265,2026	Establish "Historic Auberge" as a new definition and add it as a discretionary use in the "High Density Residential R-3" land use district, and establish a parking requirement for "Historic Auberge".		14-Apr-2026
1266,2026	"No zoning (closed road)" to "Residential R-1"	Area 'A', Plan 2410638 within NE ¼ 7-8-4-W5M	5-May-2026
1269,2026	"Urban Tourism Accommodation And Recreation – UTAR" to "Comprehensive Ski Village – CSV"	Portion of Lot 51, Block 1, Plan 081 2254	23-Jun-2026
1272,2026	"Recreation & Open Space RO-1" to "Public P-1"	Block OT, Plan 5186FA	20-Oct-2026

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MUNICIPALITY OF CROWSNEST PASS
IN THE PROVINCE OF ALBERTA

LAND USE BYLAW NO. 1165, 2023

Council of the Municipality of Crowsnest Pass in the Province of Alberta enacts as follows:

BEING A BYLAW OF THE MUNICIPALITY OF CROWSNEST PASS, IN THE PROVINCE OF ALBERTA, TO REGULATE THE USE AND DEVELOPMENT OF LAND AND BUILDINGS WITHIN THE MUNICIPAL BOUNDARIES AND TO ESTABLISH THE AUTHORITIES REQUIRED TO EXERCISE THE RELATED POWERS, FUNCTIONS AND DUTIES ON BEHALF OF THE MUNICIPALITY, PURSUANT TO THE MUNICIPAL GOVERNMENT ACT, CHAPTER M-26, REVISED STATUTES OF ALBERTA 2000.

THIS BYLAW MAY BE CITED AS THE MUNICIPALITY OF CROWSNEST PASS LAND USE BYLAW.

1 INTERPRETATION

1.1 For Definitions, see Schedule 18.

1.2 Unless the context specifically implies otherwise, the land use definitions shall be interpreted to imply the requirement of the construction of a building as defined in this Bylaw.

1.3 If a regulation under a provincial act is repealed and a new regulation is substituted for it, any reference in this Bylaw to the repealed regulation shall be construed as a reference to the provisions of the new regulation relating to the same subject matter as the repealed regulation.

2 SCHEDULES AND MAPS

2.1 The Schedules and maps attached hereto form part of this Bylaw.

3 DEVELOPMENT AUTHORITY AND SUBDIVISION AUTHORITY

3.1 The office of "Development Authority" is established pursuant to the relevant provisions of the Act. It shall consist of the Development Officer, the Municipal Planning Commission and, in a Direct Control District, Council and, upon an appeal, the Subdivision and Development Appeal Board.

3.2 The incumbent(s) in the position(s) of Development Officer(s) and their direct supervisor, are hereby appointed as the “Development Officer” (or “Development Office”) to fulfil that part of the Development Authority role assigned to the Development Officer in this Bylaw, with duties assigned by their supervisor in accordance with the applicable job description

3.3 Council shall, in accordance with the Municipal Planning Commission Bylaw, appoint the members of the Municipal Planning Commission (MPC).

3.4 The Development Officer, the Municipal Planning Commission, the Subdivision and Development Appeal Board and Council, as may be applicable, shall be the Development Authority for all purposes of the Act and shall exercise those powers, duties and functions assigned to them in this Bylaw and the Act.

3.5 Pursuant to the Municipal Planning Commission Bylaw, the MPC is the Subdivision Authority.

4 DEVELOPMENT OFFICER

4.1 The Development Officer:

(a) shall assist and advise the Municipal Planning Commission, Council, Administration, applicants and the public with respect to the provisions, standards and requirements of this Bylaw and other pertinent legislation and policies as may be relevant to a land use redesignation, a land use bylaw text amendment, a subdivision or a development permit, and in regard to the planning of orderly and economical development within the Municipality;

(b) shall determine if an application is complete and shall notify the applicant accordingly;

(c) shall process, refer and, as assigned to them, decide upon development permit applications in accordance with this Bylaw;

(d) shall decide upon permitted uses with or without conditions;

(e) may refer any development permit application to the Municipal Planning Commission for a decision;

(f) may approve variances as provided for in this Bylaw;

(g) shall refer to the Municipal Planning Commission for a decision when an application for a variance exceeds the variance power assigned to the Development Officer, except as may be otherwise provided for in this Bylaw;

(h) shall refer discretionary use development permit applications to the Municipal Planning Commission for a decision, except as may be otherwise provided for in this Bylaw;

(i) shall issue a Notice of Decision for a development permit application that was approved by the Development Officer or by the Municipal Planning Commission and, if an appeal is not filed within the prescribed timeline and all conditions except those of a continuing nature have been met or fulfilled, shall issue a development permit;

(j) may revise, upon request from the applicant and landowner or upon the Development Officer's initiative as deemed necessary and applicable, minor details of conditions imposed upon a development permit for either a permitted use or a discretionary use pursuant to section 24 of this Part of the land use bylaw;

(k) may issue a Stop Order pursuant to the Act or, when deemed appropriate to do so, may obtain direction from the Municipal Planning Commission to issue a Stop Order and, for these purposes, acting with the delegation of the designated officer or the Chief Administrative Officer, may give reasonable notice to a landowner or occupant and thereafter may enter property at a reasonable time for inspection and enforcement;

(l) shall maintain a public register of development permits issued by the Development Authority;

(m) shall maintain a public register of approved amendments to this Bylaw;

(n) may prepare and maintain such forms and notices as they may deem necessary;

(o) may require a Comprehensive Site Development Plan or a Conceptual Scheme or an Area Structure Plan, as may be applicable, for a redesignation, development permit or subdivision application as provided for in Schedule 4;

(p) in all its decisions, shall conform to the land uses provided for in each land use district, including as provided for "Similar Uses";

(q) shall refuse an application for a use that is not listed within the applicable district, is not similar to any other use listed in the district, or that requests a variance in circumstances where this Bylaw expressly prohibits the issuance of a variance;

(r) shall not impose a condition on a development permit that binds the Municipality into an agreement with the applicant, the landowner, or a third party.

5 MUNICIPAL PLANNING COMMISSION

5.1 The Municipal Planning Commission, or the Development Officer pursuant to delegated authority provided for in this Bylaw:

(a) **may approve** a variance of any measurable standard established in this Bylaw, and specifically as specified below:

(i) only in the GCR-1 and NUA-1 Districts, and only relative to the number of on-site customer visits, the outdoor storage of materials, commercial vehicles or heavy equipment, and the number of employees outside of members of the household who reside on the premises, the Development Authority may vary the standards for a Home Occupation – Class 2 in order to allow a small business start-up until the business requires relocation to a commercial or industrial District, to the extent that, in the sole discretion of the Development Authority, the Home Occupation would be compatible with the neighbourhood;

(b) **shall not approve** a variance of a measurable standard established in this Bylaw, as specified below or as stated in:

(i) the parking requirement for a Tourist Home and a Short-Term Rental / Bed & Breakfast in any District that is not within the Historic Commercial Areas Overlay District;

(ii) the separation distance for a Tourist Home in the in the R-1 to R-5 Districts;

(iii) the maximum occupancy of a Tourist Home and a Short-Term Rental / Bed & Breakfast in any land use district;

(iv) the number of rental units in a Tourist Home in any land use district other than the Retail Commercial C-1 District;

(v) the number of Tourist Homes on a property in any land use district;

(vi) the parking requirement for a Secondary Suite and/or a Principal Building containing a Secondary Suite;

(vii) Not more than 10% of the maximum habitable floor area of a Secondary Suite;

(viii) the maximum number of sleeping units in a Work Camp;

(ix) the maximum lot coverage ratio for Accessory Buildings for the purpose of accommodating a Secondary Suite, Detached;

(x) the maximum height of an Accessory Building containing a Secondary Suite, Detached by more than 10 percent;

(xi) the minimum habitable floor area of a principal building by more than 20 percent; and

(xii) any land use definition.

(c) shall decide upon discretionary uses and any permitted uses referred to it by the Development Officer, with or without conditions;

(d) may delegate to the Development Officer the discretion to revise, upon request from the applicant and landowner or upon the Development Officer's initiative as deemed necessary and applicable, minor details of conditions imposed upon a development permit for either a permitted use or a discretionary use pursuant to section 24 of this Part of the land use bylaw; and further, in the absence of such delegation having been expressly given in the development permit the Development Officer may deem such delegation to have been given by default;

(e) may provide comments to Council prior to the adoption of Land Use Bylaw amendments and statutory plans;

(f) may require a Comprehensive Site Development Plan or a Conceptual Scheme or an Area Structure Plan, as may be applicable, for a development permit or subdivision application as provided for in Schedule 4;

(g) in all its decisions, shall conform to the land uses provided for in each land use district, including as provided for "Similar Uses";

(h) shall not impose a condition on a development permit or on a subdivision approval that binds the Municipality into an agreement with the applicant, the landowner or a third party.

6 LAND USE DISTRICTS, LAND USES, BUILDINGS AND REGULATIONS

6.1 The municipality is divided into those districts specified in Schedule 1 and shown on the Land Use District Maps.

6.2 The one or more land uses and buildings that are:

(a) permitted uses in each district, with or without conditions; or

(b) discretionary uses in each district, with or without conditions;

are described in Schedule 2 and may be qualified by and is subject to standards established in Schedule 4.

6.3 A land use that is not listed as permitted or discretionary in a district, is prohibited in that district.

6.4 The land uses listed in the land use districts are defined in the Definitions Schedule of this Bylaw, and the land use definitions shall be read together with, and their interpretation shall be understood to include, the accompanying land use regulations (that are not a measurable standard) established in any other applicable Schedule of this Bylaw.

7 CONTROL OF DEVELOPMENT AND DEMOLITION

* Note Regarding Restrictive Covenants

The Development Authority does not enforce Restrictive Covenants that attempt to regulate land use and to which it is not a party. As a result, a development permit for any specific land use or building may be issued even if a Restrictive Covenant prohibited the operation of that land use or building. The enforcement of such a Restrictive Covenant would be a matter between landowners and the standing of the Restrictive Covenant would be determined through the legal system. It is the responsibility of the landowner / applicant to determine if the property is subject to a Restrictive Covenant that prohibits the land use or building for which they are making a development permit application.

7.1 Development in the Municipality shall comply with the provisions, the land uses and land use districts, the regulations, and the development standards established in this bylaw, and with a development permit and the conditions imposed thereon; and further, failure to comply with this bylaw or a development permit will result in the development being considered illegal, with subsequent enforcement and/or the imposition of penalties and fines.

7.2 Development or Demolition requires a development permit as follows:

(a) Except for those exemptions as provided in Schedule 3, no person shall commence a development or a demolition, unless they have applied for and been issued a development permit in respect of the development.

(b) An application for a development permit must be made by either the owner(s) of the land on which the development or demolition is proposed or by an agent of the owner, with written authorization from the owner.

(c) A person who has been issued a development permit, if one is required, to develop land or a building or to demolish a building in the municipality, shall comply with the regulations and standards of development specified in this Bylaw, the use or uses prescribed in the applicable land use district, the development permit, the approved site plan and any conditions attached to the development permit.

7.3 Specific Development or Demolition may not require a development permit as follows:

(a) Development or demolition that does not require a development permit is specified in Schedule 3.

8 DEVELOPMENT PERMIT APPLICATIONS

8.1 An application for a development permit must be made to the Development Officer by submitting, at no cost to the municipality, the following information **at the discretion and to the satisfaction of the Development Officer**:

(a) a completed application on the applicable form;

(b) proof of ownership or right to the land in question, including agent authorization where applicable.

(c) a current corporate search, where the applicant/landowner is a corporation/registered company;

(d) a copy of a certificate of title issued within 90 days prior to the date of the application;

(e) the prescribed fee including a penalty fee if applicable (the Development Officer may determine to proceed with the application review if they are satisfied that the fee will be paid or that the development permit will not be issued until the fee is paid);

(f) a site plan and such other plans acceptable to the Development Officer, if deemed necessary, including but not limited to:

(i) the location of all existing and proposed buildings and registered easements or rights-of-way, dimensioned to property lines and drawn to a satisfactory scale;

(ii) yard setbacks, building sizes, building heights;

(iii) existing and proposed accesses, parking and loading areas, driveways, abutting streets and intersections, traffic control devices, avenues and lanes, and surface drainage patterns;

(iv) where applicable, the location of existing and proposed water wells, private sewage disposal systems, culverts, crossings and existing service connections to municipal water and wastewater mains;

(v) where applicable, a dimensioned floor plan and elevation plans of the existing and proposed buildings;

(vi) an application for a change of use of an existing building may require a site plan for the purpose of assessing off-street parking requirements;

(vii) the location of a building that is proposed to be demolished;

(viii) a Comprehensive Site Development Plan for the purpose of comprehensive planning, at no cost to the Municipality and to the Development Authority's satisfaction.

(g) a copy of a roadside development permit issued by Alberta Transportation, if the subject property is within the provincial development control zone, i.e. 300 m from a provincial highway right-of-way or 800 m of the centerline of a provincial highway and public road intersection;

(h) the abandoned well information from the Alberta Energy Regulator and/or Licensee (as required by the Subdivision and Development Regulation) for a building larger than 47 m² (506 ft²) or for an addition to an existing building that will, as a result of the addition, become larger than 47 m² (506 ft²), affecting land on which an abandoned oil or gas well may be present;

(i) a copy of the written confirmation from the relevant provincial or federal government agency that the applicant is in communication with the agency regarding the work that is proposed for a property that is designated as a Provincial Historical Resource or is located within the Coleman National Historic Site of Canada.

(j) additional information relevant to the proposed development, including but not limited to, servicing, grading, compaction, traffic impact assessment, geotechnical assessment, groundwater assessment, soil percolation tests, flood risk assessment, slope stability assessment, and/or a structural building plan. These studies shall be prepared by a qualified professional to demonstrate how any potential hazards can be mitigated. The Development Officer may impose conditions on the development permit to ensure that recommendations from these studies are followed in the development of the land;

(k) as may be required under provincial or federal legislation relevant to matters such as, but not limited to, wildlife, the environment, and historical resources, written demonstration that the applicant is aware of the applicable requirements under such legislation, and either has approval from or is in communication with the relevant government agencies in an effort to comply with the requirements; and

(l) such other information as may be required by the Development Officer to ensure that the development application conforms with the standards in this Bylaw.

8.2 The Development Authority may deal with an application without any of the information required in this section if, in its opinion, a decision can be properly made on the application without that information and an affected person can reasonably determine the possible effects of the proposed development.

9 COMPLETE DEVELOPMENT PERMIT APPLICATIONS AND SUBDIVISION APPLICATIONS

General

9.1 Within the timelines prescribed in the Municipal Government Act, including any written agreement with the Applicant to extend the timelines:

(a) for a development permit application, the Development Officer; and

(b) for a subdivision application, the Development Officer and the Subdivision Authority's delegate pursuant to the Municipal Planning Commission Bylaw or the Subdivision Authority Bylaw,

shall determine if the application is complete, i.e. that it provides sufficient information for the Development Authority or the Subdivision Authority, as applicable, to make an informed decision and to allow any person who may be notified of the Development Authority's decision or the subdivision referral or the Subdivision Authority's decision, to determine its possible effects.

9.2 The Development Officer may deem a development permit application or a subdivision application to be incomplete:

(a) where pertinent information required to properly evaluate the application is incomplete; or

(b) where, in the Development Officer's opinion, the nature and/or the quality of the material supplied is inadequate to support the merits of the application; or

(c) where the land use designation of the subject parcel requires correction, remedy or reconciliation (refer to subsection 9.4); or

(d) where the nature of the proposed development or subdivision requires an agreement between the adjacent landowner and the Municipality, or the applicant landowner and an adjacent landowner (e.g. an encroachment agreement or an access easement); or

(e) where, in the Development Officer's option, a Comprehensive Site Development Plan, a Conceptual Scheme, or an Area Structure Plan (or other statutory plan or plan amendment) is required for the purpose of comprehensive and coordinated planning of land uses and infrastructure to properly evaluate and make an informed decision on a development permit application or a subdivision applicant; or

(f) where the subject property is located within an approved plan of subdivision that has not yet been registered in the Land Titles Office; or

(g) where municipal improvements that are required to be undertaken by the applicant or a Third-Party to service the subject property have not been accepted by the Municipality through a Construction Completion Certificate; or

(h) where the Subdivision and Development Regulation prohibits a Development Authority or Subdivision Authority from issuing a development permit or approving a subdivision application under certain circumstances or otherwise prescribes the conditions under which a development permit or subdivision application shall be processed (e.g. with respect to the provincial development control zone from a provincial highway right-of-way, sour gas facilities, oil and gas wells, abandoned oil and gas wells, setback distances from wastewater treatment plants, landfills, etc), and the approval from the applicable authority or pertinent information relevant to those circumstances is incomplete; or

(i) where provincial or federal legislation, of which the Development Officer may be aware, requires provincial or federal approval or review of the proposed development or subdivision prior to municipal approval (e.g. the Highways Development and Protection Act); or

(j) where this bylaw requires the applicant to provide certain assessments, studies, or other information (e.g. but not limited to, a traffic impact assessment, or an engineered design of water, wastewater, or stormwater systems, or an assessment of slope stability, or the suitability of a parcel for Private Sewage Disposal Systems; or

(k) where the subject property is designated as a Provincial Historical Resource or is located within the Coleman National Historic Site of Canada and provincial or federal approval that may be required for the proposed work is outstanding, unless the application is accompanied by written confirmation from the relevant provincial or federal government agency that the applicant is in communication with the agency regarding the work that is proposed for the property; or

(l) where the applicant for a subdivision is required to obtain Historic Resources (HR) clearance from the appropriate provincial government agency, unless the applicant could be required as a condition of subdivision approval to provide to the Subdivision Authority a copy of the Historical Resources Act clearance prior to final endorsement of a subdivision application.

Notifying The Applicant Of An Incomplete Application

9.3 Within the timelines prescribed in the Act, including any written agreement with the Applicant to extend the timeline, the Development Officer shall notify the applicant in writing (by regular mail or email) whether or not the application is deemed complete and, when applicable, what additional information is required by a specified date in order to make the application complete.

Lands With Multiple Land Use Designations

9.4 The Development Officer shall not accept an application for development approval for lands that bear more than one land use designation until such a time that the issue has been corrected, remedied or reconciled.

10 PERMITTED USES AND VARIANCES

10.1 Upon receipt of a completed application for a development permit for a permitted use, the Development Officer shall, if the application otherwise conforms with this Bylaw, issue a development permit with or without conditions.

10.2 Upon receipt of a completed application for a development permit for a permitted use that seeks variance from one or more standards in this Bylaw that fall within the restrictions assigned to the Development Officer in this Bylaw, the Development Officer shall issue a development permit with or without conditions and may approve or refuse the variances sought.

10.3 The Development Officer may refer any application for a permitted use or a variance that is within their variance authority, to the Municipal Planning Commission for a decision.

11 DISCRETIONARY USES

11.1 Upon receipt of a completed application for a development permit for a discretionary use (except as may be otherwise provided for in this Bylaw) or for variances assigned to the Municipal Planning Commission, the Development Officer shall process the application for a decision by the Municipal Planning Commission at its next available meeting, within the timelines prescribed in the Act.

Delegation of Authority to the Development Officer

General

11.2 In addition to the authority otherwise assigned to it in this Bylaw, the Development Officer is authorized, but not required, to decide upon and either approve or refuse the following discretionary uses development permit applications which are otherwise assigned to the Municipal Planning Commission:

(a) a discretionary use application for a new Manufactured Home that replaces an existing Manufactured Home in any district where a Manufactured Home is listed as a discretionary use;

(b) a discretionary use application for an “Accessory Building or Use” for each unit in a Tourist Accommodation for which the Municipal Planning Commission previously approved a Comprehensive Site Development Plan that allows in principle a discretionary use “Accessory Building or Use” on each unit, in any district where an “Accessory Building or Use” is listed as a discretionary use in a Tourist Accommodation;

(c) a discretionary use application for a Tourist Home or a Short-Term Rental / Bed & Breakfast that meets all the applicable minimum standards (i.e. the application does not propose a variance from an applicable minimum standard established in this Bylaw), and further provided that the Development Officer shall refuse a discretionary use application for a Tourist Home or a Short-Term Rental / Bed & Breakfast that proposes such a variance (i.e the Development Officer does not need to bring such an application to the Municipal Planning Commission for refusal);

(d) a discretionary use application for a Secondary Suite that meets all the applicable minimum standards (i.e the application does not propose a variance from an applicable minimum standard established in this Bylaw) or that proposes a variance to a standard that is within the Development Officer’s variance authority established here or elsewhere in this Bylaw, including a maximum 10% variance to the maximum habitable floor area (which is the maximum variance authority of the Municipal Planning Commission as established in the Bylaw), and further provided that the Development Officer shall refuse a discretionary use application for a Secondary Suite that proposes to exceed the maximum 10% variance authority of the Municipal Planning Commission to the maximum habitable floor area (i.e. the Development Officer does not need to bring such an application to the Municipal Planning Commission for refusal);

(e) a discretionary use application for a Home Occupation – Class 2 that meets all the applicable minimum standards (i.e. the application does not propose a variance from the applicable minimum standards established in thus Bylaw);

(f) a development permit application for a discretionary use Moved-In Building or a discretionary use Moved-In Dwelling to place a type of building that is listed as a permitted use in the subject land use district and that does not propose to exceed the Development Officer’s variance authority established in this Bylaw;

(g) a discretionary use application for a Single-Detached Dwelling in the NUA-1 District that does not propose to exceed the Development Officer's variance authority established in this Bylaw.

Restrictions on Delegated Authority

11.3 In exercising the delegated authority assigned to it in this section, the Development Officer shall:

(a) incorporate the "Considerations for Discretionary Uses" and the "Considerations for Variances"; and

(b) abide by the restrictions placed on the variance authority of the Municipal Planning Commission (e.g. the Development Officer shall not approve a discretionary use application for a Tourist Home, Short-Term Rental / Bed & Breakfast, a Secondary Suite, or a Home Occupation – Class 2 that proposes a variance in excess of the variance authority assigned to the Municipal Planning Commission);

as established in this Bylaw.

11.4 Notwithstanding the authority delegated to it in this section, the Development Officer may bring any application for which it has delegated authority to the Municipal Planning Commission for a decision.

12 REFERRAL OF A DEVELOPMENT PERMIT APPLICATION

Internal and External Referral

12.1 Prior to making a decision on a complete development permit application or bringing a development permit application before the Municipal Planning Commission for a decision, the Development Officer, within the decision timeline prescribed in the Act:

(a) **may** refer a development permit application to any person who in their opinion may provide relevant comments respecting the Application (e.g. adjacent landowners, a municipal department or other agency); and

(b) **shall** refer a development permit application to those government agencies as required by the Subdivision and Development Regulation.

(c) **shall** refer to an adjacent municipality those types of development permit application as may be specified in an Intermunicipal Development Plan prior to deciding on an application.

(d) **shall**, in accordance with CSA Z663: Land Use Planning in the Vicinity of Pipeline Systems, refer to the pipeline systems operator of a high-pressure gas transmission pipeline a development permit application that is located within 200 m of either side of the edge of the pipeline system right-of-way.

12.2 After the expiry of fourteen days, or such other referral time periods as may be required by the Municipal Government Act, the Subdivision and Development Regulation, an Intermunicipal Development Plan, or this Bylaw, the Development Authority may deal with the application whether or not comments have been provided.

Referral of Applications for Properties with Historic or Heritage Relevance

12.3 The Development Officer, within the decision timeline prescribed in the Act, shall refer a development permit application or request for approval that proposes:

- demolition, new construction, or an addition to a building on property in one of the categories below, or

- a change of use or occupancy, or a request for approval to undertake work that involves renovation, alteration, new signage or a change to existing signage, maintenance, or improvement that is likely, in the sole discretion of the Development Officer, to affect or change the known ***character defining elements*** of a building on a property in one of the categories below,

to the Municipal Historic Resources Advisory Committee and/or respectively the federal or provincial government, as may be applicable, for review and comment prior to the application being considered by the Development Officer or the Municipal Planning Commission:

(a) A property located within the boundaries of the Historic Commercial Areas Overlay District.

(b) Those properties that are designated by Bylaw as a Municipal Historic Resource.

(c) Those properties that are designated as a Provincial Historical Resource.

(d) The properties, buildings and structures listed in the Heritage Management Plan Inventory as Historically Significant.

(e) Property within the Coleman National Historic Site of Canada.

12.4 The Development Officer or the Municipal Planning Commission, as the case may be, may make a decision on a development permit application or a request for approval pursuant to section 12.3 without receiving comments from the Municipal Historic Advisory Committee or the federal or provincial government, provided that the Development Officer or the Municipal Planning Commission acknowledges in its decision the historic or heritage relevance of the property and that the applicant has been made aware of the significance of the property and the statutory requirements, if any, that apply to the property.

13 CONSIDERATIONS WHEN DECIDING ON AN APPLICATION FOR A DEVELOPMENT PERMIT, SUBDIVISION OR LAND USE REDESIGNATION

Consistency with Section 617 of the MGA

13.1 When evaluating and deciding on an application for a development permit, subdivision or land use redesignation, the Development Authority, the Subdivision Authority or Council (whatever the case may be) shall fulfil the purpose of Part 17 of the MGA in that these decisions must strive:

(a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement in the Municipality; and

(b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in the Municipality,

without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

Considerations for Permitted Uses

13.2 When making a decision on a development permit for a permitted use the Development Officer shall take into account, but not be limited to:

(a) access, transportation and servicing requirements;

(b) the Subdivision and Development Regulation;

(c) stormwater management and site grading;

(d) the land use definitions, the purpose statement of the applicable land use district, the development standards of the applicable land use district and the applicable Schedules in this Bylaw.

Considerations for Discretionary Uses

13.3 When making a decision on a development permit for a discretionary use, the Development Authority shall seek to achieve the orderly, compatible, economical and beneficial use of land, development, and patterns of settlement, and to maintain and improve the quality of the physical environment, within the following context, but not limited to it:

(a) the decision must be in accordance with the South Saskatchewan Regional Plan;

(b) the decision must have regard to applicable statutory plans and comply with the same however, where discrepancy exist between an applicable statutory plan and this Bylaw, the Land Use Bylaw takes precedence over a statutory plan;

(c) the decision must have regard to the provisions of applicable non-statutory plans or studies affecting the parcel or type of development;

(d) the appropriateness of the location and the suitability of the parcel for the proposed development;

(e) the compatibility and impact of the proposed development with respect to existing and future adjacent development and the neighbourhood;

(f) the merits of the proposed development;

(g) access, transportation and servicing requirements;

(h) the Subdivision and Development Regulation;

(i) stormwater management and site grading;

(j) the land use definitions, the purpose statement of the applicable land use district, the development standards of the applicable land use district and the applicable Schedules in this Bylaw.

Considerations for Variances

13.4 The Municipal Planning Commission or the Development Officer, subject to the restrictions established under Variance and Encroachment Authority in this Bylaw, and the Subdivision and Development Appeal Board, as may be applicable, may approve an application for, or an appeal of, a development permit even though the proposed development does not comply with the standards in this Bylaw if, in the opinion of the Municipal Planning Commission, the Development Officer or the Subdivision and Development Appeal Board:

(a) the proposed development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land;

and

(b) the proposed development conforms with the use prescribed for the subject land or building in Schedule 2.

13.5 The Development Authority shall not approve a variance for a yard setback unless the relevant provisions and standards for yard setback variances in Schedule 4 are complied with.

14 VARIANCE AND ENCROACHMENT AUTHORITY

14.1 The Development Officer may exercise a discretion relative to variances only in respect of the following matters:

(a) the approval of variances:

(i) not exceeding 50 percent of each yard setback standard, including provisions for projections into yard setbacks, established in this Bylaw for a permitted use development permit, except as provided for in this section for a non-conforming building existing from a specified era;

(ii) not exceeding 20 percent of any other measurable standard established in this Bylaw for a permitted use development permit, except as provided for in this Bylaw for a Tourist Home, a Short-Term Rental / Bed & Breakfast and for a non-conforming building existing from a specified era;

(iii) of any extent that are required to bring a non-conforming building or use into compliance with this Bylaw if that building or use were established as follows:

- in Frank prior to 1970;
- in Coleman or Blairmore prior to 1971;
- in Bellevue prior to 1972; or
- in Hillcrest prior to 1980;

provided that, in order to bring into compliance with this Bylaw a non-conforming building or use that was established or commenced **subsequent** to the above stated dates for each community, the Development Officer shall not exceed their variance authority stated elsewhere in this section. Also refer to ***Non-Conforming Building Variances*** elsewhere in this Administration part of the Bylaw.

(iv) that are required to enable the applicant pursuant to the relevant Municipal policy to enter into an encroachment agreement with the Municipality or an adjacent landowner for an existing encroachment onto an adjacent street, lane, municipal easement or municipal property (other than Reserves) or onto adjacent private property;

and:

(b) the approval of minor deviations, in the Development Officer's discretion, from approved site plans;

provided that, in the exercising of these discretions the Development Officer shall issue the proper notifications to the applicant and adjacent property owners relative to their right to an appeal in accordance with the provisions of this Land Use Bylaw, ***except*** in the case of minor deviations from an approved site plan and in the case of an encroachment onto Municipal Lands or adjacent private property where an encroachment agreement has been executed, in which for both cases the Development Officer may determine that a notification to adjacent landowners is not required based on the context of each individual situation.

14.2 In addition to the variance authority otherwise assigned to it in this Bylaw, the Development Officer is authorized to decide upon and either approve or refuse the following variance applications which are otherwise assigned to the Municipal Planning Commission:

(a) a variance of not more than 10% to the maximum habitable floor area of a Secondary Suite;

(b) a variance to the maximum lot coverage ratio of a Single-Detached Dwelling (with an attached garage) in the R-1 District up to a percentage that is equal to the combined potential maximum lot coverage ratios for a Single-Detached Dwelling and all Accessory Buildings, on the condition that a detached Accessory Building does not exist or has not be approved on the subject property;

(c) a variance to allow tandem parking for a Tourist Home, a Short-Term Rental / Bed & Breakfast, a Secondary Suite, or a Home Occupation – Class 2, provided that no portion of a parked vehicle shall overhang a curb and gutter or a sidewalk or any portion thereof.

14.3 The Municipal Planning Commission may exercise a discretion relative to variances in respect of the following matters:

(a) The Municipal Planning Commission **may** approve a variance:

(i) that exceeds 50 percent of each yard setback standard established in this Bylaw;

(ii) that exceeds 20 percent of any other measurable standard established in this Bylaw;

(iii) in order to bring into compliance with this Bylaw a non-conforming building or use that was established or commenced subsequent to the above stated dates for each community;

(iv) only in the GCR-1 and NUA-1 Districts, and only relative to the number of on-site customer visits, the outdoor storage of materials, commercial vehicles or heavy equipment, and the number of employees outside of members of the household who reside on the premises, the Development Authority may vary the standards for a Home Occupation – Class 2 in order to allow a small business start-up until the business requires relocation to a commercial or industrial District, to the extent that, in the sole discretion of the Development Authority, the Home Occupation would be compatible with the neighbourhood;

(b) Notwithstanding the above, the Municipal Planning Commission **shall not** approve a variance of a measurable standard established in this Bylaw, as specified below or as stated in:

(i) the parking requirement for a Tourist Home and a Short-Term Rental / Bed & Breakfast in any District that is not within the Historic Commercial Areas Overlay District;

(ii) the separation distance for a Tourist Home in the in the R-1 to R-5 Districts;

(iii) the maximum occupancy of a Tourist Home and a Short-Term Rental / Bed & Breakfast in any land use district;

(iv) the number of rental units in a Tourist Home in any land use district other than the Retail Commercial C-1 District;

(v) the number of Tourist Homes on a property in any land use district;

(vi) the parking requirement for a Secondary Suite and/or a Principal Building containing a Secondary Suite;

(vii) Not more than 10% of the maximum habitable floor area of a Secondary Suite;

(viii) the maximum number of sleeping units in a Work Camp;

(ix) the maximum lot coverage ratio for Accessory Buildings for the purpose of accommodating a Secondary Suite, Detached;

(x) the maximum height of an Accessory Building containing a Secondary Suite, Detached by more than 10 percent;

(xi) the minimum habitable floor area of a principal building by more than 20 percent; and

(xii) any land use definition.

14.4 The **Subdivision and Development Appeal Board**, in determining an appeal, may exercise its discretion, to any extent that it deems appropriate, relative to the variance of any measurable development standard established in this Bylaw, except when such a measurable standard is established in a land use table or in a land use definition, or when it is prohibited in the Municipal Government Act, for example regarding setback distances relative to cannabis establishments.

15 NON-CONFORMING BUILDINGS AND USES

Qualification for Non-Conforming Status

15.1 An existing building or use qualifies for non-conforming status only if it was lawfully constructed or commenced as follows:

(a) the building or use were established in one of the former municipalities (or improvement districts) as follows:

(i) in Frank prior to 1970;

(ii) in Coleman or Blairmore prior to 1971;

(iii) in Bellevue prior to 1972; or

(iv) in Hillcrest prior to 1980;

prior to which dates it is unknown and unlikely that a development permit was required due to the presumed absence of a development control mechanism; or

(b) the building or use was constructed or commenced after the above dates either with the benefit of a development permit or with the benefit of being exempted from the requirement to obtain a development permit. A building or use that does not comply with this requirement is disqualified from non-conforming status, and must obtain development approval to be brought into compliance.

15.2 A non-conforming building or use may only be continued in accordance with the provisions of the Act.

Non-Conforming Building Variances

15.3 With respect to bringing non-conforming buildings into compliance with this Bylaw, and pursuant to the relevant provisions of the Municipal Government Act, the Development Officer is authorized to exercise the **restricted** variance authority assigned to them in this Bylaw, and the Municipal Planning Commission is authorized to exercise the variance authority assigned to it in this Bylaw.

16 SIMILAR USES

16.1 Except for “Short-Term Rental / Bed & Breakfast” and “Tourist Home”, where a use is applied for which is not specifically considered in a land use district but, in the opinion of the Municipal Planning Commission, it is similar in character and purpose to another use that is permitted or discretionary in the land use district in which the use is proposed, and generally complies with the intent of the land use district and a listed use definition, the Municipal Planning Commission may determine that the proposed use is a “Similar Use” and, in all cases, a similar use shall be processed as a discretionary use.

17 TEMPORARY DEVELOPMENT PERMIT

17.1 Pursuant to the relevant provisions of the Act and this Bylaw, when, in the opinion of the Development Authority:

(a) a development permit or some aspect of it is or should be of a temporary nature, or

(b) the times during which a use authorized in a development permit is exercised should be limited, or

(c) the development permit is subject to a valid encroachment agreement that has an expiry date, or

(d) a development permit should expire when the original applicant, occupant or landowner no longer operates the use that was authorized by it or should expire when the same no longer occupies or owns the premises on which the approved building or use is located,

it may issue a temporary development permit valid for such a period as it considers appropriate, or for a period that coincides with the validity of an encroachment agreement, or it may attach a condition that regulates the times during which the development permit may be exercised.

17.2 A temporary development permit may be issued only for a use that is listed in the applicable land use district.

17.3 By default, every temporary development permit shall be issued subject to the understanding and implicit consent and agreement between the applicant or landowner and the Municipality that the Municipality shall not be liable for and shall be exonerated from any liability related to the cessation or removal of any development at the expiration of the temporary development permit, and the Development Authority may add a note to or impose a condition on the temporary development permit to this effect to make the applicant and landowner aware of the implicit consent and default agreement.

17.4 The Development Authority may require the applicant to post a guarantee for the cessation or removal of the use and any development associated with the temporary development permit.

17.5 A temporary conditional approval for Exploratory Excavation / Grade Alteration / Stockpiling shall include the terms and conditions established under Schedule 4 section 33.

18 ADDITIONAL APPROVALS REQUIRED

18.1 In addition to the requirements of this Bylaw, a landowner, an applicant or their agent, as part of commencing a development permit issued to any of them under this Bylaw, is required and responsible, at their sole risk and to the exoneration of the Municipality of Crowsnest Pass from any liability related to these matters and at no cost to the Municipality, to comply with the requirements of applicable municipal, provincial and federal legislation. This includes but is not limited to the *Safety Codes Act.*

18.2 The issuance of a development permit pursuant to this Bylaw does not preclude or absolve the landowner, the applicant and/or their agent from the responsibility to obtain any additional municipal, provincial or federal permits, authorizations, approvals or licenses that may be required before, during or after the development permitting process required in this Bylaw.

18.3 Every development permit shall include notes to make the landowner, applicant and their agent aware of their responsibility to comply with the requirements of applicable municipal, provincial and federal legislation.

18.4 Where a development requires the approval of an entity listed in Section 619 of the Municipal Government Act and which also requires a municipal approval (in accordance with the paramountcy established by the abovementioned provision), the provincial approval will normally be expected to be issued and received prior to the application for a development permit. This does not preclude the involvement of the municipality in making preliminary statements and/or recommendations, as the case may be.

19 CONDITIONS OF DEVELOPMENT PERMIT APPROVAL

19.1 The standards, regulations and other provisions established in this Bylaw are conditions that attach by default to any development permit as may be applicable without them being listed in a development permit. It shall be the responsibility of the Landowner and/or Applicant to ensure that they comply with those standards, regulations and other provisions.

19.2 In addition to the standards, regulations and other provisions established throughout this Bylaw the Development Authority may impose enforceable and reasonable conditions with a planning-related objective that do not exceed its jurisdiction or subdelegate its decision-making power on a development permit for a permitted use (regardless of whether or not a variance is involved) and on a development permit for a discretionary use, as may be specified below, and on a development permit for the demolition of a building, for the following purposes as may be applicable:

(a) to ensure compliance with the relevant provisions of the Act and the Subdivision and Development Regulation;

(b) to ensure compliance with the uses, standards, regulations, use-specific conditions, and other provisions established in this Bylaw, the land use districts and other Schedules;

(c) to ensure that:

(i) in the case of a permitted use for which the development standards are being relaxed through a variance; or

(ii) in the case of any discretionary use; or

(iii) in the case of infill development in an existing mature neighbourhood or an historically significant area, whether the proposed development is a permitted or discretionary use;

appropriate mitigating measures are established and/or other measures imposed, based on the advice of suitably qualified professionals where applicable, to the extent that the proposed development:

- would not affect public safety,
- would not result in environmental contamination,
- would not create a nuisance, or
- would not result in traffic safety issues, and
- that the proposed development is compatible with and would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Measures to this effect may include but are not limited to:

- restricting the hours of operation,
- requiring dust control,
- requiring an appropriate form of landscaping, fencing and/or screening,
- requiring a standard of aesthetic appearance including but not limited to:
  - consideration for the impact of the proposed development on the historical significance of the subject or adjacent properties,
  - slope-adaptive building and site design,
  - the impact of proposed new or infill development on and its compatibility with existing development in mature neighbourhoods;
- increasing the yard setbacks or other standards for a proposed development (e.g. in exchange for variances);
- requiring that the applicant undertake relevant professional studies and incorporating the recommendations from those studies as conditions of development approval; and/or
- other mitigating measures as may be deemed applicable;

(d) to require that the landowner or applicant enters into an agreement with the municipality in accordance with the provisions of the Act regarding the construction, upgrading and connection to roads, walkways, public utilities, off-street parking and loading facilities, off-site levies and redevelopment levies, agreement securities and oversized improvements;

(e) to require the preparation of and/or compliance with recommendations in relevant engineering reports and other professional studies;

(f) to require the preparation of detailed plans and construction drawings illustrating, to the Development Officer's satisfaction, access, site layout, landscaping, parking, building elevations, slope-adaptive building and site design, signs, slope stability, lot grading, stormwater management and/or utility servicing;

(g) to require the consolidation of parcels by plan of survey prepared by an Alberta Land Surveyor;

(h) to require a lot grading certificate [confirming the completion of rough grade with tolerances that allow for finished grade (i.e. landscaping) to be completed] prepared by an Alberta Land Surveyor where an overall grading plan or stormwater management plan has been approved;

(i) to require the provision of a refundable security deposit to ensure that the conditions are complied with;

(j) to require the stake-out, a survey and a survey drawing of the property and/or building footprint area by either an Alberta Land Surveyor, professional engineer (see definition) or other certified agent prior to the commencement and/or after the completion of a development;

(k) to specify the temporary nature, maximum duration or other limitation on the time that a development permit remains in effect or a use may be exercised;

(l) to require, relative to a temporary development permit, the cessation and removal from the property of any improvements associated with the temporary development permit upon its expiry, the posting of a refundable security deposit to ensure its cessation and removal, and the implied consent and default agreement from the landowner or applicant upon accepting the issuance of a temporary development permit whereby the Municipality shall not be liable for any costs involved in the cessation or removal of any development at the expiration of the temporary development permit;

(m) to require that the landowner or applicant provide to the Development Officer copies of applications for, or copies of, permits issued under the Safety Codes Act to demonstrate that such applications or permits are consistent with the development permit issued for the proposed development;

(n) to specify the timing of the completion of any part of the proposed development.

19.3 Minor details of the conditions imposed upon a development permit may be revised, upon request from the applicant and landowner or upon the Development Officer's initiative as deemed necessary and applicable, pursuant to section 24 of the land use bylaw.

20 DECISION AND NOTIFICATION OF DEVELOPMENT PERMIT

20.1 The Development Authority shall decide on a development permit application within the timeline prescribed in the Act.

20.2 A decision on a development permit is deemed to have been made on the date that it is put into writing.

20.3 Notification of decisions on development permit applications are to be made in the following manner:

(a) When the Development Officer has made a decision on a permitted use development permit application that conforms in all respects to the provisions of this Bylaw, the Development Officer **may notify** the public by publishing a notice in any manner that is deemed appropriate in accordance with an applicable Municipal policy or bylaw.

(b) When the Development Authority has made a decision on a permitted use development permit application in which the provisions of the Land Use Bylaw were relaxed or varied or where there is a possibility of the provisions having been misinterpreted, or has made a decision on a discretionary use development permit application, with or without a variance to a development standard, the Development Officer shall, on the same day the decision is made, notify, as may be applicable, the applicant, the landowner of the subject parcel (if not the same as the applicant), adjacent landowners and any other

person that the Development Officer deems likely to be affected by the decision, in one of the following manners:

(i) by mail, or

(ii) by placing an advertisement in a local newspaper circulating in the municipality, or

(iii) by posting a notice in a conspicuous place on the property, or

(iv) a suitable alternative in accordance with the provisions of the Municipal Government Act, or an applicable municipal policy or bylaw, including email, or

(v) any combination of the above.

(c) In the case of a refusal of a development permit, the Development Officer **shall notify** the persons who would have been notified had the development permit been approved.

20.4 A notice of decision on a development permit application shall include:

(a) the street address and legal description of the subject property;

(b) the nature of the proposed development or use shown on a site plan (if applicable);

(c) if applicable, the location and/or extent of any variances, shown on a site plan;

(d) if applicable, the nature of any conditions that are attached to the permit;

(e) if applicable, the reasons for refusing an application; and

(f) if applicable, the date by which the legislated 21-day appeal period expires and by which any person who has grounds to appeal must file a notice of appeal, and whether the appeal lies with the local Subdivision and Development Appeal Board or the Land and Property Rights Tribunal.

21 APPEALS

21.1 Any person affected by a decision of, or an order, issued by the Development Authority or by the Development Authority's failure to make a decision within the legislated timeline, has the right, pursuant to the Municipal Government Act, to appeal said decision, order or failure in accordance with the relevant provisions of the Act.

21.2 An appeal shall be commenced by serving a written notice of the appeal to the Subdivision and Development Appeal Board or the Land and Property Rights Tribunal, as the case may be, and the reasons for it in accordance with the relevant provisions of the Municipal Government Act within 21 days after the written decision is given or the order is made or the date on which the legislated timeline or extension expires.

21.3 Any person affected by a decision of an appeal body may appeal such decision to the Court of Appeal in accordance with the relevant provisions of the Act.

21.4 Upon receiving an appeal, the Subdivision and Development Appeal Board shall notify those persons that are required to be notified of an approval or a refusal of a development permit.

22 VALIDITY AND CONTINUANCE OF A DEVELOPMENT PERMIT

Validity

22.1 Notwithstanding the issuance of a Notice of Decision regarding a development permit application, a development permit is not valid, shall not be issued and development shall not commence:

(a) until an appeal period, excluding an appeal period to the Court of Appeal, has expired and no appeal was made, if applicable; or

(b) if an appeal, excluding an appeal to the Court of Appeal, is made, until the appeal is decided upon and rendered; and

(c) until all conditions of the development permit, except those conditions of a continuing nature, have been met or fulfilled to the Development Officer's satisfaction.

22.2 A Notice of Decision to approve a development permit application with conditions that must be satisfied prior to the issuance of the development permit shall remain effective for a period of six months and shall then expire and shall be deemed null and void unless the person to whom the Notice of Decision was issued continues to collaborate with the Development Authority to satisfy or complete the conditions.

Period of Effectiveness Prior To Commencement

22.3 Unless it is suspended or cancelled, or an extension is granted pursuant to this Bylaw, a development permit that has been issued remains in effect for 12 months from the date of issuance and, if it has not been commenced at the expiry of this period, the development permit shall be deemed to be null and void.

22.4 Development or use must be commenced with reasonable diligence, in the opinion of the Development Officer, within 12 months from the date of issuance of the development permit, otherwise the development permit shall be deemed to be null and void.

Timeline to Complete Development

22.5 When a development permit that involves construction has been issued the exterior work must be completed to the Development Officer's satisfaction within 36 months after the date of the issuance of the development permit, otherwise the applicant or landowner shall be deemed to be in contravention of the development permit conditions.

Extension

22.6 The effectiveness and timeline to completion of a development permit may be extended:

(a) by the Development Officer upon request from the applicant prior to the expiry date of the development permit, for an extension period not exceeding 12 months and only for a first extension; or

(b) by the Municipal Planning Commission upon request from the applicant within six months after the original expiry date of the development permit or the expiry date of an existing extension, for an additional extension, the period of which shall be at the sole discretion of the Municipal Planning Commission.

22.7 The Development Officer may require the resubmission of original information and/or the submission of additional information, along with the prescribed fee, in support of the extension request.

Transfer and Continuance

22.8 When a development or use has been commenced pursuant to an issued development permit, the development permit by which it was approved is deemed to be valid and transferrable and it shall "run with the land" or continue and remain in effect on the subject property until a new development permit is issued and commenced that effectively replaces the previous development or use on the subject property, except when:

(a) a temporary development permit was issued for a limited time pursuant to the Act and/or this Bylaw, or

(b) the development permit was issued conditional upon a valid encroachment agreement that has an expiry date.

22.9 A development permit that is conditional upon a valid encroachment agreement with an expiry date shall expire when the encroachment agreement expires. To maintain the validity of such a development permit the landowner is required to apply to renew the encroachment agreement prior to its expiry (encroachment agreements are regulated by Municipal policy, the Development Authority or the Subdivision Authority cannot impose a condition of approval that binds the Municipality or an adjacent private landowner into an encroachment agreement with the applicant, and there is no guarantee of an encroachment agreement being entered into or renewed).

22.10 After commencement, a development permit issued for a commercial or industrial land use shall expire when the use has not been carried on for twelve consecutive months.

23 REAPPLICATION INTERVAL

23.1 If a development permit application was accepted as complete, processed, reviewed and *refused* by the Development Authority and there was no appeal filed within the prescribed timeline or if, on appeal, a development permit was refused, the Development Officer shall not accept another application by the same or a new applicant for the same use or a similar use on the subject property for a period of six (6) months after the date of refusal.

23.2 Notwithstanding the period referenced in subsection 23.1, the Development Officer may modify the re-application interval only for a use that conforms to all the standards and regulations of the bylaw and that was revised to resolve the reason(s) why the original application had been refused.

23.3 When a development permit was *approved* with or without conditions, the applicant has the right to apply for and have considered on its merits a second application for a development permit for the same use, even though the approved permit which has not been acted upon (not commenced) is outstanding.

24 REVISING, SUSPENDING OR CANCELLING A DEVELOPMENT PERMIT

24.1 Pursuant to the applicable provisions of the Municipal Government Act and the provisions of this section 24 regarding notification requirements and the right to appeal, minor details of conditions imposed upon a development permit for either a permitted use or a discretionary use may be revised:

(a) upon request from the applicant and landowner, or

(b) upon the Development Officer's initiative,

as deemed necessary and applicable to facilitate the implementation of the development permit and/or to accomplish the satisfactory completion of conditions and deadlines (e.g. a deadline to comply with a condition, or the material used for a screening fence if the screening

effect would be the same, etc.), **in the sole discretion of the Development Officer**; and further, in the absence of such delegation having been expressly given in the development permit the Development Officer may deem such delegation to have been given by default; and further, the Development Officer shall not be obligated to revise a development permit upon request from an applicant or landowner; and further, the Development Officer may refer the proposed revisions to the Municipal Planning Commission.

24.2 Pursuant to the applicable provisions of the Municipal Government Act, if, after a development permit has been issued, the Development Authority becomes aware that:

(a) the application for the development permit contained misrepresentations; or

(b) facts concerning the application or the proposed development that should have been but were not disclosed at the time the application was considered, have subsequently become known; or

(c) a development permit was issued in error or contains a clerical error;

the Development Authority may revise and re-issue, suspend, or cancel the development permit by notice in writing to the holder of the development permit, the landowner, and adjacent landowners and affected persons as deemed applicable, stating the reasons for the revision and re-issue, suspension, or cancellation.

24.3 When a revision and re-issue, suspension or cancellation results in the subject property being in contravention of the re-issued development permit or in contravention of the land use bylaw, the Development Authority **may issue** a Stop Order requiring that the use or development that is / was the subject of the development permit shall be modified or ceased and/or removed or a new application be made to bring the property into compliance.

24.4 When a development permit was revised and re-issued for reasons other than correcting clerical errors, or suspended or cancelled, the appeal period shall be reset and the holder of the development permit, the landowner, and adjacent landowners and affected persons who are required by the land use bylaw to be notified, shall have the right to appeal the re-issued development permit.

24.5 When a development permit is revised and re-issued only for clerical corrections, the appeal period shall not be reset, notification to adjacent landowners and affected persons is not required, and there shall not be a right to appeal.

25 SITE INSPECTIONS AND ENFORCEMENT

25.1 Pursuant to the relevant provisions of the Act, the Development Officer acting in their capacity as the Development Authority and on behalf of and with a mandate hereby delegated by a designated officer or the Chief Administrative Officer, after giving reasonable notice to the owner or occupant of the land or building to be entered to inspect for subdivision and/or development permit applications or to enforce compliance with this Bylaw, may enter the land or building at any reasonable time to carry out the inspection or enforcement, request anything to be produced to assist in the inspection or enforcement, and make copies of anything related to the inspection or enforcement.

26 STOP ORDERS

26.1 The Development Authority may issue a stop order pursuant to the relevant provisions of the Act.

26.2 The issuance of a Stop Order may be appealed in accordance with the relevant provisions of the Act.

26.3 A person who, without lawful excuse, fails to comply in part or in whole with any provision, condition or order identified in a Stop Order issued for the purpose of remedying an alleged contravention of this Bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine pursuant to section 27 of this Bylaw.

27 PENALTIES AND FINES

27.1 Pursuant to the applicable provisions of the Municipal Government Act:

(a) A person who, without lawful excuse, contravenes or fails to comply in part or in whole with any provision or any standard or condition of this Bylaw or of a development permit or of a Stop Order or of a subdivision approval or of a decision by an applicable appeal board, is guilty of an offence and is liable, upon summary conviction, to a fine in an amount not less than that established in the Fees, Rates, and Charges Bylaw, and not exceeding $10,000.00, or to imprisonment for not more than one year, or to both a fine and imprisonment.

(b) For the purposes of section 27.1 (a), it is not a lawful excuse to state that a development permit, a Stop Order, a subdivision approval, or a decision by an applicable appeal board, defectively states the substance of an alleged offence.

(c) A Community Peace Officer or Bylaw Enforcement Officer, in collaboration with the Development Officer, may issue a Municipal Violation Tag for an offence under this Bylaw, a development permit, or a Stop Order in the amount established in the Fees, Rates and Charges Bylaw.

(d) The penalty amounts for a second offence, third offence, or any subsequent offences, shall be in accordance with the provisions of the Fees, Rates and Charges Bylaw.

(e) A person who is issued a Municipal Violation Tag may pay the fine amount to the Municipality on or before the required date, to avoid prosecution.

(f) If a (provincial) Violation Ticket is issued in respect to an offence for which a Municipal Violation Tag has not been paid, the Community Peace Officer or Bylaw Enforcement Officer, in collaboration with the Development Officer:

(i) may specify the fine amount established in the Fees, Rates and Charges Bylaw, to be paid by the accused person for the offence; or

(ii) may require the accused person to appear in court without the alternative of making a voluntary payment.

28 LAND USE BYLAW ADMINISTRATION

Amendment Or Repeal Of Bylaw

28.1 The procedure and notification requirements for the amendment or repeal of this Bylaw, including a text amendment and / or a change to the land use district designation of a parcel of land, are prescribed under the relevant provisions of the Act.

28.2 An application to amend this Bylaw or to redesignate land from one district to another shall be made to the Development Officer.

28.3 The Development Officer may, in addition to the information provided on the amendment or land use designation application form, request such other information as the Development Officer deems necessary to properly evaluate the application.

28.4

28.5 A bylaw amendment to redesignate land is not required when the subject land is:

(a) a portion of or the whole of a closed road or lane, or

(b) a portion of or a whole parcel of a closed Municipal Reserve,

and in respect of which Council had previously notified the public and adjacent landowners, held a public hearing, and adopted a bylaw to close the road, lane or Municipal Reserve **and provided** that the subject portion or parcel shall be consolidated with an adjacent designated parcel by means of a plan of subdivision; and further, the subject portion or parcel shall be deemed to assume the same district as the parcel to which it is consolidated and the land use district map shall be updated accordingly – *for clarity, if the subject portion or parcel is not to be consolidated with an adjacent designated parcel, then a bylaw amendment to redesignate the land is required*.

Deferring or Repealing of a Bylaw

28.6 Council may defer third reading of a land use redesignation bylaw, a Municipal Reserve closure bylaw, or a road closure bylaw, until after an associated subdivision has been registered at the Land Titles Office (to avoid the proliferation of parcels with multiple land uses), or until after the Notice of Decision for an associated development permit has been issued and it was not appealed, or until after the applicant has completed an associated subdivision application or an associated development permit application and has obtained approval (where Council required additional details, assessments, or studies to be completed prior to land use redesignation, Municipal Reserve closure or road closure).

28.7 Council, at its sole discretion, may rescind an amending bylaw which has redesignated certain lands within the municipality to accommodate a proposed subdivision and/or development. Council may rescind the said redesignation bylaw and redesignate the lands back to their original designation if:

(a) the proposed subdivision has not been applied for within twelve (12) months of the redesignation bylaw being given third and final reading; and/or

(b) the proposed development has not been applied for within twelve (12) months of the redesignation bylaw being given third and final reading.

28.8 The rescinding of a bylaw shall be undertaken in accordance with the provisions of the Act.

Notification To Adjacent Municipalities

28.9 A draft version of a proposed land use bylaw, amendment bylaw or redistricting bylaw shall be referred to an adjacent municipality in accordance with the provisions of an applicable intermunicipal development plan and regard shall be had to any comments received prior to amendment of this Bylaw.

Apprising the Municipal Planning Commission of Bylaw Amendments

28.10 The Development Officer may submit an adopted bylaw amendment to the Municipal Planning Commission to keep them apprised; alternatively, the Development Officer will provide the correct information about bylaw amendments in development permit reports to the Municipal Planning Commission, as required.

Re-application for a Redesignation of Land Use

28.11 If an application for a land use redesignation is refused by Council, another application for a redesignation:

(a) on the same lot, and

(b) for the same or a similar use,

shall not be accepted for at least six months after the date of refusal, and then provided that any additional requested information has been provided by the applicant in support of a new land use redesignation.

Public Register

28.12 The Development Officer shall maintain a public register and maps of all approved amendments to this Bylaw.

Adoption Of Bylaw

28.13 The Municipality of Crowsnest Pass Land Use Bylaw No. 868-2013, as amended, is hereby repealed.

28.14 This Bylaw comes into effect upon the final passing thereof.

Schedule 1

LAND USE DISTRICTS

Schedule 1

LAND USE DISTRICTS

1. The municipality is divided into those districts shown on the Land Use District Maps which form part of this Schedule.

2. Each land use district shall be known by the following identifying letters and numbers:

RESIDENTIAL	–	R-1
RESTRICTED RESIDENTIAL	–	R-1A
DUPLEX OR SEMI-DETACHED RESIDENTIAL	–	R-2
MEDIUM DENSITY RESIDENTIAL	–	R-2A
HIGH DENSITY RESIDENTIAL	–	R-3
MANUFACTURED HOME COMMUNITIES	–	R-4
NARROW LOT RESIDENTIAL	–	R-5
COMPREHENSIVE SKI VILLAGE	–	CSV
COMPREHENSIVE RESORT VILLAGE	–	CRV
GROUPED COUNTRY RESIDENTIAL	–	GCR-1
REDUCED IMPACT HOUSING	–	RIH
RETAIL COMMERCIAL	–	C-1
DRIVE-IN COMMERCIAL	–	C-2
COMPREHENSIVE COMMERCIAL	–	C-3
CANNABIS RETAIL COMMERCIAL	–	C-4
COMPREHENSIVE MIXED USE	–	CM-1
INDUSTRIAL	–	I-1
SENTINEL INDUSTRIAL PARK	–	SIP-1
RECREATION AND OPEN SPACE	–	RO-1
PUBLIC	–	P-1
URBAN TOURISM ACCOMMODATION & RECREATION DISTRICT	–	UTAR
NON-URBAN TOURISM ACCOMMODATION & RECREATION DISTRICT	–	NUTAR
NON-URBAN AREA	–	NUA-1
HISTORIC COMMERCIAL AREAS OVERLAY DISTRICT	–	HCA-OD
AREAS OF POTENTIAL ENVIRONMENTAL CONCERN OVERLAY DISTRICT	–	APEC-OD
DIRECT CONTROL (Turtle Mountain Restricted Development Area)	–	DC-1
FUTURE URBAN DEVELOPMENT		FUD

3. Land Use District Maps (see Map section at the end of the document)

Map 1 – Municipality of Crowsnest Pass
Map 2 – Passburg Area
Map 3 – Bellevue-Hillcrest Area
Map 4 – Frank Area
Map 4A – Frank Area
Map 5 – Blairmore Area
Map 6 – Coleman Area
Map 7 – Sentinel Area
Map 8 – Crowsnest Area

Schedule 2

LAND USE DISTRICT REGULATIONS

RESIDENTIAL – R-1

PURPOSE: *To provide for a residential environment with the development of predominantly Single-Detached Dwellings while providing opportunities for additional land uses.*

1. PERMITTED USES

Accessory Building or Use up to 72.8 m^2 (784 ft^2), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
Day Home
Exploratory Excavation / Grade Alteration / Stockpiling
Home Occupation – Class 1
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Secondary Suite, Attached (in a Single-Detached Dwelling)
Sign – Types:
- Home Occupation
- Subdivision Entrance
- Subdivision or Development Marketing

Single-Detached Dwelling

DISCRETIONARY USES

Accessory Building or Use up to 72.8 m^2 (784 ft^2) in the front yard of the principal building and/or prior to the establishment of the principal building or use
Accessory Building or Use over 72.8 m^2 (784 ft^2)
Canvas Covered Structure
Day Care Facility
Duplex / Semi-Detached Dwelling
Home Occupation – Class 2
Manufactured Home
Moved-In Building
Moved-In Dwelling
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Secondary Suite, Detached (on the lot of a Single-Detached Dwelling)
Short-Term Rental / Bed & Breakfast
Tourist Home

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
Single-Detached Dwelling	13.7	45	30.5	100	418.1	4,500
Duplex / Semi-Detached Dwelling (per building – i.e. for two units)	15.3	50	30.5	100	465.0	5,000
All other uses	As approved by the Subdivision Authority					
Corner lots	See Schedule 4					

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All principal uses	6.1 to property line or 6.5 to back of existing or future public walkway or 7.5 to back of public curb	20 to property line or 21.33 to back of existing or future public walkway or 25 to back of public curb	1.5	5	7.6	25

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard	–	the actual front yard setback of the principal building
Side Yard, where building does not contain a Secondary Suite	–	0.6 m (2 ft)
Side Yard, where building contains a Secondary Suite	–	1.5 m (5 ft)
Rear Yard, where building does not contain a Secondary Suite,		
• laned or laneless	–	0.6 m (2 ft)
Rear Yard, where building contains a Secondary Suite,		
• laned	–	0.6 m (2 ft)
• laneless	–	1.5 m (5 ft)

5. MAXIMUM LOT COVERAGE RATIO

Principal building, except Duplex / Semi-Detached Dwelling	–	35%
Duplex / Semi-Detached Dwelling (on one certificate of title)	–	45%
Accessory buildings, except on a Duplex / Semi-Detached Dwelling lot	–	15%
Accessory building on a Duplex / Semi-Detached Dwelling lot	–	5%

6. MAXIMUM BUILDING HEIGHT

Principal building, up to two-storey, no walkout basement	–	10.0 m (32.8 ft)
Principal building, two-storey walk-out basement	–	13.0 m (42.7 ft)
Secondary Suite, Detached (above garage)	–	7.5 m (24.6 ft)
Secondary Suite, Detached (stand-alone structure)	–	5.0 m (16.4 ft)
Other accessory buildings	–	5.0 m (16.4 ft)

7. MINIMUM HABITABLE FLOOR AREA OF PRINCIPAL BUILDING

Single-Detached Dwelling	–	102 m^2 (1,100 ft^2) habitable floor area

8. STANDARDS OF DEVELOPMENT – See Schedule 4.

9. OFF-STREET PARKING AND LOADING – See Schedule 6.

10. RELOCATION OF BUILDINGS – See Schedule 7.

11. CRITERIA FOR HOME OCCUPATIONS – See Schedule 8.

12. MANUFACTURED HOME DEVELOPMENT STANDARDS – See Schedule 9.

13. STANDARDS FOR SECONDARY SUITES – See Schedule 15.

14. STANDARDS FOR SHORT-TERM RENTAL/BED & BREAKFAST AND TOURIST HOME – See Schedule 17.

15. DEFINITIONS – See Schedule 18.

RESTRICTED RESIDENTIAL – R-1A

PURPOSE: *To provide for a residential environment with the development of predominantly Single-Detached Dwellings while providing opportunity for additional land uses, excluding Canvas Covered Structure, Manufactured Home, Moved-In Building, and Moved-In Dwelling.*

1. PERMITTED USES

Accessory Building or Use up to 72.8 m^2 (784 ft^2), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
Day Home
Exploratory Excavation / Grade Alteration / Stockpiling
Home Occupation – Class 1
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Secondary Suite, Attached
Sign – Types:
- Home Occupation
- Subdivision Entrance
- Subdivision or Development Marketing

Single-Detached Dwelling

DISCRETIONARY USES

Accessory Building or Use up to 72.8 m^2 (784 ft^2) in the front yard of the principal building and/or prior to the establishment of the principal building or use
Accessory Building or Use over 72.8 m^2 (784 ft^2)
Day Care Facility
Home Occupation – Class 2
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Secondary Suite, Detached
Short-Term Rental / Bed & Breakfast
Tourist Home

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
Single-Detached Dwelling	13.7	45	30.5	100	418.1	4,500
All other uses	As approved by the Subdivision Authority					
Corner lots	See Schedule 4					

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All principal uses	6.1	20	1.5	5	7.6	25

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard	–	the actual front yard setback of the principal building
Side Yard, where building does not contain a Secondary Suite	–	0.6 m (2 ft)
Side Yard, where building contains a Secondary Suite	–	1.5 m (5 ft)
Rear Yard, where building does not contain a Secondary Suite,		
• laned or laneless	–	0.6 m (2 ft)
Rear Yard, where building contains a Secondary Suite,		
• laned	–	0.6 m (2 ft)
• laneless	–	1.5 m (5 ft)

5. MAXIMUM LOT COVERAGE RATIO

Principal building	–	35%
Accessory buildings	–	15%

6. MAXIMUM BUILDING HEIGHT

Principal building, up to two-storey, no walkout basement	–	10.0 m (32.8 ft)
Principal building, two-storey walk-out basement	–	13.0 m (42.7 ft)
Secondary Suite, Detached (above garage)	–	7.5 m (24.6 ft)
Secondary Suite, Detached (stand-alone structure)	–	5.0 m (16.4 ft)
Other accessory buildings	–	5.0 m (16.4 ft)

7. MINIMUM HABITABLE FLOOR AREA OF PRINCIPAL BUILDING

Single-Detached Dwelling – 102 m^2 (1,100 ft^2) habitable floor area

8. STANDARDS OF DEVELOPMENT – See Schedule 4.

9. OFF-STREET PARKING AND LOADING – See Schedule 6.

10. RELOCATION OF BUILDINGS – See Schedule 7.

11. CRITERIA FOR HOME OCCUPATIONS – See Schedule 8.

12. STANDARDS FOR SECONDARY SUITES – See Schedule 15.

13. STANDARDS FOR SHORT-TERM RENTAL/BED & BREAKFAST AND TOURIST HOME – See Schedule 17.

14. DEFINITIONS – See Schedule 18.

DUPLEX OR SEMI-DETACHED RESIDENTIAL – R-2

PURPOSE: *To accommodate predominantly two-unit dwellings while providing opportunity for additional land uses.*

1. PERMITTED USES

Accessory Building or Use up to 72.8 m^2 (784 ft^2), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
Day Home
Duplex / Semi-Detached Dwelling
Exploratory Excavation / Grade Alteration / Stockpiling
Home Occupation – Class 1
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Secondary Suite, Attached (in a Single-Detached Dwelling)
Sign – Types:
- Home Occupation
- Subdivision Entrance
- Subdivision or Development Marketing

DISCRETIONARY USES

Accessory Building or Use up to 72.8 m^2 (784 ft^2) in the front yard of the principal building and/or prior to the establishment of the principal building or use
Accessory Building or Use over 72.8 m^2 (784 ft^2)
Canvas Covered Structure
Day Care Facility
Home Occupation – Class 2
Manufactured Home
Moved-In Building
Moved-In Dwelling
Multi-Unit Residential Building not exceeding 2 storeys
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Secondary Suite, Attached (in a Duplex / Semi-Detached Dwelling)
Secondary Suite, Detached
Short-Term Rental / Bed & Breakfast
Single-Detached Dwelling
Tourist Home

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
Duplex / Semi-Detached Dwelling (per building – i.e. for two units)	15.3	50	30.5	100	465.0	5,000
Single-Detached Dwelling	13.7	45	30.5	100	418.1	4,500
All other uses	As approved by the Subdivision Authority					

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
Duplex / Semi-Detached Dwelling	6.1	20	1.5	5	As approved by the Development Authority	
Corner lots	As approved by the Development Authority				As approved by the Development Authority	
All other uses	6.1	20	1.5	5		

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard	–	the actual front yard setback of the principal building
Side Yard, where building does not contain a Secondary Suite	–	0.6 m (2 ft)
Side Yard, where building contains a Secondary Suite	–	1.5 m (5 ft)
Rear Yard, where building does not contain a Secondary Suite,		
• laned or laneless	–	0.6 m (2 ft)
Rear Yard, where building contains a Secondary Suite,		
• laned	–	0.6 m (2 ft)
• laneless	–	1.5 m (5 ft)

5. MAXIMUM LOT COVERAGE RATIO

Principal building	–	40%
Accessory buildings	–	15%

6. MAXIMUM BUILDING HEIGHT

Principal building, up to two-storey, no walkout basement	–	10.0 m (32.8 ft)
Principal building, two-storey walk-out basement	–	13.0 m (42.7 ft)
Secondary Suite, Detached (above garage)	–	7.5 m (24.6 ft)
Secondary Suite, Detached (stand-alone structure)	–	5.0 m (16.4 ft)
Other accessory buildings	–	5.0 m (16.4 ft)

7. MINIMUM HABITABLE FLOOR AREA OF PRINCIPAL BUILDING

Duplex / Semi-Detached Dwelling (per unit)	–	74.3 m^2 (800 ft^2) habitable floor area
Single-Detached Dwelling	–	102 m^2 (1,100 ft^2) habitable floor area

8. SIDE YARD PROJECTIONS – See Schedule 4.

9. CORNER LOTS – See Schedule 4.

10. OFF-STREET PARKING AND LOADING – See Schedule 6.

11. RELOCATION OF BUILDINGS – See Schedule 7.

12. HOME OCCUPATIONS – See Schedule 8.

13. MANUFACTURED HOME DEVELOPMENT STANDARDS – See Schedule 9.

14. STANDARDS FOR SECONDARY SUITES – See Schedule 15.

15. STANDARDS FOR SHORT-TERM RENTAL/BED & BREAKFAST AND TOURIST HOME – See Schedule 17.

16. DEFINITIONS – See Schedule 18.

MEDIUM DENSITY RESIDENTIAL – R-2A

PURPOSE: *To provide for medium density residential environments by accommodating the development of predominantly Multi-Unit Residential Building up to two (2) storeys in height, while providing opportunity for additional land uses, including Multi-Unit Residential Building up to three (3) storeys in height and Apartment Building up to three (3) storeys in height, in accordance with Schedule 5.*

1. PERMITTED USES

Accessory Building or Use up to 72.8 m^2 (784 ft^2), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
Day Home
Duplex / Semi-Detached Dwelling
Exploratory Excavation / Grade Alteration / Stockpiling
Home Occupation – Class 1
Multi-Unit Residential Building not exceeding 2 storeys
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Secondary Suite, Attached (in a Duplex / Semi-Detached Dwelling or a Multi-Unit Residential Building)
Secondary Suite, Detached (on the lot of a Duplex / Semi-Detached Dwelling or a Multi-Unit Residential Building)
Sign – Types:
- Home Occupation
- Subdivision Entrance
- Subdivision or Development Marketing

DISCRETIONARY USES

Accessory Building or Use up to 72.8 m^2 (784 ft^2) in the front yard of the principal building and/or prior to the establishment of the principal building or use
Accessory Building or Use over 72.8 m^2 (784 ft^2)
Apartment Building not exceeding 3 storeys
Boarding House
Canvas Covered Structure
Day Care Facility
Home Occupation – Class 2
Multi-Unit Residential Building not exceeding 3 storeys
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Seniors Supportive Housing Facility
Short-Term Rental / Bed & Breakfast
Tourist Home

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
Duplex / Semi-Detached Dwelling (per building – i.e. for two units)	15.3	50	30.5	100	465.0	5,000
Apartment Building	24.4	80	30.5	100	743.2	8,000
Multi-Unit Residential Building – per unit						
– interior unit	6.1	20	30.5	100	185.8	2,000
– end unit	9.1	30	30.5	100	278.7	3,000
All other uses	As approved by the Subdivision Authority					

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
Duplex / Semi-Detached Dwelling	6.1	20	1.5	5	7.6	25
Multi-Unit Residential Building						
– interior unit	6.1	20	–	–	7.6	25
– end unit	6.1	20	3.0	10	7.6	25
All other uses	As approved by the Development Authority					

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard – the actual front yard setback of the principal building

Side Yard, where building does not contain a Secondary Suite – 0.6 m (2 ft)

Side Yard, where building contains a Secondary Suite – 1.5 m (5 ft)

Rear Yard where building does not contain a Secondary Suite,
- laned or laneless – 0.6 m (2 ft)

Rear Yard, where building contains a Secondary Suite,
- laned – 0.6 m (2 ft)
- laneless – 1.5 m (5 ft)

5. MAXIMUM LOT COVERAGE RATIO

Principal building – 50%

Accessory buildings – 15%

6. MAXIMUM BUILDING HEIGHT

Principal building, excluding Apartment Building and Multi-Unit Residential Building, up to 2-storey, no walkout basement – 10.0 m (32.8 ft)

Principal building, excluding Apartment Building and Multi-Unit Residential Building, up to 2-storey walk-out basement – 13.0 m (42.7 ft)

Apartment Building not exceeding 3 storeys – 14.0 m (45.9 ft)

Multi-Unit Residential Building not exceeding 2 storeys – 10.0 m (32.8 ft)

Multi-Unit Residential Building not exceeding 3 storeys – 14.0 m (45.9 ft)

Secondary Suite, Detached (above garage) – 7.5 m (24.6 ft)

Secondary Suite, Detached (stand-alone structure) – 5.0 m (16.4 ft)

Accessory buildings – 5.0 m (16.4 ft)

7. MINIMUM HABITABLE FLOOR AREA OF PRINCIPAL BUILDING

This district does not prescribe a minimum habitable floor area for principal buildings.

8. STANDARDS OF DEVELOPMENT – See Schedule 4.

9. STANDARDS FOR APARTMENT, MULTI-UNIT RESIDENTIAL AND MIXED-USE BUILDINGS – See Schedule 5.

10. **OFF-STREET PARKING AND LOADING** – See Schedule 6.

11. **RELOCATION OF BUILDINGS** – See Schedule 7.

12. **HOME OCCUPATIONS** – See Schedule 8.

13. **STANDARDS FOR SECONDARY SUITES –** See Schedule 15.

14. **STANDARDS FOR SHORT-TERM RENTAL/BED & BREAKFAST AND TOURIST HOME** – See Schedule 17.

15. **DEFINITIONS** – See Schedule 18.

HIGH DENSITY RESIDENTIAL – R-3

PURPOSE: *To provide for high density residential environments by accommodating the development of predominantly Apartment Building and Multi-Unit Residential Building in accordance with Schedule 5.*

1. PERMITTED USES

Accessory Building or Use up to 72.8 m^2 (784 ft^2), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
Apartment Building not exceeding 3 storeys
Boarding House
Exploratory Excavation / Grade Alteration / Stockpiling
Home Occupation – Class 1
Multi-Unit Residential Building not exceeding 3 storeys
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Secondary Suite, Attached (in a Multi-Unit Residential Building)
Secondary Suite, Detached (on the lot of a Multi-Unit Residential Building)
Sign – Types:
- Home Occupation
- Subdivision Entrance
- Subdivision or Development Marketing

DISCRETIONARY USES

Accessory Building or Use up to 72.8 m^2 (784 ft^2) in the front yard of the principal building and/or prior to the establishment of the principal building or use
Accessory Building or Use over 72.8 m^2 (784 ft^2)
Apartment Building exceeding 3 storeys
Canvas Covered Structure
Day Care Facility
Day Home
Extended Care Facility
Historic Auberge
Home Occupation – Class 2
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Seniors Supportive Housing Facility
Short-Term Rental / Bed & Breakfast
Tourist Home

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
Apartments – per building	24.4	80	30.5	100	743.2	8,000
Multi-Unit Residential Building – per unit						
– interior unit	6.1	20	30.5	100	185.8	2,000
– end unit	9.1	30	30.5	100	278.7	3,000
All other uses	As approved by the Subdivision Authority					

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
Apartment	6.1	20	As approved by the Development Authority		7.6	25
Multi-Unit Residential Building						
– interior unit	6.1	20	—	—	7.6	25
– end unit	6.1	20	3.0	10	7.6	25

All other uses	As approved by the Development Authority
Corner lots	See Schedule 4

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard	– the actual front yard setback of the principal building
Side Yard, where building does not contain a Secondary Suite	– 0.6 m (2 ft)
Side Yard, where building contains a Secondary Suite	– 1.5m (5 ft)
Rear Yard where building does not contain a Secondary Suite,	
• laned or laneless	– 0.6 m (2 ft)
Rear Yard, where building contains a Secondary Suite,	
• laned	– 0.6 m (2 ft)
• laneless	– 1.5 m (5 ft)

5. MAXIMUM LOT COVERAGE RATIO

Principal building	– 50%
Accessory buildings	– 15%

6. MAXIMUM BUILDING HEIGHT

Principal building, excluding Apartment Building, Historic Auberge and Multi-Unit Residential Building, up to two-storey, no walkout basement	– 10.0 m (32.8 ft)
Principal building, excluding Apartment Building, Historic Auberge and Multi-Unit Residential Building, up to 2-storey walk-out basement	– 13.0 m (42.7 ft)
Apartment Building and Historic Auberge not exceeding 3 storeys	– 14.0 m (45.9 ft)
Apartment Building and Historic Auberge exceeding 3 storeys	– as approved by the Development Authority
Multi-Unit Residential Building not exceeding 3 storeys	– 14.0 m (45.9 ft)
Secondary Suite, Detached (above garage)	– 7.5 m (24.6 ft)
Secondary Suite, Detached (stand-alone structure)	– 5.0 m (16.4 ft)
Accessory buildings	– 5.0 m (16.4 ft)

7. MINIMUM HABITABLE FLOOR AREA OF PRINCIPAL BUILDING

This district does not prescribe a minimum habitable floor area for principal buildings.

8. STANDARDS OF DEVELOPMENT – See Schedule 4.

9. STANDARDS FOR APARTMENT, MULTI-UNIT RESIDENTIAL AND MIXED-USE BUILDINGS – See Schedule 5.

10. OFF-STREET PARKING AND LOADING – See Schedule 6.

11. RELOCATION OF BUILDINGS – See Schedule 7.

12. **HOME OCCUPATIONS** – See Schedule 8.

13. **STANDARDS FOR SECONDARY SUITES –** See Schedule 15.

14. **STANDARDS FOR SHORT-TERM RENTAL/BED & BREAKFAST AND TOURIST HOME** – See Schedule 17.

15. **DEFINITIONS** – See Schedule 18.

MANUFACTURED HOME COMMUNITIES – R-4

PURPOSE: *To provide areas suitable for the location of a Manufactured Home Community (MHC) consisting of individually titled Manufactured Home lots (i.e. a subdivided MHC), or of Manufactured Home spaces held under a single certificate of title and offered for rent (i.e. an unsubdivided MHC), or in a bare land condominium subdivision, in accordance with an approved Comprehensive Site Development Plan.*

1. PERMITTED USES

Accessory Building or Use up to 72.8 m^2 (784 ft^2), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
Day Home
Exploratory Excavation / Grade Alteration / Stockpiling
Home occupation – Class 1
Manufactured Home, within an approved MHC
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Sign – Types:
- Home Occupation
- Subdivision Entrance
- Subdivision or Development Marketing

DISCRETIONARY USES

Accessory Building or Use up to 72.8 m^2 (784 ft^2) in the front yard of the principal building and/or prior to the establishment of the principal building or use
Accessory Building or Use over 72.8 m^2 (784 ft^2)
Canvas Covered Structure
Home Occupation – Class 2
Manufactured Home Community (MHC)
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Retail – Store, Small
Seniors Supportive Housing Facility
Short-Term Rental / Bed & Breakfast
Tourist Home

2. MINIMUM LOT SIZE IN A SUBDIVIDED MANUFACTURED HOME COMMUNITY (EXCLUDING A BARE LAND CONDOMINIUM SUBDIVISION) – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
Manufactured Home						
– single-wide	7.62	25	30.5	100	418.1	2,500
– double-wide	13.7	45	30.5	100	418.1	4,500
Corner lots	See Schedule 4					
Irregular lots	A development may be approved on a "pie-shaped" or irregular lot, parts of which are below the specified minimum lot width, provided that the front yard setback meets the minimum width, and provided the lot area and average dimensions otherwise equal or exceed the prescribed minimums.					
All other uses	As approved by the Subdivision Authority					

3. MINIMUM BUILDING YARD SETBACKS

3.1 To Property Lines or Plan Boundary, respectively, in an Unsubdivided Manufactured Home Community or in a Bare Land Condominium Subdivision

(a) Except for the perimeter boundary of the parcel or the bareland condominium plan of subdivision, the owner of an unsubdivided manufactured home community or a manufactured home community held in a bareland condominium subdivision may establish their own internal yard setbacks and other standards for principal buildings and accessory buildings in the community rules or in the bareland condominium association bylaws, pursuant to the standards established in Schedule 10 Manufactured Home Community Standards in this bylaw. For clarity, the building setback standards established in the R-4 district apply only to the perimeter property line of the parcel or the perimeter boundary of the bareland condominium plan of subdivision on which a Manufactured Home Community is located.

(b) Building Setbacks to Perimeter Property Line of the Unsubdivided Manufactured Home Community Parcel or the Perimeter Boundary of the Bareland Condominium Plan of Subdivision:

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All principal uses	3.0	9.8	3.0	9.8	3.0	9.8
Accessory Buildings	The actual front yard setback of the principal building		0.6	2.0	0.6	2.0

3.2 To Property Lines in a Subdivided Manufactured Home Community (Excluding A Bare Land Condominium Subdivision – see 3.1)

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All principal uses	6.1	20	1.5 (one side)	5	3.0	10
			3.0 (other side)	10		
Accessory Buildings	Not allowed in the front yard		0.6	2	0.6	2

4. MAXIMUM LOT COVERAGE RATIO

Principal building – 40%
Accessory buildings – 15%

5. MAXIMUM BUILDING HEIGHT

Principal building – 6.1 m (20 ft)
Accessory buildings – 5.0 m (16.4 ft)

6. STANDARDS OF DEVELOPMENT – See Schedule 4.

7. OFF-STREET PARKING AND LOADING – See Schedule 6.

8. RELOCATION OF BUILDINGS – See Schedule 7.

9. **HOME OCCUPATIONS** – See Schedule 8.

10. **MANUFACTURED HOME DEVELOPMENT STANDARDS** – See Schedule 9.

11. **MANUFACTURED HOME COMMUNITY DEVELOPMENT STANDARDS** – See Schedule 10.

12. **STANDARDS FOR SHORT-TERM RENTAL/BED & BREAKFAST AND TOURIST HOME –** See Schedule 17.

13. **DEFINITIONS** – See Schedule 18.

NARROW LOT RESIDENTIAL – R-5

PURPOSE: *To accommodate new residential development or infill on lots with narrower than conventional frontages.*

1. PERMITTED USES

Accessory Building or Use up to 40.5 m^2 (436 ft^2), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
Day Home
Exploratory Excavation / Grade Alteration / Stockpiling
Home Occupation – Class 1
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Sign – Types:
Home Occupation
Subdivision Entrance
Subdivision or Development Marketing
Single-Detached Dwelling

DISCRETIONARY USES

Accessory Building or Use up to 40.5 m^2 (436 ft^2) in the front yard of the principal building and/or prior to the establishment of the principal building or use
Accessory Building or Use over 40.5 m^2 (436 ft^2)
Canvas Covered Structure
Home Occupation – Class 2
Manufactured Home
Moved-In Building
Moved-In Dwelling
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Secondary Suite, Attached
Short-Term Rental / Bed & Breakfast
Tourist Home

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
Single-Detached Dwelling	7.6	25	30.5	100	232.3	2,500
All other uses	As approved by the Subdivision Authority					

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
Single-Detached Dwelling	6.1	20	1.2	4	7.6	25
All other principal uses	As approved by the Development Authority					

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard – the actual front yard setback of the principal building
Side Yard – 0.6 m (2 ft)
Rear Yard – 0.6 m (2 ft)

5. MAXIMUM LOT COVERAGE RATIO

Principal building – 40%
Accessory buildings – 15%

6. MAXIMUM BUILDING HEIGHT

Principal building, up to two-storey, no walkout basement	–	10.0 m (32.8 ft)
Principal building, two-storey walk-out basement	–	13.0 m (42.7 ft)
Accessory buildings	–	5.0 m (16.4 ft)

7. MINIMUM HABITABLE FLOOR AREA OF PRINCIPAL BUILDING

This district does not prescribe a minimum habitable floor area for principal buildings.

8. STANDARDS OF DEVELOPMENT – See Schedule 4.

9. OFF-STREET PARKING AND LOADING – See Schedule 6.

10. RELOCATION OF BUILDINGS – See Schedule 7.

11. CRITERIA FOR HOME OCCUPATIONS – See Schedule 8.

12. MANUFACTURED HOME DEVELOPMENT STANDARDS – See Schedule 9.

13. STANDARDS FOR SECONDARY SUITES – See Schedule 15.

14. STANDARDS FOR SHORT-TERM RENTAL/BED & BREAKFAST AND TOURIST HOME – See Schedule 17.

15. DEFINITIONS – See Schedule 18.

COMPREHENSIVE SKI VILLAGE – CSV

PURPOSE: *To provide for the development of residential, recreational and tourist-oriented land uses in a ski village.*

1. PERMITTED USES

Accessory Building or Use up to 72.8 m^2 (784 ft^2), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
Day Home
Duplex / Semi-Detached Dwelling
Exploratory Excavation / Grade Alteration / Stockpiling
Home Occupation – Class 1
Multi-Unit Residential Building
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Secondary Suite, Attached
Short-Term Rental / Bed & Breakfast
Single-Detached Dwelling
Sign – Types:
- Home Occupation
- Subdivision Entrance
- Subdivision or Development Marketing

DISCRETIONARY USES

Accessory Building or Use up to 72.8 m^2 (784 ft^2) in the front yard of the principal building and/or prior to the establishment of the principal building or use
Accessory Building or Use over 72.8 m^2 (784 ft^2)
Canvas Covered Structure
Day Care Facility
Home Occupation – Class 2
Manufactured Home
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Secondary Suite, Detached
Tourist Home

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
Single-Detached Dwelling	9.1	30	30.5	100	278.7	3,000
Duplex / Semi-Detached Dwelling – per unit	9.1	30	30.5	100	278.7	3,000
Multi-Unit Residential Building – per unit						
– interior unit	6.1	20	30.5	100	185.8	2,000
– end unit	9.1	30	30.5	100	278.7	3,000
All other uses	As approved by the Subdivision Authority					

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
Single-Detached Dwelling (see section 9)	0	0	1.5	5	3.0	10
Duplex / Semi-Detached Dwelling	3.0	10	1.5	5	3.0	10
Multi-Unit Residential Building						
– interior unit	6.1	20	–	–	7.6	25
– end unit	6.1	20	3.0	10	7.6	25
All other uses	As approved by the Development Authority					

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard	–	the actual front yard setback of the principal building
Side Yard, where building does not contain a Secondary Suite	–	0.6 m (2 ft)
Side Yard, where building contains a Secondary Suite	–	1.5 m (5 ft)
Rear Yard, where building does not contain a Secondary Suite,		
• laned or laneless	–	0.6 m (2 ft)
Rear Yard, where building contains a Secondary Suite,		
• laned	–	0.6 m (2 ft)
• laneless	–	1.5 m (5 ft)

5. MAXIMUM LOT COVERAGE RATIO

Principal building	–	40%
Accessory buildings	–	15%

6. SPECIFIED GRADING PLANS FOR LOTS IN SOUTHMORE

In the Southmore subdivision a grading plan has been approved for each lot. A development permit issued in this subdivision shall include the approved grading plan for the subject property, and development on that property shall comply with the approved grading plan. Any deviation from the approved grading plan shall be prohibited, unless a revised grading plan has been designed and approved by a professional engineer (see definition) to the Development Officer's satisfaction.

7. MAXIMUM BUILDING HEIGHT

Principal building, no walkout basement (except Multi-Unit Residential Building)	–	10.0 m (32.8 ft)
Principal building, walk-out basement (except Multi-Unit Residential Building)	–	13.0 m (42.6 ft)
Multi-Unit Residential Building	–	12.0 m (39.4 ft)
Secondary Suite, Detached (above garage)	–	7.5 m (24.6 ft)
Secondary Suite, Detached (stand-alone structure)	–	5.0 m (16.4 ft)
Other accessory buildings	–	5.0 m (16.4 ft)

8. MINIMUM HABITABLE FLOOR AREA OF PRINCIPAL BUILDING (per dwelling unit)

Single-Detached Dwelling	–	102 m^2 (1,100 ft^2) habitable floor area
Duplex / Semi-Detached Dwelling (per unit)	–	69.7 m^2 (750 ft^2) habitable floor area
All other uses	–	As approved by the Development Authority

9. ZERO FRONT YARD SETBACK VARIANCE – See Schedule 4 Variances and Prevention of Encroachments.

10. STANDARDS OF DEVELOPMENT – See Schedule 4.

11. STANDARDS FOR APARTMENT, MULTI-UNIT RESIDENTIAL AND MIXED-USE BUILDINGS – See Schedule 5.

12. **OFF-STREET PARKING AND LOADING** – See Schedule 6.

13. **RELOCATION OF BUILDINGS** – See Schedule 7.

14. **CRITERIA FOR HOME OCCUPATIONS** – See Schedule 8.

15. **MANUFACTURED HOME DEVELOPMENT STANDARDS** – See Schedule 9.

16. **SIGN STANDARDS** – See Schedule 11.

17. **STANDARDS FOR SECONDARY SUITES** – See Schedule 15.

18. **STANDARDS FOR SHORT-TERM RENTAL / BED & BREAKFAST AND TOURIST HOME** – see Schedule 17.

19. **DEFINITIONS** – See Schedule 18.

COMPREHENSIVE RESORT VILLAGE – CRV

PURPOSE: *To accommodate the development of a designated area within the municipality for multi-unit residential, recreational and related resort activities.*

1. PERMITTED USES

Accessory Building or Use up to 72.8 m^2 (784 ft^2), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
Exploratory Excavation / Grade Alteration / Stockpiling
Home Occupation – Class 1
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Secondary Suite, Attached
Short-Term Rental / Bed & Breakfast
Sign – Types:
- Home Occupation
- Subdivision Entrance
- Subdivision or Development Marketing

Single-Detached Dwelling

DISCRETIONARY USES

Accessory Building or Use up to 72.8 m^2 (784 ft^2) in the front yard of the principal building and/or prior to the establishment of the principal building or use
Accessory Building or Use over 72.8 m^2 (784 ft^2)
Canvas Covered Structure
Duplex / Semi-Detached Dwelling
Home Occupation – Class 2
Moved-In Building
Moved-In Dwelling
Multi-Unit Residential Building
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Secondary Suite, Detached
Tourist Home

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
Single-Detached Dwelling	9.1	30	30.5	100	278.7	3,000
Duplex / Semi-Detached – per unit	9.1	30	30.5	100	278.7	3,000
Multi-Unit Residential Building – per unit						
– interior unit	6.1	20	30.5	100	185.8	2,000
– end unit	9.1	30	30.5	100	278.7	3,000
All other uses	As approved by the Subdivision Authority					

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
Single-Detached Dwelling	3.0	10	1.5	5	3.0	10
Duplex / Semi-Detached Dwelling	3.0	10	1.5	5	3.0	10
Multi-Unit Residential Building						
– interior unit	6.1	20	–	–	7.6	25
– end unit	6.1	20	3.0	10	7.6	25
All other uses	As approved by the Development Authority					

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard	– the actual front yard setback of the principal building
Side Yard, where building does not contain a Secondary Suite	– 0.6 m (2 ft)
Side Yard, where building contained a Secondary Suite	– 1.5 m (5 ft)
Rear Yard, where building does not contain a Secondary Suite,	
• laned or laneless	– 0.6 m (2 ft)
Rear Yard, where building contains a Secondary Suite,	
• laned	– 0.6 m (2 ft)
• laneless	– 1.5 m (5 ft)

5. MAXIMUM LOT COVERAGE RATIO

Principal building	–	40%
Accessory buildings	–	15%

6. MAXIMUM BUILDING HEIGHT

Principal building, up to two-storey, no walkout basement	– 10.0 m (32.8 ft)
Principal building, two-storey walk-out basement	– 13.0 m (42.6 ft)
Multi-Unit Residential Building	– 12.0 m (39.4 ft)
Secondary Suite, Detached (above garage)	– 7.5 m (24.6 ft)
Secondary Suite, Detached (stand-alone structure)	– 5.0 m (16.4 ft)
Accessory buildings	– 5.0 m (16.4 ft)

7. MINIMUM HABITABLE FLOOR AREA OF PRINCIPAL BUILDING (per dwelling unit)

Single-Detached Dwelling	–	102 m^2 (1,100 ft^2) habitable floor area
Duplex / Semi-Detached Dwelling (per unit)	–	74.3 m^2 (800 ft^2) habitable floor area
All other uses	–	As approved by the Development Authority

8. STANDARDS OF DEVELOPMENT – See Schedule 4.

9. STANDARDS FOR APARTMENT, MULTI-UNIT RESIDENTIAL AND MIXED-USE BUILDINGS – See Schedule 5.

10. OFF-STREET PARKING AND LOADING – See Schedule 6.

11. RELOCATION OF BUILDINGS – See Schedule 7.

12. SIGN STANDARDS – See Schedule 11.

13. STANDARDS FOR SECONDARY SUITES – See Schedule 15.

14. STANDARDS FOR SHORT-TERM RENTAL / BED & BREAKFAST AND TOURIST HOME – see Schedule 17.

15. DEFINITIONS – See Schedule 18.

GROUPED COUNTRY RESIDENTIAL – GCR-1

PURPOSE: *To provide for clustered residential development where conflicts with adjacent uses can be mitigated.*

1. PERMITTED USES

Accessory Building or Use up to 95.2 m^2 (1024 ft^2), not prior to the establishment of the principal building or use
Day Home
Exploratory Excavation / Grade Alteration / Stockpiling
Home Occupation – Class 1
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Secondary Suite, Attached
Short-Term Rental / Bed & Breakfast
Sign – Types:
- Home Occupation
- Subdivision Entrance
- Subdivision or Development Marketing

Single-Detached Dwelling
Tree Felling, not within minimum yard setback

DISCRETIONARY USES

Accessory Building or Use up to 95.2 m^2 (1024 ft^2) prior to the establishment of the principal building or use
Accessory Building or Use over 95.2 m^2 (1024 ft^2)
Canvas Covered Structure
Home Occupation – Class 2
Manufactured Home
Moved-In Building
Moved-In Dwelling
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Secondary Suite, Detached
Tree Felling, within minimum yard setback
Tourist Home

2. LOT SIZE – see Schedule 4 section 16

Unserviced (private water wells and PSDS)	–	minimum 1.2 hectares (3 acres) or existing titles
	–	maximum 2.02 hectares (5.0 acres) or existing titles
Serviced (municipal water and wastewater)	–	minimum 0.405 hectares (1.0 acre)
	–	maximum 1.2 hectares (3 acres)

3. MINIMUM YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
Principal use	15.2	50	15.2	50	15.2	50
Accessory buildings	15.2	50	6.1	20	3.05	10
Tree Felling	The same as Accessory Buildings					

4. MAXIMUM BUILDING HEIGHT

Principal building, up to two-storey, no walkout basement	–	10.0 m (32.8 ft)
Principal building, two-storey walk-out basement	–	13.0 m (42.7 ft)
Secondary Suite, Detached (above garage)	–	7.5 m (24.6 ft)
Secondary Suite, Detached (stand-alone structure)	–	5.0 m (16.4 ft))
Other accessory buildings	–	5.0 m (16.4 ft)

5. **MINIMUM HABITABLE FLOOR AREA OF PRINCIPAL BUILDING**

Single-Detached Dwelling – 102 m^2 (1,100 ft^2) habitable floor area

6. **STANDARDS OF DEVELOPMENT** – See Schedule 4.

7. **OFF-STREET PARKING AND LOADING** – See Schedule 6.

8. **RELOCATION OF BUILDINGS** – See Schedule 7.

9. **HOME OCCUPATIONS** – See Schedule 8.

10. **MANUFACTURED HOME DEVELOPMENT STANDARDS** – See Schedule 9.

11. **STANDARDS FOR SECONDARY SUITES** – See Schedule 15.

12. **STANDARDS FOR SHORT-TERM RENTAL/BED & BREAKFAST AND TOURIST HOME** – See Schedule 17.

13. **DEFINITIONS** – See Schedule 18.

REDUCED IMPACT HOUSING – RIH

PURPOSE: *To provide for development opportunities that enhance housing affordability and reduce barriers to housing market entry by providing for a comprehensively planned, reduced impact, compact home community pursuant to an approved comprehensive site development plan or conceptual scheme.*

1. PERMITTED USES

Accessory Building 11.15 m^2 (120 ft^2), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use

Compact Home Community - a minimum of twenty and maximum of fifty grouped Single-Detached Dwellings, with habitable floor area subject to section 6 in this district

Home Occupation – Class 1

Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System

Sign – Types:
- Home Occupation
- Subdivision Entrance
- Subdivision or Development Marketing

Tourist Home (to a maximum of 10 percent of the total number of units as defined in the Comprehensive Site Development Plan)

DISCRETIONARY USES

Accessory Building or Use up to 22.3 m^2 (240 ft^2) in the front yard of the principal building and/or prior to the establishment of the principal building or use

Compact Home Community – more than fifty grouped Single-Detached Dwellings, with habitable floor area subject to section 6 in this district

Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System

Retail – Store, Small

Tourist Home (more than 10 percent to a maximum of 25 percent of the total number of units as defined in the Comprehensive Site Development Plan)

2. MINIMUM LOT SIZE

2.1 A parcel in this district held under a single certificate of title, and a parcel prior to bareland condominium subdivision, shall not be smaller than 4,047 m² (one acre).

3. MINIMUM BUILDING YARD SETBACKS

3.1 To Property Lines or Plan Boundary, respectively, in an Unsubdivided Compact Home Community or in a Bare Land Condominium Subdivision:

(a) Except for the perimeter boundary of the parcel or the bareland condominium plan of subdivision, the owner of an unsubdivided compact home community or a compact home community held in a bareland condominium subdivision may establish their own internal yard setbacks and other standards for principal buildings and accessory buildings. For clarity, the building setback standards established in the RIH district apply only to the perimeter property line of the parcel or the perimeter boundary of the bareland condominium plan of subdivision on which a compact home community is located.

(b) Building setbacks to perimeter property line of an unsubdivided compact home community parcel or the perimeter boundary of the bareland condominium plan of subdivision:

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All principal uses	10.0	32.8	6.0	19.7	6.0	19.7
Accessory Buildings	The actual front yard setback of the principal building		3.0	9.8	3.0	9.8

(c) Notwithstanding subsections (a) and (b), all buildings within a Compact Home Community, held either in a single certificate of title or a bare land condominium subdivision, shall comply with applicable building code requirements respecting fire separation, spatial separation, and related life-safety provisions, regardless of the internal yard setbacks established by the owner.

4. MAXIMUM LOT COVERAGE RATIO

Principal building – 55%
Accessory building – 10%

5. MAXIMUM BUILDING HEIGHT

Principal building – 9.75 m (32 ft)
Accessory buildings – 5.0 m (16.4 ft)

6. HABITABLE FLOOR AREA OF PRINCIPAL BUILDING

Maximum as a permitted use – 74 m² (800 ft²) habitable floor area (no variances)
Maximum as a discretionary use– 102 m² (1,100 ft²) habitable floor area (no variances)

7. STANDARDS OF DEVELOPMENT – See Schedule 4, and further, as defined in a Comprehensive Site Development Plan to the satisfaction of the Development Authority, to include the following:

(a) reduced impact residential stalls held under a single certificate of title (for rental) or reduced impact residential units held in a bareland condominium plan of subdivision (for purchase or rental);

(b) compact homes that are made available for rental on either a short-term or long-term basis or for purchase;

(c) a comprehensively planned layout, harmonious architecture, and enhanced homogenous landscaping and fencing;

(d) private community amenities and private recreation spaces; and

(e) private road (hard-surfaced) and private utility design standards that facilitate reduced financial investment by the end-purchaser while supporting a sustainable form of residential development.

8. OFF-STREET PARKING AND LOADING – As defined in an approved Comprehensive Site Development Plan.

9. RELOCATION OF BUILDINGS – See Schedule 7.

10. HOME OCCUPATIONS – See Schedule 8.

11. DEFINITIONS – See Schedule 18.

RETAIL COMMERCIAL – C-1

PURPOSE: *To provide an area suited for commercial uses which are compatible with historical main streets, and will maintain a strong central business district, while allowing a variety of other uses that may be determined to be compatible with this area depending on their locations and applicable mitigating measures.*

1. PERMITTED USES

- Accessory Building or Use up to 18.6 m^2 (200 ft^2), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
- Animal Care Service Facility, Small
- Arts and Crafts Studio
- Boarding House
- Cannabis Retail Sales
- Community Facility
- Exploratory Excavation / Grade Alteration / Stockpiling
- Financial Institution
- Food and/or Beverage Service
- Home occupation – Class 1
- Office
- Personal Service
- Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
- Recreation Facility, Indoor (Small)
- Retail – Store, Small
- Short-Term Rental / Bed & Breakfast, inside an approved dwelling unit
- Sign – Types:
  - A-board
  - Canopy
  - Fascia or Wall
  - Freestanding
  - Murals
  - Portable
  - Projecting
  - Subdivision or Development Marketing

DISCRETIONARY USES

- Accessory Building or Use up to 18.6 m^2 (200 ft^2) in the front yard of the principal building and/or prior to the establishment of the principal building or use
- Accessory Building or Use over 18.6 m^2 (200 ft^2)
- Canvas Covered Structure
- Cultural Establishment
- Day Care Facility, commercial
- Dwelling Unit, secondary to an established principal use on the subject parcel - (maximum 2 units)
- Entertainment Establishment
- Funeral Home
- Gaming or Gambling Establishment
- Hostel
- Hotel
- Medical and/or Dental Clinic
- Mixed-Use Building
- Mixed-Use Development
- Parking Facility
- Place of Worship
- Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
- Recreation Facility, Indoor (Large)
- Retail – Store, Large
- Shipping Container accessory to an established principal use on the subject parcel
- Sign – Types:
  - Roof
  - Third-Party
- Single-Detached Dwelling existing as of June 18, 2013
- Temporary Storage Yard
- Tourist Home, inside an approved dwelling unit
- Workshop

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
All uses	4.6	15	30.5	100	139.4	1,500

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All principal uses	none		none		7.6	25

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard – the actual front yard setback of the principal building
Side Yard – 0.9 m (3 ft)
Rear Yard – 0.9 m (3 ft)

5. MAXIMUM LOT COVERAGE RATIO

Principal building and accessory buildings – 80%.

6. MAXIMUM BUILDING HEIGHT

Principal building, excluding Mixed-Use Building	–	10.0 m (32.8 ft)
Mixed-Use Building not exceeding 3 storeys	–	14.0 m (45.9 ft)
Mixed-Use Building exceeding 3 storeys	–	As approved by the Development Authority
Accessory building	–	5.0 m (16.4 ft)

7. MAIN STREET GROUND FLOOR – See Schedule 4.

8. STANDARDS OF DEVELOPMENT – See Schedule 4.

9. OFF-STREET PARKING AND LOADING – See Schedule 6.

10. RELOCATION OF BUILDINGS – See Schedule 7.

11. SIGN STANDARDS – See Schedule 11.

12. ANIMAL CARE SERVICE FACILITY REGULATIONS – See Schedule 13.

13. SHIPPING CONTAINER / TRANSPORT TRAILER REGULATIONS – See Schedule 14.

14. HISTORIC COMMERCIAL AREAS – See the Historic Commercial Areas Overlay District (HCA-OD).

15. STANDARDS FOR SHORT-TERM RENTAL/BED & BREAKFAST AND TOURIST HOME – See Schedule 17.

16. DEFINITIONS – See Schedule 18.

DRIVE-IN COMMERCIAL – C-2

PURPOSE: *To accommodate development of commercial uses which require high visibility and accessibility from major transportation routes.*

1. PERMITTED USES

- Accessory Building or Use up to 18.6 m^2 (200 ft^2), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
- Animal Care Service Facility, Small
- Arts and Crafts Studio
- Building Supply Centre
- Cannabis Retail Sales
- Community Facility
- Cultural Establishment
- Exploratory Excavation / Grade Alteration / Stockpiling
- Financial Institution
- Food and/or Beverage Service
- Garden Centre
- Hotel
- Motel
- Office
- Personal Service
- Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
- Recreation Facility, Indoor (Small)
- Retail – Store, Small
- Service station
- Sign – Types:
  - A-board
  - Canopy
  - Fascia or Wall
  - Freestanding
  - Murals
  - Portable
  - Projecting
  - Subdivision or Development Marketing

DISCRETIONARY USES

- Accessory Building or Use up to 18.6 m^2 (200 ft^2) in the front yard of the principal building and/or prior to the establishment of the principal building or use
- Accessory Building or Use over 18.6 m^2 (200 ft^2)
- Auto Repair Shop
- Auto Sales and Service
- Boarding House
- Canvas Covered Structure
- Car Wash
- Contractor Services, Limited
- Drive-In Food Service
- Dwelling Unit, secondary to an established principal use on the subject parcel - (maximum 2 units)
- Entertainment Establishment
- Funeral Home
- Gaming or Gambling Establishment
- Hostel
- Machinery and Equipment Sales and Repair
- Medical and/or Dental Clinic
- Mixed-Use Building
- Mixed-Use Development
- Parking Facility
- Place of Worship
- Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
- Recreation Facility, Indoor (Large)
- Recreation Facility, Outdoor
- Recreational Vehicle and/or Manufactured Home Sales and Rentals
- Retail – Store, Large
- Shipping Container accessory to an established principal use on the subject parcel
- Short-Term Rental / Bed & Breakfast, inside an approved dwelling unit
- Sign – Types:
  - Roof
  - Third-Party
- Temporary Auto Sales
- Temporary Storage Yard
- Tourist Home, inside an approved dwelling unit
- Travel Plaza
- Warehouse
- Warehouse Store
- Workshop

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
All uses	27.4	90	50.3	165	1393.5	15,000

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All principal uses	9.1	30	6.1	20	6.1	20

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard – the actual front yard setback of the principal building
Side Yard – 1.2 m (4 ft)
Rear Yard – 1.2 m (4 ft)

5. MAXIMUM LOT COVERAGE RATIO

Principal building and accessory buildings – 40%.

6. MAXIMUM BUILDING HEIGHT

Principal building – 7.6 m (25 ft)
Accessory buildings – 5.0 m (16.4 ft)

7. STANDARDS OF DEVELOPMENT – See Schedule 4.

8. OFF-STREET PARKING AND LOADING – See Schedule 6.

9. RELOCATION OF BUILDINGS – See Schedule 7.

10. SIGN STANDARDS – See Schedule 11.

11. ANIMAL CARE SERVICE FACILITY REGULATIONS – See Schedule 13.

12. SHIPPING CONTAINER / TRANSPORT TRAILER REGULATIONS – See Schedule 14.

13. HISTORIC COMMERCIAL AREAS – See the Historic Commercial Areas Overlay District (HCA-OD).

14. STANDARDS FOR SHORT-TERM RENTAL/BED & BREAKFAST AND TOURIST HOME – See Schedule 17.

15. DEFINITIONS – See Schedule 18.

COMPREHENSIVE COMMERCIAL – C-3

PURPOSE: *To provide for commercial uses within a comprehensively planned development, which relies on factors such as location, access and serviceability.*

1. PERMITTED USES

Accessory Building or Use up to 18.6 m^2 (200 ft^2), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
Animal Care Service Facility, Small
Arts and Crafts Studio
Cannabis Retail Sales
Exploratory Excavation / Grade Alteration / Stockpiling
Financial Institution
Food and/or Beverage Service
Medical and/or Dental Clinic
Office
Personal Service
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Retail – Store, Small
Sign – Types:
- A-board
- Canopy
- Fascia or Wall
- Freestanding
- Murals
- Portable
- Projecting
- Subdivision or Development Marketing

DISCRETIONARY USES

Accessory Building or Use up to 18.6 m^2 (200 ft^2) in the front yard of the principal building and/or prior to the establishment of the principal building or use
Accessory Building or Use over 18.6 m^2 (200 ft^2)
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Retail – Store, Large
Retail – Shopping Mall
Sign – Types:
- Roof
- Third-Party

Temporary Auto Sales

2. MINIMUM LOT SIZE – see Schedule 4 section 16

As approved by the Subdivision Authority.

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

As approved by the Development Authority.

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard	–	the actual front yard setback of the principal building
Side Yard	–	1.2 m (4 ft)
Rear Yard	–	1.2 m (4 ft)

5. MAXIMUM BUILDING HEIGHT

Principal building	–	6.1 m (20 ft)
Accessory buildings	–	5.0 m (16.4 ft)

6. STANDARDS OF DEVELOPMENT – See Schedule 4.

7. OFF-STREET PARKING AND LOADING – See Schedule 6.

8. RELOCATION OF BUILDINGS – See Schedule 7.

9. SIGN STANDARDS – See Schedule 11.

10. ANIMAL CARE SERVICE FACILITY REGULATIONS – See Schedule 13.

11. HISTORIC COMMERCIAL AREAS – See the Historic Commercial Areas Overlay District (HCA-OD).

12. DEFINITIONS – See Schedule 18.

CANNABIS RETAIL COMMERCIAL – C-4

PURPOSE: *To provide an area suited for retail commercial uses which will both maintain a strong central business district and allow a variety of other suitable uses compatible with this area of the community.*

1. PERMITTED USES

Accessory Building or Use up to 18.6 m^2 (200 ft^2), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
Cannabis Retail Sales
Contractor Services, Limited
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Sign – Types:
- A-board
- Canopy
- Fascia or Wall
- Murals
- Portable
- Projecting

DISCRETIONARY USES

Accessory Building or Use up to 18.6 m^2 (200 ft^2) in the front yard of the principal building and/or prior to the establishment of the principal building or use
Accessory Building or Use over 18.6 m^2 (200 ft^2)
Office
Personal Service
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Retail – Store, Small
Retail – Store, Large
Sign – Types:
- Roof

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
All uses	4.6	15	30.5	100	139.4	1,500

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All principal uses	none	none	none	none	7.6	25

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard – the actual front yard setback of the principal building
Side Yard – 0.9 m (3 ft)
Rear Yard – 0.9 m (3 ft)

5. MAXIMUM LOT COVERAGE RATIO

Principal building and accessory buildings – 80%

6. MAXIMUM BUILDING HEIGHT

Principal building – 10.0 m (32.8 ft)
Accessory buildings – 5.0 m (16.4 ft)

7. **STANDARDS OF DEVELOPMENT** – See Schedule 4.

8. **OFF-STREET PARKING AND LOADING** – See Schedule 6.

9. **RELOCATION OF BUILDINGS** – See Schedule 7.

10. **SIGN STANDARDS** – See Schedule 11.

11. **HISTORIC COMMERCIAL AREAS** – See the Historic Commercial Areas Overlay District (HCA-OD).

12. **DEFINITIONS** – See Schedule 18.

COMPREHENSIVE MIXED USE – CM-1

PURPOSE: *To provide for a comprehensively planned destination that offers a mix of Mixed-Use Buildings with an active ground floor development and a variety of commercial, business, tourism and multi-unit residential uses, shared parking and amenities.*

1. PERMITTED USES

Accessory Building or Use up to 18.6 m^2 (200 ft^2), not prior to the establishment of the principal building or use
Animal Care Service Facility, Small
Apartment Building not exceeding 4 storeys or 17.3m (56.9ft)
Arts and Crafts Studio
Cannabis Retail Sales
Exploratory Excavation / Grade Alteration / Stockpiling
Financial Institution
Food and/or Beverage Service
Home Occupation – Class 1
Hotel
Medical and/or Dental Clinic
Mixed-Use Building not exceeding 4 storeys or 17.3 m (56.9 ft)
Mixed-Use Development
Office
Personal Service
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Recreation Facility, Indoor (Small)
Retail – Store, Small
Retail – Store, Large
Sign – Types:
- A-board
- Canopy
- Fascia or Wall
- Freestanding
- Home Occupation
- Murals
- Portable
- Projecting
- Subdivision or Development Marketing

DISCRETIONARY USES

Accessory Building or Use up to 18.6 m^2 (200 ft^2) prior to the establishment of the principal building or use
Accessory Building or Use over 18.6 m^2 (200 ft^2)
Apartment Building exceeding 4 storeys or 17.3m (56.9ft)
Community Facility
Cultural Establishment
Drive-In Food Service
Entertainment Establishment
Home Occupation – Class 2
Mixed-Use Building exceeding 4 storeys or 17.3 m (56.9 ft
Multi-Unit Residential Building
Parking Facility
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Recreation Facility, Indoor (Large)

2. MINIMUM LOT SIZE – see Schedule 4 section 16

0.4 hectares (1 acre)

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All principal uses	To be determined in a Comprehensive Site Development Plan.					

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All accessory buildings	To be determined in a Comprehensive Site Development Plan.					

5. MAXIMUM BUILDING HEIGHT

Mixed-Use Building not exceeding 4 storeys	–	17.3 m (56.9 ft)
Mixed-Use Building exceeding 4 storeys	–	As approved by the Development Authority
Other Principal Building	–	14 m (45.9 ft)
Accessory Building	–	5.0 m (16.4 ft)

6. STANDARDS OF DEVELOPMENT

(a) All development shall comply with the following Schedules, as applicable:
- (i) Schedule 4 (Standards of Development);
- (ii) Schedule 5 (Standards for Apartment, Multi-Unit Residential and Mixed-Use Buildings; and
- (iii) Schedule 8 (Criteria for Home Occupations).

(b) In addition to the above Schedules, the following development standards shall apply:
- (i) All buildings shall include 2 or more uses;
- (ii) Uses on ground floor shall include active commercial or retail uses that contribute to street-level pedestrian activity;
- (iii) Blank walls and loading areas shall be located to the side or rear of the building.

(c) The applicant shall, at no cost to the Municipality and to the Development Authority's satisfaction, prepare a Comprehensive Site Development Plan to the standard established in Schedule 4, prior to the approval of a development permit application.

7. OFF-STREET PARKING AND LOADING

All development shall comply with the Off-Street Parking and Loading Area Standards Schedule of this Bylaw – the number of parking spaces to be provided shall be specified in the Comprehensive Site Development Plan, and shall be supported by a qualified transportation engineering review (including an assessment of the need for Recreational Vehicle parking stalls if deemed appropriate or necessary by the Development Authority).

8. RELOCATION OF BUILDINGS – See Schedule 7.

9. SIGN STANDARDS – See Schedule 11.

10. ANIMAL CARE SERVICE FACILITY REGULATIONS – See Schedule 13.

11. DEFINITIONS – See Schedule 18.

INDUSTRIAL – I-1

PURPOSE: *To provide a broad range of industrial, manufacturing and storage use whereby the location of individual uses will have regard to both the effect on adjacent uses and the ability to provide adequate services to the site.*

1. PERMITTED USES

Accessory Building or Use up to 18.6 m^2 (200 ft^2), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
Animal Care Service Facility, Small
Arts and Crafts Studio
Auction Market
Auto Body and Paint Shop
Auto Repair Shop
Auto Sales and Service
Building Supply Centre
Car Wash
Contractor Services, Limited
Contractor Services, General
Exploratory Excavation / Grade Alteration / Stockpiling
Farm Supplies and Service
Garden Centre
Light Manufacturing
Machinery and Equipment Sales and Repair
Mini Storage Facility
Moved-In Building
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Recreation Facility, Indoor (Small)
Recreational Vehicle and/or Manufactured Home Sales and Rentals
Recreational Vehicle Storage
Retail – Accessory
Sign – Types:
- A-board
- Canopy
- Fascia or Wall
- Freestanding
- Murals
- Portable
- Projecting
- Subdivision or Development Marketing

DISCRETIONARY USES

Accessory Building or Use up to 18.6 m^2 (200 ft^2) in the front yard of the principal building and/or prior to the establishment of the principal building or use
Accessory Building or Use over 18.6 m^2 (200 ft^2)
Agriculture-Related Industry
Airport
Animal Care Service Facility, Large
Auction Market, Livestock
Auto Wreckage and Salvage
Bottling Plant
Bulk Fertilizer Storage and Sales
Bulk Fuel Sales and Storage
Canvas Covered Structure
Community Facility
Drive-In Theatre
Dwelling Unit, secondary to an established principal use on the subject parcel
Funeral Home
Outdoor Storage
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Recreational Facility, Indoor (Large)
Recreational Facility, Outdoor
Recycling Facility
Renewable Energy Operation
Resource Processing
Shipping Container accessory to an established principal use on the subject parcel
Security or Operator Dwelling Unit
Sign – Types:
- Roof
- Third-Party

Temporary Storage Yard
Transportation Terminal
Travel Plaza
Warehouse
Warehouse Store
Work Camp
Workshop

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
All uses	15.2	50	30.5	100	557.4	6,000

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All principal uses	7.6	25	3.0	10	7.6	25
Corner lot	7.6	25	4.6	15	7.6	25

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard – the actual front yard setback of the principal building

Side Yard – 1.5 m (5 ft)

Rear Yard – 1.5 m (5 ft)

5. MAXIMUM BUILDING HEIGHT

Principal building – 10 m (32.8 ft)

Accessory buildings – 7.6 m (25 ft)

6. STANDARDS OF DEVELOPMENT – See Schedule 4.

7. OFF-STREET PARKING AND LOADING – See Schedule 6.

8. RELOCATION OF BUILDINGS – See Schedule 7.

9. SIGN STANDARDS – See Schedule 11.

10. STANDARDS FOR RENEWABLE ENERGY OPERATIONS – See Schedule 12.

11. ANIMAL CARE SERVICE FACILITY REGULATIONS – See Schedule 13.

12. SHIPPING CONTAINER / TRANSPORT TRAILER REGULATIONS – See Schedule 14.

13. WORK CAMP REGULATIONS – See Schedule 16.

14. DEFINITIONS – See Schedule 18.

SENTINEL INDUSTRIAL PARK – SIP-1

PURPOSE: *To accommodate industrial uses that are suitable for the Sentinel area, having regard to Municipal Development Plan policy respecting the lack of water and wastewater infrastructure as well as access and egress considerations in the context of the ultimate freeway plan and future interchange for Highway 3.*

1. PERMITTED USES

Accessory Building or Use up to 18.6 m^2 (200 ft^2), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
Arts and Crafts Studio
Auction Market
Auto Body and Paint Shop
Auto Repair Shop
Auto Sales and Service
Building Supply Centre
Cannabis Production Facility
Contractor Services, Limited
Contractor Services, General
Exploratory Excavation / Grade Alteration / Stockpiling
Farm Supplies and Service
Light Manufacturing
Machinery and Equipment Sales and Repair
Mini Storage Facility
Moved-In Building
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Recreation Facility, Indoor (Small)
Recreational Vehicle and/or Manufactured Home Sales and Rentals
Recreational Vehicle Storage
Retail – Accessory
Sign – Types:
A-board
Canopy
Fascia or Wall
Freestanding
Murals
Portable
Projecting
Subdivision or Development Marketing

DISCRETIONARY USES

Accessory Building or Use up to 18.6 m^2 (200 ft^2) in the front yard of the principal building and/or prior to the establishment of the principal building or use
Accessory Building or Use over 18.6 m^2 (200 ft^2)
Agriculture-Related Industry
Airport
Animal Care Service Facility, Large
Auction Market, Livestock
Auto Wreckage and Salvage
Bottling Plant
Bulk Fertilizer Storage and Sales
Bulk Fuel Sales and Storage
Canvas Covered Structure
Community Facility
Drive-In Theatre
Dwelling Unit, secondary to an established principal use on the subject parcel
Funeral Home
Garden Centre
Outdoor Storage
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Recreational Facility, Indoor (Large)
Recreational Facility, Outdoor
Recycling Facility
Renewable Energy Operation
Resource Processing
Shipping Container accessory to an established principal use on the subject parcel
Security or Operator Dwelling Unit
Sign – Types:
Roof
Third-Party
Temporary Storage Yard
Transportation Terminal
Travel Plaza
Warehouse
Warehouse Store
Work Camp
Workshop

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
All uses	30.0	98.4	70.0	229.7	2,100	22,605

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All principal uses	9.1	30	3.0	10	3.0	10

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard – the actual front yard setback of the principal building
Side Yard – 1.5 m (5 ft)
Rear Yard – 1.5 m (5 ft)

5. MAXIMUM BUILDING HEIGHT

Principal building – As approved by the Development Authority
Accessory buildings – 7.6 m (25 ft)

6. STANDARDS OF DEVELOPMENT – See Schedule 4.

7. OFF-STREET PARKING AND LOADING – See Schedule 6.

8. RELOCATION OF BUILDINGS – See Schedule 7.

9. SIGN STANDARDS – See Schedule 11.

10. STANDARDS FOR RENEWABLE ENERGY OPERATIONS – See Schedule 12.

11. ANIMAL CARE SERVICE FACILITY REGULATIONS – See Schedule 13.

12. SHIPPING CONTAINER / TRANSPORT TRAILER REGULATIONS – See Schedule 14.

13. WORK CAMP REGULATIONS – See Schedule 16.

14. **DEFINITIONS** – See Schedule 18.

RECREATION AND OPEN SPACE – RO-1

PURPOSE: *To provide for institutional uses, public parks and open space within the municipality.*

1. PERMITTED USES

Accessory Building or Use up to 18.6 m^2 (200 ft^2), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
Exploratory Excavation / Grade Alteration / Stockpiling
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Public Open Space
Recreation Facility, Indoor (Small)
Recreation Facility, Outdoor
Sign – Types:
- A-board
- Fascia or Wall
- Freestanding
- Murals
- Portable
- Projecting

DISCRETIONARY USES

Accessory Building or Use up to 18.6 m^2 (200 ft^2) in the front yard of the principal building and/or prior to the establishment of the principal building or use
Accessory Building or Use over 18.6 m^2 (200 ft^2)
Canvas Covered Structure
Cemetery
Community Facility
Cultural Establishment
Emergency Service
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Recreation Facility, Indoor (Large)
Shipping Container accessory to an established principal use on the subject parcel, and subject to location on land owned by government, for government use or under a lease agreement with government
Sign – Types:
- Roof
- Third-Party

2. MINIMUM LOT SIZE – see Schedule 4 section 16

As approved by the Subdivision Authority.

3. MINIMUM YARD SETBACKS

As approved by the Development Authority.

4. MAXIMUM BUILDING HEIGHT

Principal building	–	7.6 m (25 ft)
Accessory buildings	–	5.0 m (16.4 ft)

5. MAXIMUM LOT COVERAGE RATIO

As approved by the Development Authority.

6. STANDARDS OF DEVELOPMENT – See Schedule 4.

7. OFF-STREET PARKING AND LOADING – See Schedule 6.

8. SHIPPING CONTAINER / TRANSPORT TRAILER REGULATIONS – See Schedule 14.

9. DEFINITIONS – See Schedule 18.

PUBLIC – P-1

PURPOSE: *To provide for institutional, public and semi-public uses which are compatible with each other and adjoining land uses.*

1. PERMITTED USES

Accessory Building or Use up to 18.6 m^2 (200 ft^2), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
Community Facility
Emergency Service
Exploratory Excavation / Grade Alteration / Stockpiling
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Public Open Space
Recreation Facility, Indoor (Small)
Sign – Types:
- A-board
- Fascia or Wall
- Freestanding
- Murals
- Portable
- Projecting

DISCRETIONARY USES

Accessory Building or Use up to 18.6 m^2 (200 ft^2) in the front yard of the principal building and/or prior to the establishment of the principal building or use
Accessory Building or Use over 18.6 m^2 (200 ft^2)
Canvas Covered Structure
Cemetery
Cultural Establishment
Extended Care Facility
Health Care Facility
Medical and/or Dental Clinic
Place of Worship
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Recreation Facility, Indoor (Large)
Recreation Facility, Outdoor
Seniors Supportive Housing Facility
Shipping Container accessory to an established principal use on the subject parcel, and subject to location on land owned by government, for government use or under a lease agreement with government
Sign – Types:
- Roof
- Third-Party

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
All uses	13.7	45	30.5	100	418.1	4,500

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All uses	4.6	15	1.5	5	3.0	10

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard – the actual front yard setback of the principal building
Side Yard – 0.9 m (3 ft)
Rear Yard – 0.9 m (3 ft)

5. MAXIMUM BUILDING HEIGHT

Principal building	–	7.6 m (25 ft)
Accessory buildings	–	5.0 m (16.4 ft)

6. MAXIMUM LOT COVERAGE RATIO

Principal building	–	40%
Accessory buildings	–	10%

7. STANDARDS OF DEVELOPMENT – See Schedule 4.

8. OFF-STREET PARKING AND LOADING – See Schedule 6.

9. SIGN STANDARDS – See Schedule 11.

10. SHIPPING CONTAINER / TRANSPORT TRAILER REGULATIONS – See Schedule 14.

11. DEFINITIONS – See Schedule 18.

URBAN TOURISM ACCOMMODATION & RECREATION – UTAR

PURPOSE: *To provide for a variety of tourism accommodation and recreation experiences primarily within or on the edges of the urban areas of the community for tourists to experience the urban centres and local recreation opportunities, in comprehensively planned and designed destination areas by assigning the majority of uses as discretionary to address site-specific compatibility with the use and enjoyment of adjacent properties.*

1. PERMITTED USES

Accessory Building or Use up to 18.6 m^2 (200 ft^2), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
Exploratory Excavation / Grade Alteration / Stockpiling
Home Occupation – Class 1
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Sign – Types:
- A-board
- Fascia or Wall
- Freestanding
- Murals
- Portable
- Projecting
- Subdivision or Development Marketing

Tree Felling, not within minimum yard setback

DISCRETIONARY USES

Accessory Building or Use up to 18.6 m^2 (200 ft^2) in the front yard of the principal building and/or prior to the establishment of the principal building or use
Accessory Building or Use over 18.6 m^2 (200 ft^2)
Boarding House
Cultural Establishment
Entertainment Establishment
Food and Beverage Services
Home Occupation – Class 2, restricted to an established Security or Operator Dwelling Unit
Hostel
Hotel
Mixed-use Building
Motel
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Recreation Facility, Indoor (Small)
Security or Operator Dwelling Unit
Sign – Types:
- Roof
- Third-Party

Tourism Accommodation, Small
Tree Felling, within minimum yard setback

2. LOT SIZE – see Schedule 4 section 16

- Minimum - this district does not establish a minimum lot size.
- Maximum – 1.21 ha (3.0 acres, which may be varied by the Development Authority or the Subdivision Authority having regard for site-specific circumstances.

3. MINIMUM YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All uses including Tree Felling	As approved by the Development Authority in a Comprehensive Site Development Plan					

4. MAXIMUM LOT COVERAGE RATIO

As approved by the Development Authority in a Comprehensive Site Development Plan.

5. **MAXIMUM BUILDING HEIGHT**

As approved by the Development Authority in a Comprehensive Site Development Plan, having consideration for the typical building height in the neighbourhood.

6. **MINIMUM HABITABLE FLOOR AREA OF PRINCIPAL BUILDING**

This district does not establish a minimum habitable floor area.

7. **STANDARDS OF DEVELOPMENT** - See Schedule 4

- The applicant for a Tourism Accommodation shall prepare a Comprehensive Site Development Plan to the satisfaction of the Development Authority.
- Servicing: with the exceptions provided for in Schedule 4 subsection 21.2, a Tourism Accommodation, Small in the UTAR district **shall** be connected to a municipal service connection for water supply and wastewater disposal to provide either, or a combination of, collective servicing of units and/or communal washrooms and wastewater dumping stations, for either year-round and/or seasonal operation.

8. **OFF-STREET PARKING AND LOADING** – no parking is allowed on public roads - see Schedule 6.

9. **RELOCATION OF BUILDINGS** – See Schedule 7.

10. **SIGN STANDARDS** – See Schedule 11.

11. **DEFINITIONS** – See Schedule 18.

NON-URBAN TOURISM ACCOMMODATION & RECREATION – NUTAR

PURPOSE: *To provide for a variety of tourism accommodation and recreation experiences primarily outside or on the edges of the urban areas of the community for tourists to experience the broader community and regional outdoor recreation opportunities, in comprehensively planned and designed destination areas by assigning the majority of uses as discretionary to address site-specific compatibility with the use and enjoyment of adjacent properties.*

1. PERMITTED USES

Accessory Building or Use up to 18.6 m^2 (200 ft^2), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
Exploratory Excavation / Grade Alteration / Stockpiling
Home Occupation – Class 1
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Recreation Facility, Indoor (Small)
Sign – Types:
- A-board
- Fascia or Wall
- Freestanding
- Murals
- Portable
- Projecting
- Subdivision or Development Marketing

Tree Felling, not within minimum yard setback

DISCRETIONARY USES

Accessory Building or Use up to 18.6 m^2 (200 ft^2) in the front yard of the principal building and/or prior to the establishment of the principal building or use
Accessory Building or Use over 18.6 m^2 (200 ft^2)
Boarding House
Cultural Establishment
Drive-in Theatre
Entertainment Establishment
Food and Beverage Services
Home Occupation – Class 2, restricted to an established Security or Operator Dwelling Unit
Hostel
Hotel
Mixed-use Building
Motel
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Recreation Facility, Indoor (Large)
Recreation Facility, Outdoor
Recreational Vehicle Storage
Riding Arena / Rodeo Ground
Security or Operator Dwelling Unit
Sign – Types:
- Roof
- Third-Party

Tourism Accommodation, Large
Tourism Accommodation, Small
Tree Felling, within minimum yard setback

2. LOT SIZE – see Schedule 4 section 16

This district does not establish a minimum or maximum lot size.

3. MINIMUM YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All uses including Tree Felling	As approved by the Development Authority in a Comprehensive Site Development Plan					

4. **MAXIMUM LOT COVERAGE RATIO**

As approved by the Development Authority in a Comprehensive Site Development Plan.

5. **MAXIMUM BUILDING HEIGHT**

As approved by the Development Authority in a Comprehensive Site Development Plan, having consideration for the typical building height in the neighbourhood.

6. **MINIMUM HABITABLE FLOOR AREA OF PRINCIPAL BUILDING**

This district does not establish a minimum habitable floor area.

7. **STANDARDS OF DEVELOPMENT** - See Schedule 4

- The applicant for a Tourism Accommodation shall prepare a Comprehensive Site Development Plan to the satisfaction of the Development Authority.
- Notwithstanding anything to the contrary in this bylaw, when a Tourism Accommodation (Small or Large) that contains camping accommodation units is approved in an urban growth node described in Policy 3.1.7 of the Municipal Development Plan the camping accommodation units must be held under a form of ownership that encourages long-term occupancy or control of occupancy (versus random short-term rental).
- Servicing: A Tourism Accommodation (Small or Large) in the NUTAR district **may** be connected to a municipal service connection for water supply and wastewater disposal to provide either, or a combination of, collective servicing of units and/or communal washrooms and wastewater dumping stations, for either year-round and/or seasonal operation, except that a Tourism Accommodation in the NUTAR district that is approved in an urban growth node pursuant to subsection 42.3 in Schedule 4 **shall** be connected to a municipal service connection for water supply and wastewater disposal to provide collective servicing of units for year-round operation.

8. **OFF-STREET PARKING AND LOADING** – no parking is allowed on public roads - see Schedule 6.

9. **RELOCATION OF BUILDINGS** – See Schedule 7.

10. **SIGN STANDARDS** – See Schedule 11.

11. **DEFINITIONS** – See Schedule 18.

NON-URBAN AREA – NUA-1

PURPOSE: *To ensure that these areas, typically on the periphery of existing development, allow only restricted uses and maintain parcels of large sizes to provide maximum flexibility for use and development if or when the land is used for urban development.*

1. PERMITTED USES

Accessory Building or Use up to 72.8 m^2 (784 ft^2), not prior to the establishment of the principal building or use
Agriculture
Exploratory Excavation / Grade Alteration / Stockpiling
Home Occupation – Class 1
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Secondary Suite, Attached
Short-Term Rental / Bed & Breakfast, inside an approved dwelling unit
Sign – Types:
- Fascia or Wall
- Freestanding
- Murals
- Portable
- Projecting

Tree Felling, not within minimum yard setback

DISCRETIONARY USES

Accessory Building or Use up to 72.8 m^2 (784 ft^2) prior to the establishment of the principal building or use
Accessory Building or Use over 72.8 m^2 (784 ft^2)
Animal Care Service Facility, Large
Animal Care Service Facility, Small
Auction Market
Auction Market, Livestock
Canvas Covered Structure
Contractor Services, Limited
Contractor Services, General
Drive-In Theatre
Home Occupation – Class 2
Intensive Horticultural Operation
Manufactured Home
Moved-In Building
Moved-In Dwelling
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Recreational Vehicle Storage
Renewable Energy Operation
Resource Extraction
Resource Processing
Riding Arena / Rodeo Ground
Secondary Suite, Detached
Sign – Types:
- Roof
- Third-Party

Single-Detached Dwelling
Tourist Home, inside an approved dwelling unit
Tree Felling, within minimum yard setback
Work Camp

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Contractor Services, General	–	2.0 hectares (5 acres)
Other uses	–	1.2 hectares (3 acres) or existing titles

3. MINIMUM YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
Principal use including principal structures under "Agriculture"	15.2	50	15.2	50	15.2	50
Accessory buildings	15.2	50	6.1	20	3.05	10
Tree Felling	The same as Accessory Buildings					

4. MAXIMUM BUILDING HEIGHT

Principal building, up to two-storey, no walkout basement	–	10.0 m (32.8 ft)
Principal building, two-storey walk-out basement	–	13.0 m (42.6 ft)
Secondary Suite, Detached (above garage)	–	7.5 m (24.6 ft)
Secondary Suite, Detached (stand-alone structure)	–	6.1 m (20.0 ft)
Other accessory buildings	–	6.1 m (20.0 ft)
Principal Structures under "Agriculture"	–	No maximum

5. MINIMUM HABITABLE FLOOR AREA OF PRINCIPAL BUILDING

Single-Detached Dwelling – 102 m^2 (1,100 ft^2) habitable floor area

6. STANDARDS OF DEVELOPMENT – See Schedule 4.

7. OFF-STREET PARKING AND LOADING – See Schedule 6.

8. RELOCATION OF BUILDINGS – See Schedule 7.

9. CRITERIA FOR HOME OCCUPATIONS – See Schedule 8.

10. MANUFACTURED HOME DEVELOPMENT STANDARDS – See Schedule 9.

11. SIGN STANDARDS – See Schedule 11.

12. STANDARDS FOR RENEWABLE ENERGY OPERATIONS – See Schedule 12.

13. ANIMAL CARE SERVICE FACILITY REGULATIONS – See Schedule 13.

14. STANDARDS FOR SECONDARY SUITES – See Schedule 15.

15. STANDARDS FOR SHORT-TERM RENTAL / BED & BREAKFAST AND TOURIST HOME – see Schedule 17.

16. DEFINITIONS – See Schedule 18.

HISTORIC COMMERCIAL AREAS OVERLAY DISTRICT (HCA-OD)

PURPOSE: *To promote and preserve the significance of historic commercial areas by facilitating development that is designed and constructed in a manner that respects the sense of place evoked by these areas, reinforces the character of these areas, and promotes a high quality of development.*

1. PERMITTED USES: Those uses listed as permitted in the underlying land use district.

2. DISCRETIONARY USES: Those uses listed as discretionary in the underlying land use district.

3. APPLICATION:

3.1 The extent of the Overlay District generally corresponds with the Main Streets and associated Downtown areas of Bellevue, Blairmore, and Coleman, as identified in the attached maps.

3.2 The regulations in this District apply to:

- demolition
- new construction,
- addition
- a proposed change of use or occupancy,
- renovation,
- alteration,
- new signage or a change to existing signage,
- maintenance, or
- improvement

to a building on a property that is located in this Overlay District, of which the ***current façade*** and/or the inventoried character defining elements are likely to be affected or changed by the proposed work, in the sole discretion of the Development Officer.

3.3 Applications for the type of work listed in section 3.2 shall be referred by the Development Officer to the Municipal Historic Resources Advisory Committee for review and comment.

3.4 Where applicable the application must be accompanied by complete drawings to the satisfaction of the Development Officer. Complete drawings shall be to scale and shall consist of a site plan, full elevation drawings (including colours, materials etc.), floor plan, landscaping plan, and a statement from the developer as to how the application satisfies the purpose statement of this District.

3.5 Based on the nature of the work (renovation, maintenance, improvement) the Development Officer may determine that an application is best suited to be processed as an approval instead of a development permit, provided that the application shall still be referred to the Municipal Historic Resources Advisory Committee as may be required.

4. GENERAL DEVELOPMENT REGULATIONS:

Buildings Listed in the Heritage Management Plan Inventory that are not Designated as Municipal or Provincial Historic Resources

4.1 The Development Authority in consultation with the Municipal Historic Resources Advisory Committee may refuse an application to demolish or undertake work that may alter the known character defining elements of ***an inventoried building that is not designated as a Municipal or Provincial Historic Resource***, or may approve such an application on the condition that the applicant preserve and incorporate those elements as part of the development or provide photographs and other relevant artefacts for preservation and historical record (the character defining elements are stated in the Heritage Management Plan Inventory).

Buildings Designated as Municipal Historic Resources

4.2 The Development Officer in consultation with the Municipal Historic Resources Advisory Committee (and Council, as deemed necessary) may refuse an application to demolish or undertake work that may alter the known character defining elements of ***a building that is designated as a Municipal Historic Resource***, or may approve such an application on the condition that the applicant preserve and incorporate those elements as part of the development or provide photographs and other relevant artefacts for preservation and historical record (the character defining elements are attached to the designation bylaw).

Buildings Designated as Provincial Municipal Historic Resources

4.3 A proposal for the demolition, addition, renovation, alteration, new signage or a change to existing signage, maintenance, or improvement to ***a building that is designated as a Provincial Historic Resource shall be*** accompanied by written approval from the Heritage Conservation Adviser, Southern Region, Alberta Arts, Culture and Status of Women (or applicable alternative as amended from time to time), or a demonstration satisfactory to the Development Officer that the proponent is in consultation with the Heritage Conservation Adviser regarding the proposed work.

Property within the Boundaries of the Coleman National Historic Site of Canada

4.4 A proposal for the demolition, addition, renovation, alteration, new signage or a change to existing signage, maintenance, or improvement to property or ***a building in the boundaries of the Coleman National Historic Site of Canada should be*** accompanied by written approval from the appropriate federal government agency, or a demonstration satisfactory to the Development Officer that the proponent is in consultation with the agency regarding the proposed work.

Design Guidelines for the Crowsnest Pass Historic District

4.5 New commercial and residential development and redevelopment shall be of a style, design and quality that respects and complements existing buildings in the historic commercial area, to the satisfaction of the Development Authority in consultation with the Municipal Historic Resources Advisory Committee. For this purpose, new commercial and residential development, additions, or renovation should have regard for the guidelines in Section 3, *"Main Street Buildings in the Crowsnest Pass"*, and Section 4, *"New Construction in the Historic District"* of the ***"Design Guidelines for the Crowsnest Pass Historic District"*** document developed in or around 1990 by the Crowsnest Pass Ecomuseum Trust Society and the Alberta Historical Resources Foundation as part of the Alberta Main Street Programme.

Mixed Use Buildings

4.6 The development of a new Mixed-use Building in the HCA-OD is subject to standards established in Schedule 5.

Main Street Ground Floor

4.7 An application for development on the historic commercial "Main Streets" in Coleman, Blairmore and Bellevue, as defined in the Historic Commercial Areas - Overlay District, is subject to the standards established in Schedule 4 subsection 10.

5. COMMERCIAL DEVELOPMENT REGULATIONS:

5.1 An addition, renovation, alteration, new signage or a change to existing signage, maintenance, or improvement to an existing building that is likely to affect or change the ***current façade*** of an existing building and/or the reconstruction of an existing building is expected to endeavour as far as possible to retain the integrity of the building's character defining elements if any character defining elements are known to be present, to the satisfaction of the Development Authority in consultation with the Municipal Historic Resources Advisory Committee.

5.2 New commercial development and redevelopment shall follow the development regulations such as yard setbacks, building height, parcel coverage, etcetera as established in the underlying land use district however, where there appears a contrast or discrepancy between the proposed development in accordance with the development regulations of the underlying land use district and the actual historical development patterns of adjacent commercial parcels, the new commercial development shall be expected to achieve a reasonable compromise between these two standards but shall have more regard for historical development patterns, to the satisfaction of the Development Authority in consultation with the Municipal Historic Resources Advisory Committee.

5.3 New commercial development and redevelopment are encouraged to utilize an established historical design theme or a design theme respectful of and complementary to existing commercial buildings in the historic commercial area, to the satisfaction of the Development Authority in consultation with the Municipal Historic Resources Advisory Committee.

6. RESIDENTIAL DEVELOPMENT REGULATIONS:

6.1 Parcels in a residential land use district that are overlain by the HCA-OD shall continue in use in accordance with the underlying district, including new construction, redevelopment, additions and renovations, to the satisfaction of the Development Authority in consultation with the Municipal Historic Resources Advisory Committee.

6.2 New residential development and redevelopment shall follow the development regulations such as yard setbacks, building height, parcel coverage, etcetera as established in the underlying land use district however, where there appears a contrast or discrepancy between the proposed development in accordance with the development regulations of the underlying land use district and the actual historical development patterns of adjacent residential parcels, the new residential development shall be expected to achieve a reasonable compromise between these two standards but shall have more regard for historical development patterns, to the satisfaction of the Development Authority in consultation with the Municipal Historic Resources Advisory Committee.

6.3 New residential development and redevelopment are encouraged to utilize an established historical design theme or a design theme respectful of and complementary to existing residential buildings in the historic commercial area.

7. SPECIAL PARKING AND LOADING AREA PROVISIONS:

7.1 A change of use or a change of occupancy and the renovation or redevelopment of an existing building within the HCA-OD ***are exempted from*** the parking and loading area requirements in Schedule 6 Off-street Parking and Loading Area Standards of this Bylaw, ***except when***:

(a) the change of use or change of occupancy increases the parking and loading demand, and/or

(b) the change of use or change of occupancy reduces the number of existing parking spaces and loading areas, and/or

(c) the net floor area of the building is increased, and/or

(d) an additional dwelling unit is added;

and further, ***the above standards may be varied*** at the discretion of the Development Authority specifically ***for the purpose of encouraging residential use*** in the Historic Commercial Areas Overlay District pursuant to the Municipal Development Plan. For clarity, the development of an existing vacant property or the demolition of an existing building and the subsequent redevelopment of that property is not exempted from the parking and loading area requirements in Schedule 6 Off-street Parking and Loading Area Standards of this Bylaw.

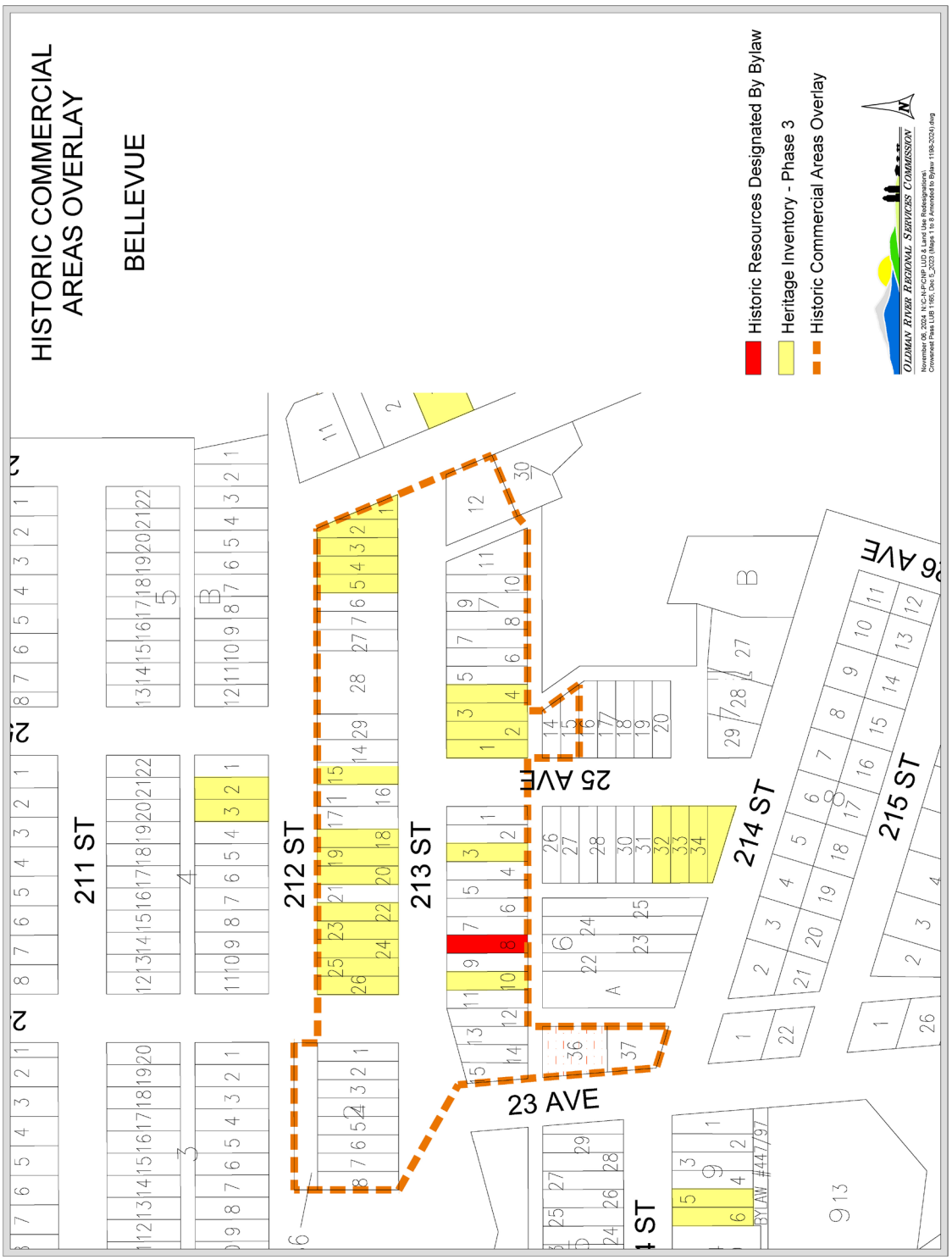
7.2 For developments that are not exempted in section 7.1 from complying with the Schedule 6 parking and loading area requirements:

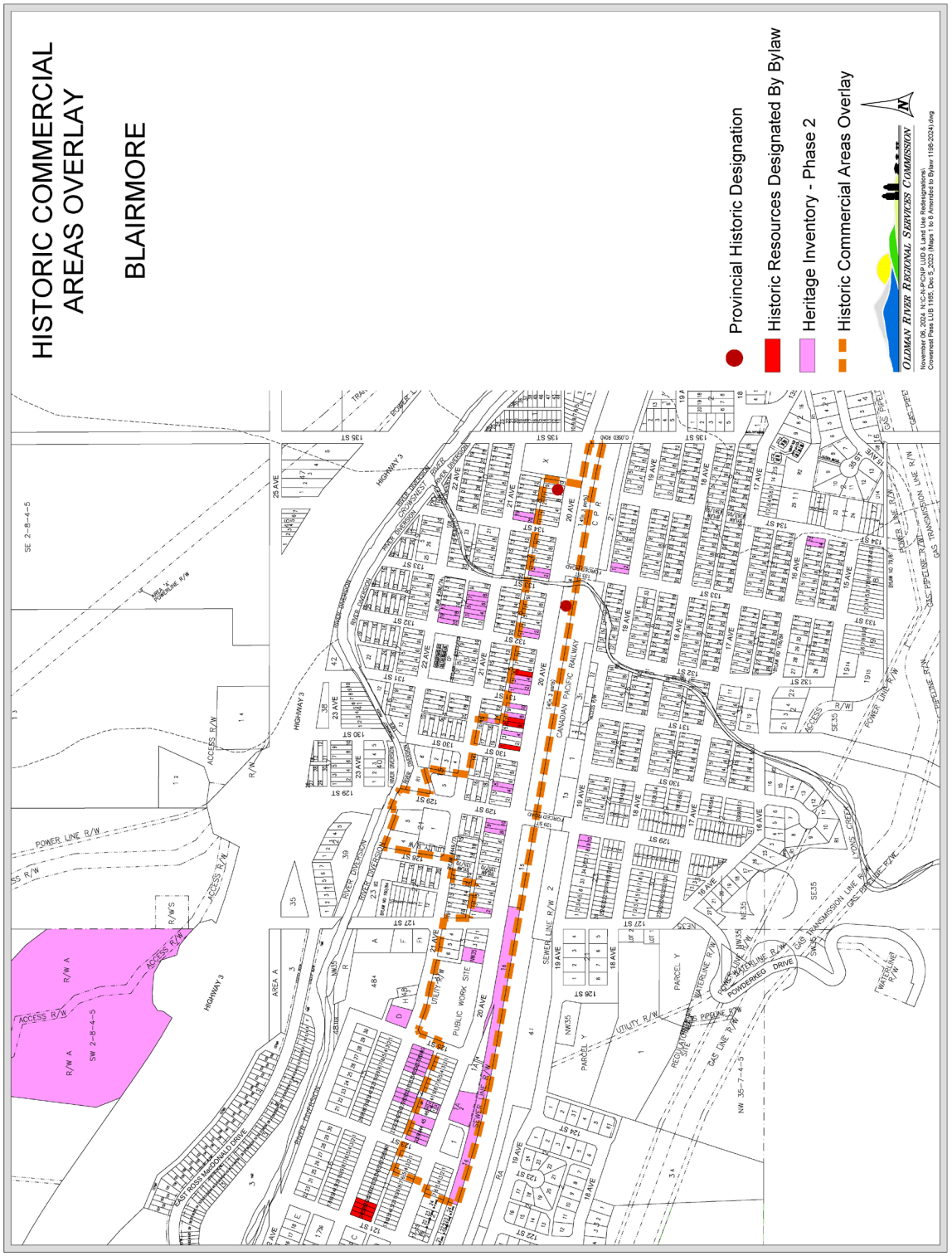
(a) the location and design of off-street parking and loading areas, including an alternative parking and loading plan, shall be subject to the approval of the Development Authority in accordance with Schedule 6 Off-street Parking and Loading Area Standards; and

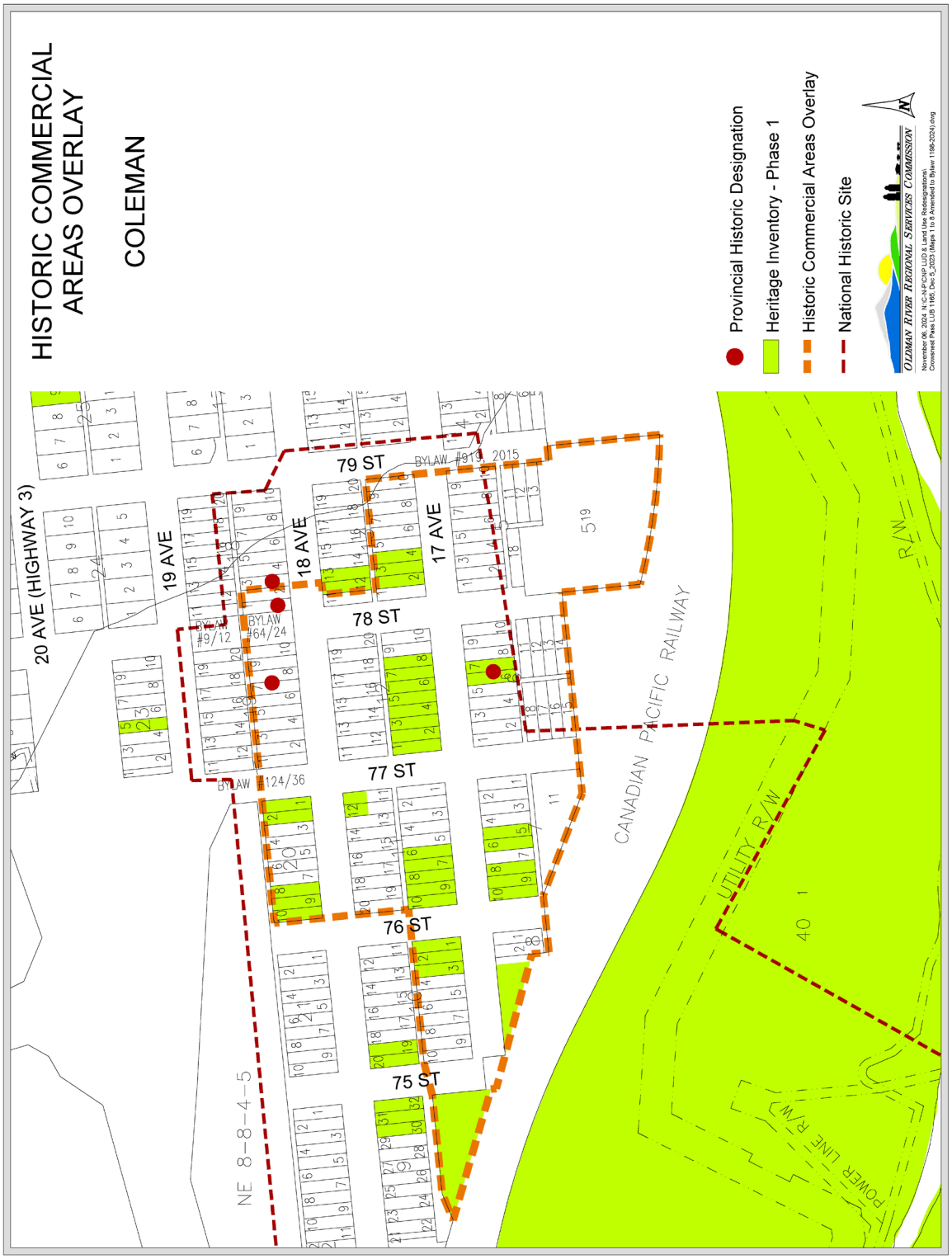
(b) the Development Authority may approve a modification of the parking and loading area layout standard and parking and loading requirements established in Schedule 6 Off-street Parking and Loading Area Standards, for all or a portion of a parking and loading area, provided that:

(i) in the opinion of the Development Authority the incidence of turnover of parking stall occupancy in the subject parking area and of on-street parking stalls and loading bays in the general area is such that a reduced standard is appropriate; and

(ii) an applicant applying for a modified parking and loading area layout must submit an accurate site plan based on a precise study of the area, to the satisfaction of the Development Authority.


HISTORIC COMMERCIAL AREAS OVERLAY
BELLEVUE
Historic Resources Designated By Bylaw
Heritage Inventory - Phase 3
Historic Commercial Areas Overlay
OLDMAN RIVER REGIONAL SERVICES COMMISSION
211 ST
212 ST
213 ST
214 ST
215 ST
25 AVE
23 AVE


HISTORIC COMMERCIAL AREAS OVERLAY
BLAIRMORE
Provincial Historic Designation
Historic Resources Designated By Bylaw
Heritage Inventory - Phase 2
Historic Commercial Areas Overlay
OLDMAN RIVER REGIONAL SERVICES COMMISSION
November 06, 2024 H:\C-A\-PICNP LUD & Land Use Redesignations\Crowsnest Pass LUB 1165, Dec 5_2023 (Maps 1 to 8 Amended to Bylaw 1196-2024).dwg


HISTORIC COMMERCIAL AREAS OVERLAY
COLEMAN
Provincial Historic Designation
Heritage Inventory - Phase 1
Historic Commercial Areas Overlay
National Historic Site
OLDMAN RIVER REGIONAL SERVICES COMMISSION
79 ST
78 ST
77 ST
76 ST
75 ST
17 AVE
18 AVE
19 AVE
20 AVE (HIGHWAY 3)
BYLAW #9/12
BYLAW #64/24
BYLAW #124/36
BYLAW #919 2015
CANADIAN PACIFIC RAILWAY
UTILITY R/W
POWER LINE R/W
R/W
NE 8-8-4-5

AREAS OF POTENTIAL ENVIRONMENTAL CONCERN OVERLAY DISTRICT (APEC-OD)

PURPOSE: *To promote public and landowner awareness of the presence and location of existing closed nuisance grounds that constitute Areas of Potential Environmental Concern (APECs) in the Crowsnest Pass, and of the best practices and standards that are encouraged and, in some instances, required by legislation for the development of a residence, school or hospital, or for a subdivision for residential, school or hospital purposes, within proximity of these areas.*

1. PERMITTED USES: Those uses listed as permitted in the underlying land use district.

2. DISCRETIONARY USES: Those uses listed as discretionary in the underlying land use district.

3. APPLICATION:

3.1 The extent of the Overlay District is the land area within the recommended 300 m setback distance from the Bushtown, Old Sartoris Staging Area, Hillcrest Ball Diamond Road, and Bellevue Old Highway 3 nuisance grounds / APECs, as identified in the attached maps And the following legal descriptions:

(a) Bushtown: Lot N/A, Block B, Plan 3387AE and Lot 3, Block B, Plan 1311440

(b) Old Sartoris Staging Area: LSD 08; SE-35; 07; 04; W5M

(c) Hillcrest Ball Diamond Road: NW-29; 07; 03; W5M

(d) Bellevue Old Highway 3: Lot N/A, Block B, Plan 7046JK

3.2 Except for the exemptions provided for herein, the regulations in this Overlay District apply to:

(a) a proposed subdivision for the purpose of residential, school or hospital development;

(b) the development of a residence and an addition to an existing residence or a school or hospital on an existing lot; and

(c) the development of parks and recreation areas (i.e. playgrounds and sportsfields);

on property that is located within the distances from the APECs as determined in the Overlay District.

4. EXEMPTION:

4.1 The following types of development and subdivision **are exempt** from the regulations prescribed in this Overlay District:

(a) a development permit application for a use or a building / structure that is deemed to not be a residence, school or hospital;

(b) an existing development or an existing parcel of land that existed on February 07, 2023, which may continue in its present form but shall not be added to or subdivided except as allowed as per the relevant provisions of this District; and

(c) a development permit application for an accessory structure associated with an existing or proposed residence, such as an outdoor space, an uncovered deck, a shed, or a garage.

4.2 **At the discretion** of the Development Authority or the Subdivision Authority, as may be applicable, a development permit application for a residence and/or a subdivision application for residential use **may be exempted** from the regulations prescribed in this Overlay District, ***subject to the non-applicable clause in this section***:

(a) a development permit application for a new residence or an addition to an existing residence that involves minimal soil disturbance, e.g. the development does not include a basement, or it involves a shallow foundation or walk-out basement and incorporates mitigative measures (i.e. soil disturbance of less than 1.0m in depth, the parcel is connected to municipal piped domestic water, and a soil vapour barrier is applied for that portion of the foundation or walk-out basement and its walls that are beneath the ground surface, as may be applicable); and

(b) a subdivision application for a boundary line adjustment, a party wall subdivision, or a title separation; and

(c) for the APECs at the Old Sartoris Staging Area and the Hillcrest Ball Diamond Road, development or subdivision of those properties that encroach into the 300 metres setback distance up to the greater distance of either the current property boundary of the APEC site or 50 metres from the buried waste limits, subject to the conditions stated in section 6.

Non-Applicable Clause

4.3 The exemptions provided for in this section ***do not apply to***:

(a) Lot 2, Block 2, Plan 0610447 (i.e. the property adjacent to the west of the Hillcrest Ball Diamond Road APEC), and

(b) Properties within 300m of the Bushtown and Bellevue Old Highway 3 nuisance grounds / APECs, as identified in the attached maps.

5. DEVELOPMENT AND SUBDIVISION REGULATIONS:

Development

5.1 Except as exempted in section 4.2, in order to support a setback distance variance request pursuant to the provincial *Guideline for Setback Reviews (Waste Facility)*, a development permit application for a property located within the Overlay District shall demonstrate compliance with the standards and best practices established in this Overlay District, to the satisfaction of the Development Authority, as follows:

(a) An application for an addition with or without a basement to an existing residence or for the development of a new residence with or without a basement, or for the development of a school or hospital, shall be accompanied by a current (produced within the last two years) Phase II Environmental Site Assessment (ESA) that complies to the standard CSA-Z769-00 (R2023, as amended). The Phase II ESA is required to verify the absence of contaminants in soil, groundwater, and soil vapour at the subject property;

OR

(b) If a Phase II ESA is not provided, the Development Authority may impose a condition on a development permit to require that the applicant must commit to implementing on-going monitoring, mitigative measures and/or preventative measures, including the requirement to provide “as-built” drawings and report on-going monitoring results of the mitigative, preventative and monitoring measures, as part of the proposed development to protect occupants of the property from exposure to contaminants;

UNLESS the owner of the subject APEC previously completed the environmental assessment(s), monitoring, or remediation, or implemented a risk management plan for the subject APEC, that achieves the stated objective.

5.2 The Development Authority may review and consider environmental assessment reports provided by the owner of the subject nuisance ground / APEC, environmental assessment reports provided by previous applicants relative to the subject APEC, previous application decisions, and/or an applicant's Phase II ESA, to make an informed decision whether to approve or refuse an application and/or to impose conditions of approval that require an applicant to include additional mitigative measures (e.g. soil vapour barriers applied to the basement walls and under the foundation as part of the new construction).

5.3 The development of a park or other recreational use should be restricted until a human health and ecological risk assessment is completed, to ensure there are no adverse effects from exposure to reported contaminants.

Subdivision

5.4 Except as exempted in section 4.2, in order to support a setback distance variance request pursuant to the provincial *Guideline for Setback Reviews (Waste Facility)*, a subdivision application for a property located within the Overlay District shall demonstrate compliance with the standards and best practices established in this Overlay District, as follows:

(a) A subdivision application that proposes new residential structures with or without basements, a school, or a hospital shall be accompanied by a current (produced within the last two years) Phase II Environmental Site Assessment (ESA) that complies to the standard CSA-Z769-00 (R2023, as amended). The Phase II ESA is required to verify the absence of contaminants in soil, groundwater, and soil vapour at the subject property;

OR

(b) If a Phase II ESA is not provided, the Subdivision Authority may impose a condition on a subdivision approval to require that the applicant must commit to implementing on-going monitoring, mitigative measures and/or preventative measures, including the requirement to provide "as-built" drawings and report on-going monitoring results of the mitigative, preventative and monitoring measures, as part of the proposed subdivision to protect occupants of the property from exposure to contaminants

UNLESS the owner of the subject APEC previously completed the environmental assessment(s), monitoring, remediation, or implemented a risk management plan for the subject APEC that achieves the stated objective.

5.5 The Subdivision Authority may review and consider environmental assessment reports provided by the owner of the subject nuisance ground / APEC, environmental assessment reports provided by previous applicants relative to the subject APEC, previous application decisions, and/or an applicant's Phase II ESA, to make an informed decision whether to approve or refuse an application and/or to impose conditions of approval that require an applicant to include additional mitigative measures (e.g. soil vapour barriers applied to the basement walls and under the foundation as part of new construction).

5.6 A subdivision application for the development of a park or other recreational use should be restricted until a human health and ecological risk assessment is completed, to ensure there are no adverse effects from exposure to reported contaminants.

6. MITIGATION MEASURES – Old Sartoris Staging Area and Hillcrest Ball Diamond Road APECs:

In June 2024, based on the available Preliminary Phase II ESA data for the Old Sartoris Staging Area APEC and the Hillcrest Ball Diamond Road APEC, Associated Environmental recommended that new subdivisions and developments may encroach into the 300 metres setback distance up to the greater distance of either the current property boundary of the APEC site or 50 metres from the buried waste limits, subject to the following conditions:

1. The Municipality gets the buried waste limits and soil impacts fully delineated, both laterally and vertically, and obtains additional groundwater data (vertical flow direction and hydraulic conductivity).
2. The Municipality follows provincial legislation, including responding to any requirements from Alberta Environment and Protected Areas.
3. The Municipality either remediates the sites or commits to a risk management plan, monitoring, and reporting to Alberta Environment and Protected Areas.
4. The Municipality maintains at least 1.0 metre of clay dominant soil cover, or places hardscape (i.e. asphalt or concrete), over the buried waste to mitigate exposure.
5. No school or hospital development should occur within 300 metres of the buried waste limits until the sites are either remediated or meet applicable environmental guidelines.
6. All new subdivisions and developments are connected to municipal-supplied water, and no private groundwater wells are permitted to be drilled or operated within 300 metres of then buried waste.
7. New residential developments between 50 to 300 metres from the buried waste limits that will have basements greater than 1.0 metre into the ground should have a vapour barrier and/or other ventilation systems installed under and around the entirety of the house foundation to mitigate potential soil vapour intrusion.
8. The nuisance ground properties should not be sold or transferred to another owner unless that person signed a full disclosure agreement as part of the land transfer wherein the person accepted full responsibility for the conditions prevalent on the nuisance ground property to the exoneration of the Municipality of Crowsnest Pass from any liability related to these matters, and at no cost to the Municipality of Crowsnest Pass. If the nuisance ground properties are leased, all conditions and mitigative measures listed above remain in place and must be followed by the lessee.
9. Specifically for the Hillcrest Ball Diamond Road site, no part-time or permanent residential occupancy occurs in the existing building that is within 50 metres of the buried waste limits until, based on sufficient data and reporting, a qualified professional confirms that there are no human health concerns for soil vapour gas migration or soil vapour intrusion into the building.

Attached in this Schedule are the two maps identifying the permitted encroachment distances subject to the stated conditions.

Table 1 in this Schedule demonstrates how the Environmental Overview Report and the data obtained through testing and monitoring during the Preliminary Phase II ESA reports, meet the *"Guidelines for Setback Reviews (Waste Facility)"* published in May 2022 by Alberta Environment and Protected Areas for use by for developers, subdivision authorities and development authorities to evaluate a subdivision application or a development permit application where the setback distances are being considered for a reduction.

7. RATIONALE AND ADDITIONAL INFORMATION:

Overview

The Municipality of Crowsnest Pass (MCNP) retained Associated Environmental Consultants Inc. (Associated) to conduct an Environmental Overview of multiple nuisance grounds within the municipality, collectively referred to as the Project Area. On February 07, 2023 Council received the final Environmental Overview report for information and approved its public release. In May 2023 the MCNP retained Associated Environmental Consultants Inc. to initiate a Preliminary Phase II Environmental Site Assessment (ESA) and monitoring for the two nuisance grounds that it owns, i.e. Old Sartoris Staging Area and Hillcrest Ball Diamond Road. On November 14, 2023 Council received the final Preliminary Phase II ESA reports for these two APECs and approved their public release.

To meet the legislated requirements, the Municipality is required to continue environmental monitoring of the two sites that it owns indefinitely, until either the impacted media meets environmental guidelines through remediation or a risk management plan has been approved and implemented.

The rationale for this Overlay District is based on partial and paraphrased extracts from the Executive Summaries of the final Environmental Overview report and the final Preliminary Phase II ESA reports. Additional and more detailed information may be obtained from the final reports, "*Municipality of Crowsnest Pass Nuisance Grounds Environmental Overview – 2022-8246*" dated February 2023, *"Preliminary Phase II Environmental Site Assessment Old Sartoris Staging Area"*, and *"Preliminary Phase II Environmental Site Assessment Hillcrest Ball Diamond Road"*, both dated November 2023, which are available from the Municipality.

Background

This project was initiated to determine whether setback variances are needed for previous and future subdivision and developments within 300 metres (m) of the Project Area pursuant to the *Guideline for Setback Reviews [Waste Facility]*. The *Guideline* outlines the requirements for developers, subdivision authorities, and development authorities to evaluate a new development permit or subdivision application where the setback distances are planned or being considered to be reduced to less than the default 300 m setback for new residences, schools, and hospitals. Typically, the default setback is 300 m from a non-operating landfill, pursuant to the *Matters Related to Subdivision and Development Regulation – Alberta Regulation 84/2022, dated October 24 2022*. To reduce the setback, the subdivision authority or development authority needs to have sufficient data to confirm the absence of nuisance (odours, vectors, and smoke) and contaminant migration (emissions, leachate, and landfill gas), or data to confirm the absence of pathways (i.e. mitigative measures). Developers typically provide environmental reports that meet the applicable guidelines to the authority for review as part of their subdivision or development application.

The May 2022 *Guideline for Setback Reviews [Waste Facility]* is an update to the May 2013 *Requesting Consent To Vary the Setback Distance For A Development To A Non Operating Landfill* document. The 2013 version required subdivision authorities and development authorities to submit a request to then Alberta Environment and Sustainable Resources (ESRD) to grant Ministerial consent to the setback variance. The 2022 version removed the requirements of the subdivision authorities and development authorities to receive consent from the Minister of Alberta Environment and Protected Areas (AEPA, formerly ESRD and Alberta Environment and Parks [AEP]). Similarly, the October 24, 2022, updated *Alberta Regulation 84/2022, Matters Related to Subdivision and Development Regulation, Part 3, Section 17, "Distance from wastewater treatment, landfill, waste sites"*, removed the requirement that a subdivision authority or development authority requires written consent of the Deputy Minister of AEPA. Based on these regulation updates, the Development Authority or the Subdivision Authority of the MCNP is not required to submit a request for a setback variance to AEPA.

The Provincial Government owns the other two nuisance grounds / APECs, i.e. “Bushtown” and “Old Highway 3”. The Municipality made the provincial government aware that these two nuisance grounds presently pose some constraints or restrictions for subdivision and development in a significant portion of the Bushtown neighbourhood of Coleman, and in a small portion of Bellevue. The Municipality is not mandated, authorised or funded to undertake the Phase II ESA investigations and monitoring of these two provincially-owned nuisance grounds that are required to remove the constraints and restrictions.

Environmental Overview

Scope of Work

A desktop review was conducted to search for historical documents and reports related to known former nuisance/dumping grounds within the Project Area. In addition to the historical documents and reports, historical aerial photographs were reviewed to identify any other potential dumping sites. Eight (8) potential dumping locations were identified through air photograph review in addition to the four known nuisance grounds (i.e. Bushtown, Old Sartoris Staging Area, Hillcrest Ball Diamond Road, and Bellevue Old Highway 3).

Following the desktop review, a geophysical survey was conducted by AKS Geoscience on September 1 and 2, 2022 to estimate the presence and extent of buried waste at nine of the twelve locations. The other three suspected sites were not surveyed because they were either discovered after the geophysical surveys had been completed at the other sites, were greater than 300 m away from current and potential future residential developments, or they are located on private property and the landowners did not give permission to access their properties for geophysical surveys.

From September 19 to 23, 2022, Associated completed site inspections and test pitting to confirm waste boundaries closest to nearby residences at Bushtown, Old Sartoris Staging Area, Hillcrest Ball Diamond Road, and Bellevue Old Highway 3.

Findings

Four locations (Bushtown, Old Sartoris Staging Area, Hillcrest Ball Diamond Road, and Bellevue Old Highway 3) are confirmed to be within 300 m of existing residences and may impact future neighbourhood expansions. Of the eight suspected former dumping locations, five are no longer suspected of containing buried waste. The other three sites could have potential buried waste, and it would be the responsibility of the private landowners to conduct their own environmental assessments for these locations.

The identified sites in this report are considered to be former nuisance grounds due to: 1) their age (dumping activities between the early 1940s to late 1970s); 2) that they were never formally operated or controlled; 3) had no record-keeping; and 4) that the dumping locations were never intended to be designed or constructed for waste management. Therefore, **the identified former nuisance grounds should be treated as Areas of Potential Environmental Concern (APECs), rather than landfills as defined in Alberta Regulation 84/2022, and as having the potential for soil and/or groundwater contamination that should have quantitative assessments (i.e. Phase II Environmental Site Assessments [ESAs]) completed to confirm if there are impacts to human and ecological health receptors**.

Regulations and Government Correspondence

Based on correspondence with AEPA and Alberta Municipal Affairs, the MCNP, acting as the Subdivision/Development Authority, should amend and apply administrative controls (bylaws) that outline what type of permits/applications for both existing and new developments trigger additional environmental reviews if located within 300 m of a nuisance ground. The following items should be considered by the MCNP when amending/ updating or creating new bylaws:

Existing Properties and Development

- Existing properties do not fall under the Guideline for Setback Reviews [Waste Facility]. Therefore, MCNP is not restricted to limit permits/applications for existing developments and construction of items that are not considered residential dwellings. However, MCNP must make an informed decision when reviewing applications.
- The MCNP is not restricted to limit permits/applications for non-residential structures such as: outdoor spaces, uncovered decks, sheds, or garages. The MCNP could also allow additions to existing residential homes that do not have a basement.
- Based on the proximity to a nuisance ground, applications for home expansions or full home replacements that have basements should be more thoroughly scrutinized by MCNP. An environmental assessment must be available that verifies the absence of contaminants, offsite gas migration, or that preventative measures were put in place at the nuisance ground. The MCNP could also require an applicant to include additional mitigative measures (i.e. soil vapour barriers) as part of the new construction.
- Parks and recreational use should be restricted, until a human health and ecological risk assessment is completed, to ensure there are no adverse effects from potential contamination in soil or water.

New Developments and Subdivisions

- Schools and hospitals should not be constructed within 300 m of a nuisance ground without detailed environmental assessments and mitigative measures. Confirmation that no environmental concerns originating from the nuisance ground exist is required prior to construction.
- Parks and recreational use should be restricted, until a human health and ecological risk assessment is completed, to ensure there are no adverse effects from potential contamination in soil or water.
- Applicants for new developments or subdivisions should be required to conduct a detailed intrusive environmental assessment(s) to ensure that the nearby nuisance ground would not impact their development. Mitigative measures (i.e. soil vapour barriers) should be integrated into the design of their construction; unless MCNP previously completed the environmental assessments and provides the information to the applicant to make an informed decision.
- Environmental assessments, including on-going environmental monitoring of the nuisance grounds, should be kept recent (within five years), as there is potential for contaminants to change and migrate over time. Updated environmental assessments and/or monitoring may not be required if it can be proven that there are no human or ecological health concerns related to a nuisance ground and/or remediation was completed.

Other considerations for the MCNP are provided in Municipal Affairs' correspondence provided in Appendix N of the environmental overview report.

The identified nuisance grounds are considered Areas of Potential Environmental Concern (APECs). Under Alberta's *Environmental Protection and Enhancement Act* (EPEA), as the owner of the lands the nuisance grounds are located on, i.e. the MCNP, and the Alberta Government at some locations, is required to notify stakeholders (i.e. adjacent landowners and development applicants) if there is contamination that may be impacting a property or a proposed development. If there is confirmed offsite migration of contamination to an adjacent property from a nuisance ground, the MCNP and/or the Alberta Government would be responsible for the remediation and contamination management costs.

Under the requirements listed in EPEA and the Alberta Government's *Contaminated Sites Policy Framework*, the MCNP must report to AEPA the presence of the identified nuisance grounds that it owns due to the proximity of residences and the potential for contamination to impact existing residences. As the landowner of the nuisance grounds, the MCNP / Alberta Government have a requirement to complete Phase II Environmental Site Assessments (ESA) at each nuisance ground to confirm the presence/absence of contamination and determine the risk of contamination from the nuisance grounds to adjacent lands and water bodies. It is recommended that the Phase II ESAs collect the information listed within the provincial government's *Guideline for Setback Reviews [Waste Facility]* checklist to ensure a full assessment of each nuisance grounds is completed.

Recommendations

It is recommended that the APECs are assessed in the following order, from highest to lowest priority, based on existing residences and potential future neighbourhood expansions:

1. Bushtown (Owner: Alberta Government) – There is one existing residence approximately 50 m from buried waste, and dozens of existing houses within 60-300 m of the site, which are estimated to be hydraulically downgradient from the site. This site may also impact plans for future neighbourhood expansion.
2. Old Sartoris Staging Area (Owner: MCNP) – There are dozens of residences within 120 to 300 m from buried waste, which are estimated to be hydraulically downgradient from the site. Currently, this site does not impact potential future neighbourhood locations.
3. Hillcrest Ball Diamond Road (Owner: MCNP) – There are approximately five residences within 300 m of the site, one of which is estimated to be hydraulically downgradient. This site may also impact plans for future neighbourhood expansion.
4. Bellevue Old Highway 3 (Owner: Alberta Government) – There are approximately five residences within 170-300 m of the site, which are estimated to be hydraulically cross-gradient. Currently, this site does not impact potential future neighbourhood locations.

Potential contaminants of concern (PCOCs) in soil, groundwater, and soil vapour that should be assessed for include, but are not limited to: metals, salts (salinity), petroleum hydrocarbons (PHCs), BTEXS (benzene, toluene, ethylbenzene, xylenes, styrene), polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), pesticides, herbicides, dioxins and furans, and gases (methane).

Additional information may be obtained from the environmental overview report. The findings for the four (4) confirmed APECs are provided in Table 1, and a summary of suspected nuisance grounds locations is provided in Table 2. The checklist showing outstanding items that should be obtained through Phase II ESAs is provided in Table 3.

The environmental overview report is limited by the information available through the desktop search, existing records and local residents' memories of the former nuisance ground locations. The earliest aerial photographs are from 1949 and have too poor of a resolution to discern the waste boundaries. Some of the historical records may have incorrect information or are too vague. The possibility remains that there are additional unidentified nuisance grounds that could be encountered. If other nuisance grounds are encountered, a similar approach should be implemented as recommended for the sites listed in this report. If additional information becomes available and is deemed pertinent to this Environmental Overview, Associated requests notification of such for amendment of this report.

Old Sartoris Staging Area – Preliminary Phase II ESA

The Site was used for waste disposal prior to 1949 and stopped being used between 1978-1987. The Site is relatively flat and was reshaped, but the original ground surface slopes to the north. Buried waste consisted of metals, car parts, glass, wood, tires, cloth, crushed brick and layers of ash, which indicate evidence of burning. There are dozens of existing residences within 120m - 300m of buried waste

boundaries and are estimated to be hydraulically downgradient from the Site. The Site does not currently impact potential future neighbourhood locations.

Scope of Work

This Phase II ESA was initiated to confirm whether there are impacts to human and ecological health receptors. The objectives of the preliminary Phase II ESA at the Site were:

- Initial characterization of buried waste and soil quality;
- Installation of groundwater monitoring wells and assess groundwater quality; and
- Installation of soil vapour monitoring wells and assess for landfill gas (methane).

Findings

Some of the Phase II ESA investigation findings and conclusions are:

- On June 22, 2023, six (6) boreholes were advanced using solid-stem drilling methods by Core Drilling. Three (3) boreholes were completed as groundwater monitoring wells (23OSMW01 through 23OSMW03) to a maximum depth of 11.4 metres below ground surface (mbgs) around the outer perimeter the buried waste. Three (3) boreholes, completed as soil vapour monitoring wells (23OSSV01 through 23OSSV03), were advanced to a maximum depth of 2.44 mbgs, adjacent to the respective groundwater monitoring wells.
- On June 27, 2022, three (3) test pits (23OS07 through 23OS09) were advanced using a backhoe supplied by the MCNP in locations with the highest electromagnetic values and waste concentrations according to the geophysical surveys conducted in 2022. Two soil samples were collected from each test pit: one within the waste and one from beneath the waste. Waste extended to a maximum depth of 3.6 mbgs.
- Mixed waste primarily consisted of ash layers, metals (some melted), glass (some melted), crushed brick, cables, and tires, and extended to a maximum depth of 3.6 mbgs.
- Soil contaminants of concern were identified in all three test pits, including various metals (antimony, arsenic, barium, chromium, cobalt, copper, lead, molybdenum, nickel, tin, and/or zinc), benzene, toluene, tetrachloroethylene (PCE), polycyclic aromatic hydrocarbons (PAH) (anthracene, fluoranthene, naphthalene, and/or phenanthrene), perfluorooctanoic acid (PFOA) and/or perfluorooctanesulphonic acid (PFOS).
- Most soil metal impacts were within mixed buried waste, but molybdenum, nickel, and/or tin exceedances occurred in the samples collected beneath the waste. Benzene and toluene impacts were generally within the mixed buried waste and were below AT1 Guidelines in samples from beneath the waste. PCE, PAH, PFOS, and PFOA impacts have not been fully delineated in the soil. Contamination in soil is interpreted to be from buried waste and burning. Confirmation sampling and analysis of PFOS and PFOA is needed to confirm its presence and if it is a concern.
- Shallow groundwater depths ranged between 5.12 mbgs (23OSMW03) and 9.18 mbgs (23OSMW02) on July11, 2023. Inferred groundwater flow is to the north, with an estimated horizontal hydraulic gradient of 0.077,generally following the local topography.
- Groundwater parameters that exceeded applicable guidelines included TDS and nitrate (23OSMW02 only) and dissolved manganese in all three monitoring wells. TDS is not an environmental concern for the Site. The source of nitrate may be buried waste. Elevated dissolved manganese is currently not an environmental concern for the Site.

- The contaminants of concern that were identified in soil mixed with waste were not identified in groundwater. Therefore, it is likely that most soil contaminants are confined to areas with waste. However, further delineation is required.
- Methane concentrations were below detection limits in all monitoring wells. Although methane was not detected, volatile parameters were detected in the soil and soil vapour sampling for those parameters was not completed. Potential for soil vapour concerns remain; however, there is a lower potential for lateral migration of soil vapours to nearby structures because of the nature of the coarse-grained material which dominates the area.
- There is currently insufficient information to eliminate exposure pathways to modify AT1 Guidelines.

Based on the limited results presented, there is ***low potential environmental concern for the existing properties within 300m of the Site***. It is the MCNP's discretion to permit renovations and infill housing, including houses with basements for existing properties and structures. The MCNP may want to consider the requirement of soil vapour barriers for new basements until further soil vapour assessment can be completed. For proposed new developments within 300m of the Site, the MCNP should thoroughly review development applications and mandate that developers conduct an environmental assessment of the proposed development property to verify the absence of potential contamination and soil vapours.

Recommendations

- Notify Alberta Environment and Protected Areas of the Site and its reported impacts, as per requirements under Alberta's *Environmental Protection and Enhancement Act* and Alberta's Contaminated Sites Policy Framework (ESRD 2014).
- Limit public access to the Site and zone the area as commercial/industrial. This will protect direct human exposure and will assist in risk management of the Site.
- Conduct additional groundwater and soil vapour monitoring to confirm initial results. Alberta Environmental and Protected Areas typically prefers to see a minimum of four sampling events over different seasons to assess for seasonal variability and trends.
- Conduct additional test pits and collect soil samples to delineate nuisance ground impacts in soil, including background locations and beneath the waste.
- Install additional groundwater monitoring wells to determine vertical gradient and to delineate the extent of the nitrate exceedance once concentrations are confirmed by additional sampling.
- Conduct hydraulic conductivity tests to assess hydrogeologic conditions for site-specific modification of AT1 Guidelines.

Hillcrest Ball Diamond Road – Preliminary Phase II ESA

The Site was used for waste disposal prior to 1949 and stopped being used between 1978-1987. The Site is relatively flat, appears to be located within the bed and shore of a dried-up wetland, and was reshaped. Buried waste consisted of metals, car parts, glass, wood, tires, cloth, crushed brick and layers of ash, which indicate evidence of burning. There are several existing residential properties within 120m - 300m of buried waste boundaries. The existing residence adjacent to the buried waste boundary was given a conditional setback distance variance from the Minister of Environment in 2003. The majority of the other existing residences and residential property within the 300m setback distance is estimated to be hydraulically upgradient from the Site. The 300m setback distance around the Site impacts two potential future neighbourhood locations (urban growth nodes).

Scope of Work

This Phase II ESA was initiated to confirm whether there are impacts to human and ecological health receptors. The objectives of the preliminary Phase II ESA at the Site were:

- Initial characterization of buried waste and soil quality;
- Installation of groundwater monitoring wells and assess groundwater quality; and
- Installation of soil vapour monitoring wells and assess for landfill gas (methane).

Findings

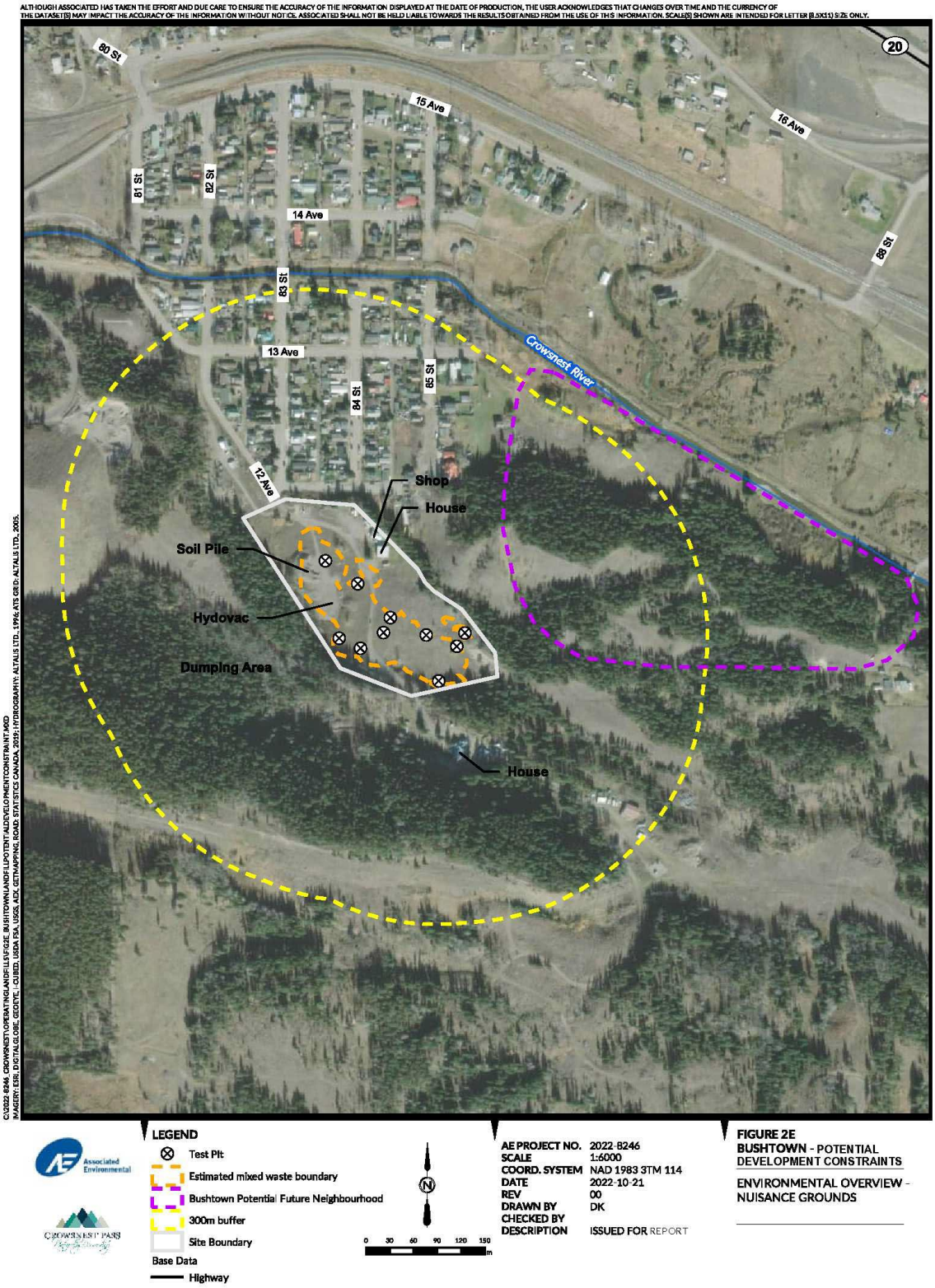
- On June 21 and 22, 2023, six (6) boreholes were advanced using ODEX drilling by Core Drilling. Three (3) boreholes were completed as groundwater monitoring wells (23HCMW01 through 23HCMW03) to a maximum depth of 7.4 metres below ground surface (mbgs) around the outer perimeter of the buried waste. Three (3) boreholes completed as soil vapour monitoring wells (23HCSV01 through 23HCSV03) were advanced to a maximum depth of 1.55 mbgs, adjacent to the respective groundwater monitoring wells.
- On June 26, 2022, three test pits (23HC09 through 23HC11) were advanced using a backhoe supplied by the MCNP in locations with the highest electromagnetic values and waste concentrations according to
geophysical surveys conducted in 2022. Two soil samples were collected from each test pit within the waste. Waste extended to the maximum depth of investigation (3.6 mbgs) and could not be delineated due to groundwater seeping into the test pits.
- Mixed waste primarily consisted of ash layers, coal slag, car parts, metals, glass, crushed brick, cables, tires, and wood, and extended to at least 3.6 mbgs.
- Soil contaminants of concern were identified in all three test pits, including various metals (antimony, arsenic, barium, chromium, copper, lead, molybdenum, nickel, tin, and/or zinc), benzene, toluene, polycyclic aromatic hydrocarbons (PAH) (anthracene, naphthalene, and/or phenanthrene), perfluorooctanesulfonic acid (PFOS), perfluorooctanoic acid (PFOA), and/or dioxins.
- All contaminants identified were not horizontally or vertically delineated within the soil. Contamination in soil is interpreted to be from buried waste and burning.
- Shallow groundwater depths ranged between 3.56 mbgs (23HCMW01) and 5.08 mbgs (23HCMW03) on July11, 2023. The inferred groundwater flow is to the north, with an estimated horizontal hydraulic gradient of 0.0002. The hydraulic gradient is shallow because a former on-site waterbody was filled with waste and coal slag.
- Groundwater parameters exceeding applicable guidelines included TDS in 23HCMW02, and dissolved manganese and dissolved iron in 23HCMW01 and 23HCMW02. TDS is not an environmental concern for the Site. Elevated dissolved manganese is unlikely to be an environmental concern for the Site, as it is not associated with landfills. The source of elevated dissolved iron in 23HCMW02 may be buried waste.
- Most contaminants of concern identified in soil mixed with waste were not identified in groundwater. Therefore, it is likely that most soil contaminants are confined to areas with waste. However, further delineation is required, and groundwater should be analyzed for dioxins and furans. Confirmation sampling and analysis of PFOS and PFOA is needed to confirm its presence and if it is a concern.

- Methane concentrations were below detection limits in all monitoring wells. Although methane was not detected, volatile parameters were detected in the soil, and soil vapour sampling for those parameters was not completed. The potential for soil vapour concerns remains. However, as there is coarse-grained material throughout the Site and surrounding area and considering that the detected volatile concentrations in soil are relatively low, there is a lower potential for lateral migration of soil vapours to nearby structures.
- There is currently insufficient information to eliminate exposure pathways to modify AT1 Guidelines.

Based on the limited results, there is ***low to moderate potential environmental concern for the building located in the adjacent property to the west***. ***There is low potential environmental concern for the other existing properties within 300 m of the Site***. It is the MCNP's discretion to permit renovations and infill housing, including houses with basements for existing properties and structures. The MCNP may want to consider the requirement of soil vapour barriers for new basements until further soil vapour assessment can be completed. For proposed new developments within 300 m of the Site, the MCNP should thoroughly review development applications and mandate that developers conduct an environmental assessment of the proposed development property to verify the absence of potential contamination and soil vapours.

Recommendations

- Notify Alberta Environment and Protected Areas of the Site and its reported impacts, as per requirements under Alberta's *Environmental Protection and Enhancement Act* and Alberta's Contaminated Sites Policy Framework (ESRD 2014).
- Limit public access to the Site and zone the entire landfill area and the adjacent lots as commercial and/or industrial. This will protect direct human exposure and will assist in risk management of the Site.
- Conduct additional groundwater and soil vapour monitoring to confirm the initial results. Alberta Environmental and Protected Areas typically prefers to see a minimum of four sampling events over different seasons to assess for seasonal variability and trends.
- Advance additional test pits and collect soil samples to delineate nuisance ground impacts in soil, including background locations and beneath waste.
- Install additional groundwater monitoring wells to determine the vertical gradient and to confirm shallow groundwater flow direction.
- Conduct hydraulic conductivity tests to assess the hydrogeologic conditions for site-specific modification of AT1 Guidelines.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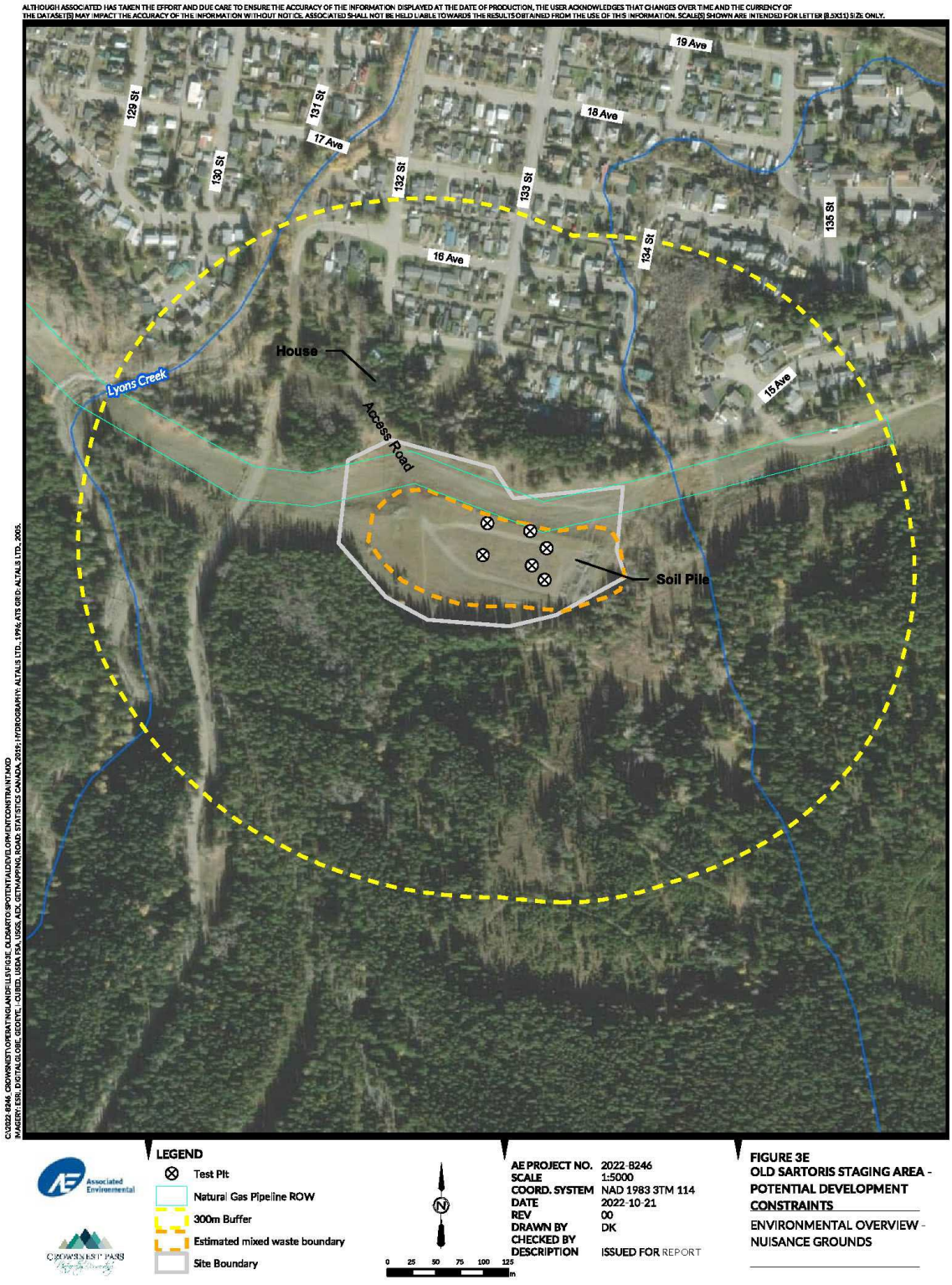
80 St
15 Ave
16 Ave
20
81 St
82 St
14 Ave
83 St
89 St
13 Ave
Crowsnest River
85 St
84 St
12 Ave
Shop
House
Soil Pile
Hydovac
Dumping Area
House
C:\2022-8246_CROWSNEST\OPERATING\LANDFILL\SHP\GIS\E_BUSHTOWN\LANDFILLPOTENTIALDEVELOPMENTCONSTRAINT.MXD
IMAGERY: ESRI, DIGITALGLOBE, GEOEYE, CNES/AIRBUS DS, USDA, USGS, AEX, GETMAPPING, AEROGRID, IGN, IGP, SWISSTOPO, AND THE GIS USER COMMUNITY | HYDROGRAPHY: ALTALIS LTD., 1996 | ATS GRID: ALTALIS LTD., 2005.
LEGEND
Test Pit
Estimated mixed waste boundary
Bushtown Potential Future Neighbourhood
300m buffer
Site Boundary
Base Data
Highway
0 30 60 90 120 150 m
AE PROJECT NO. 2022-8246
SCALE 1:6000
COORD. SYSTEM NAD 1983 3TM 114
DATE 2022-10-21
REV 00
DRAWN BY DK
CHECKED BY
DESCRIPTION ISSUED FOR REPORT
FIGURE 2E
BUSHTOWN - POTENTIAL DEVELOPMENT CONSTRAINTS
ENVIRONMENTAL OVERVIEW - NUISANCE GROUNDS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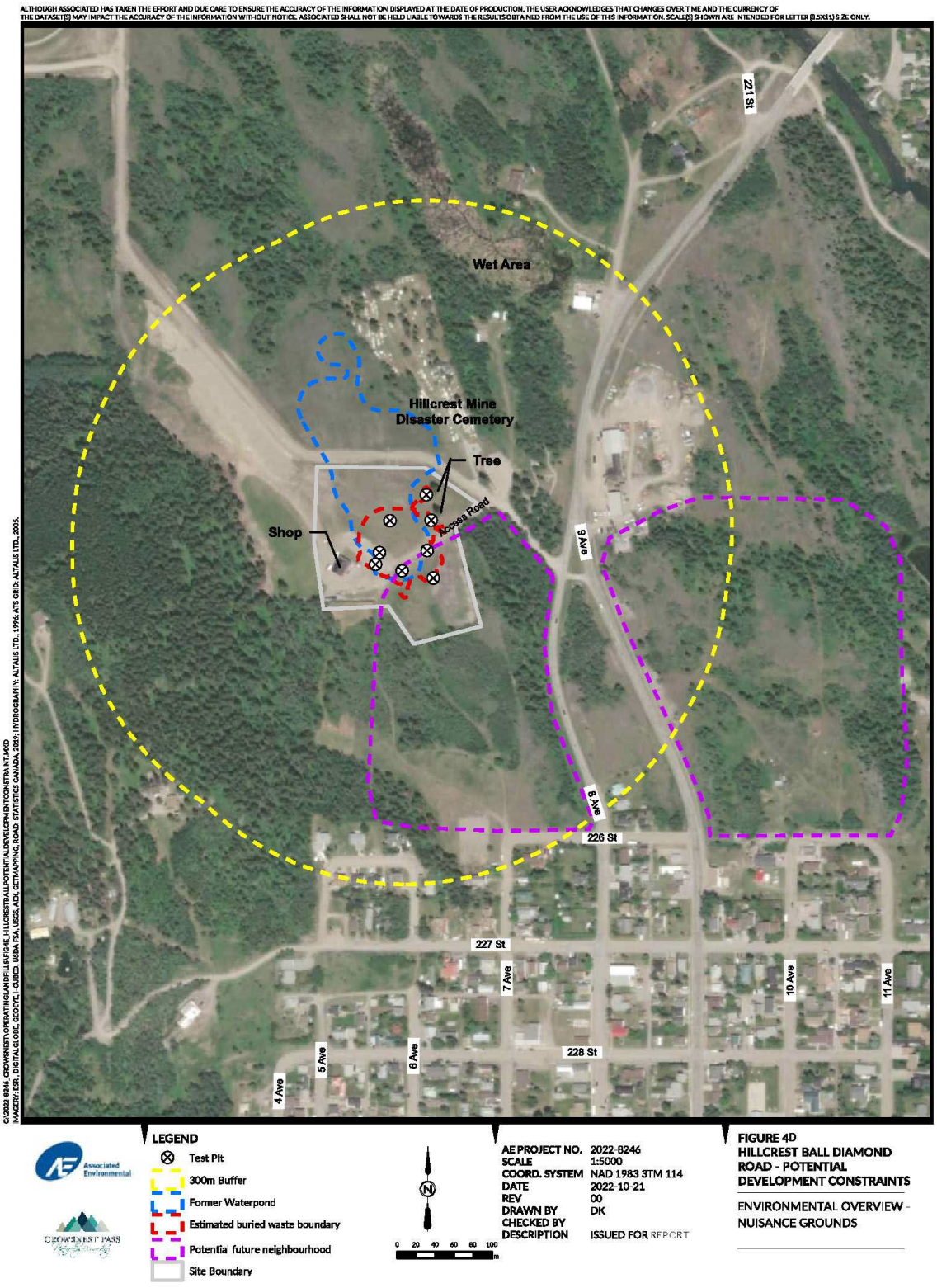
IMAGERY: ESRI, DIGITALGLOBE, GEOEYE, - CUBED, USDA FSA, USGS, AGI, GETMAPPING, ROAD: STATISTICS CANADA, 2019; HYDROGRAPHY: ALTALIS LTD., 1996; ATS GRID: ALTALIS LTD., 2005.
19 Ave
18 Ave
17 Ave
16 Ave
15 Ave
129 St
130 St
131 St
132 St
133 St
134 St
135 St
House
Lyons Creek
Access Road
Soil Pile
LEGEND
Test Pit
Natural Gas Pipeline ROW
300m Buffer
Estimated mixed waste boundary
Site Boundary
0 25 50 75 100 125 m
AE PROJECT NO. 2022-8246
SCALE 1:5000
COORD. SYSTEM NAD 1983 3TM 114
DATE 2022-10-21
REV 00
DRAWN BY DK
CHECKED BY
DESCRIPTION ISSUED FOR REPORT
FIGURE 3E
OLD SARTORIS STAGING AREA - POTENTIAL DEVELOPMENT CONSTRAINTS
ENVIRONMENTAL OVERVIEW - NUISANCE GROUNDS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Wet Area
Hillcrest Mine Disaster Cemetery
Tree
Shop
Access Road
221 St
9 Ave
8 Ave
226 St
227 St
7 Ave
10 Ave
11 Ave
228 St
5 Ave
6 Ave
4 Ave
C:\2022 8246 CROWSNEST\OPERATING\LANDFILL\SHP\AE_HILLCRESTBALLPOTENTIALDEVELOPMENTCONSTRAINT.MXD
IMAGERY: ESRI, DIGITALGLOBE, GEOEYE, - CUBED, USDA FSA, USGS, AEX, GETMAPPING, ROAD: STATISTICS CANADA, 2019; HYDROGRAPHY: ALTALIS LTD., 1996; ATS GRID: ALTALIS LTD., 2005.
LEGEND
Test Pit
300m Buffer
Former Waterpond
Estimated buried waste boundary
Potential future neighbourhood
Site Boundary
0 20 40 60 80 100 m
AE PROJECT NO. 2022-8246
SCALE 1:5000
COORD. SYSTEM NAD 1983 3TM 114
DATE 2022-10-21
REV 00
DRAWN BY DK
CHECKED BY
DESCRIPTION ISSUED FOR REPORT
FIGURE 4D
HILLCREST BALL DIAMOND ROAD - POTENTIAL DEVELOPMENT CONSTRAINTS
ENVIRONMENTAL OVERVIEW - NUISANCE GROUNDS

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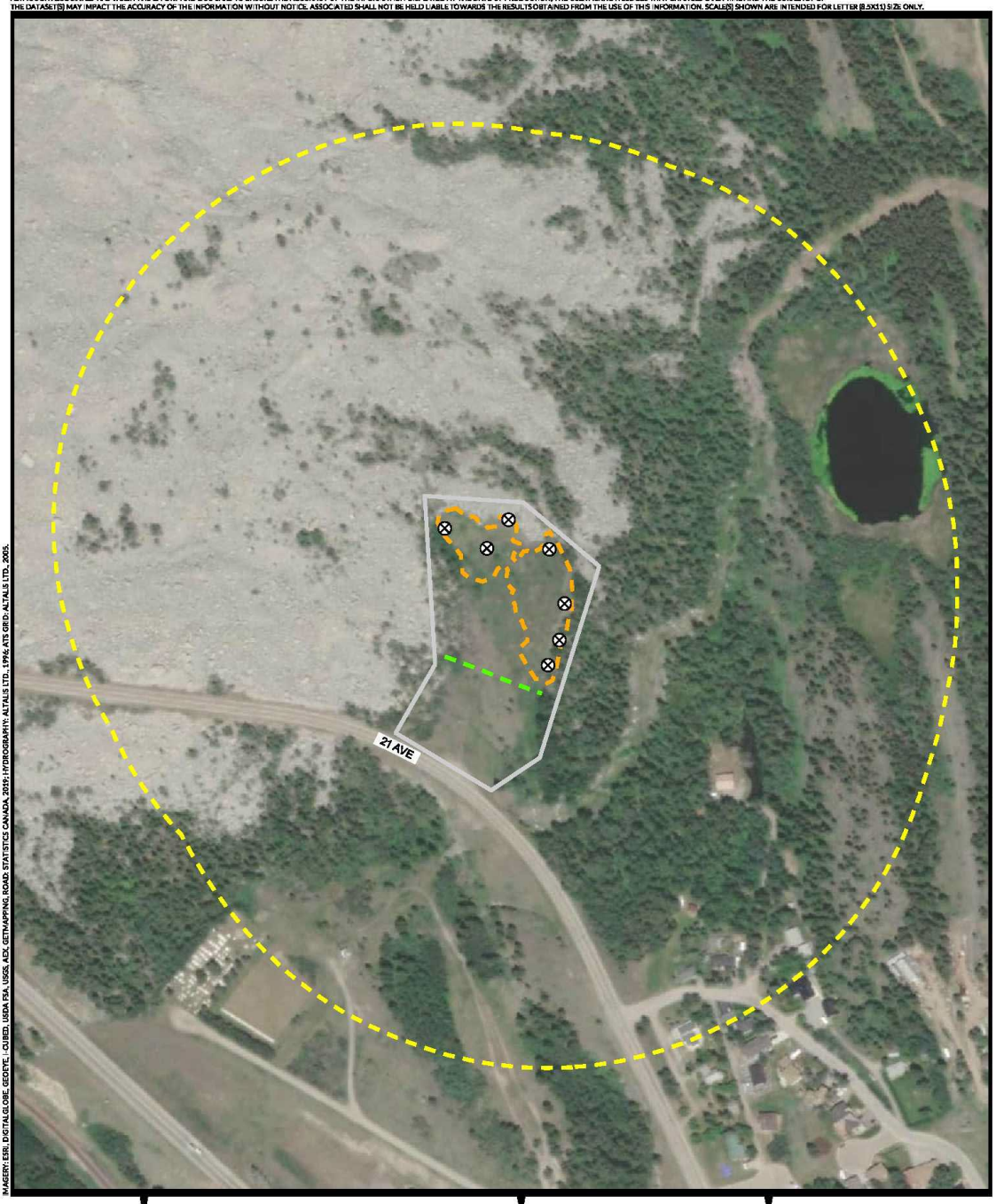


C:\2022-8246_CROWSNEST\OPERATING\LANDFILLS\FIGS\E_BELLEVUEPOTENTIALDEVELOPMENTCONSTRAINTS.MXD
IMAGERY: ESRI, DIGITALGLOBE, GEOEYE, I-CUBED, USDA FSA, USGS, AEX, GETMAPPING, ROAD, STATISTICS CANADA, 2019 | HYDROGRAPHY: ALTALIS LTD., 1996 & ATS GRID: ALTALIS LTD., 2005.

LEGEND

- Test Pit
- Fence
- 300m Buffer
- Estimated mixed waste boundary
- Site Boundary

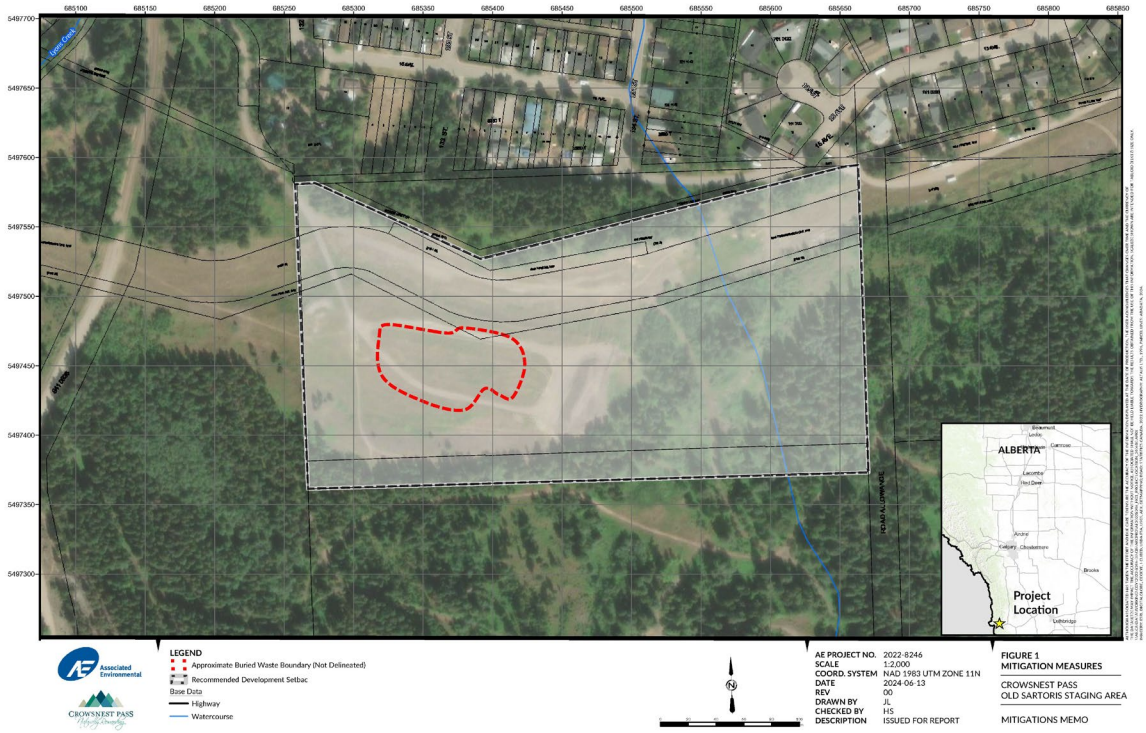
0 25 50 75 100 125 m

AE PROJECT NO.	2022-8246
SCALE	1:4000
COORD. SYSTEM	NAD 1983 3TM 114
DATE	2022-10-21
REV	00
DRAWN BY	DK
CHECKED BY	
DESCRIPTION	ISSUED FOR REPORT

FIGURE 5D
BELLEVUE OLD HIGHWAY 3 - POTENTIAL DEVELOPMENT CONSTRAINTS

ENVIRONMENTAL OVERVIEW - NUISANCE GROUNDS

Conditional Encroachment into the Setback Distance – Old Sartoris Staging Area APEC



Conditional Encroachment into the Setback Distance – Hillcrest Ball Diamond Road APEC

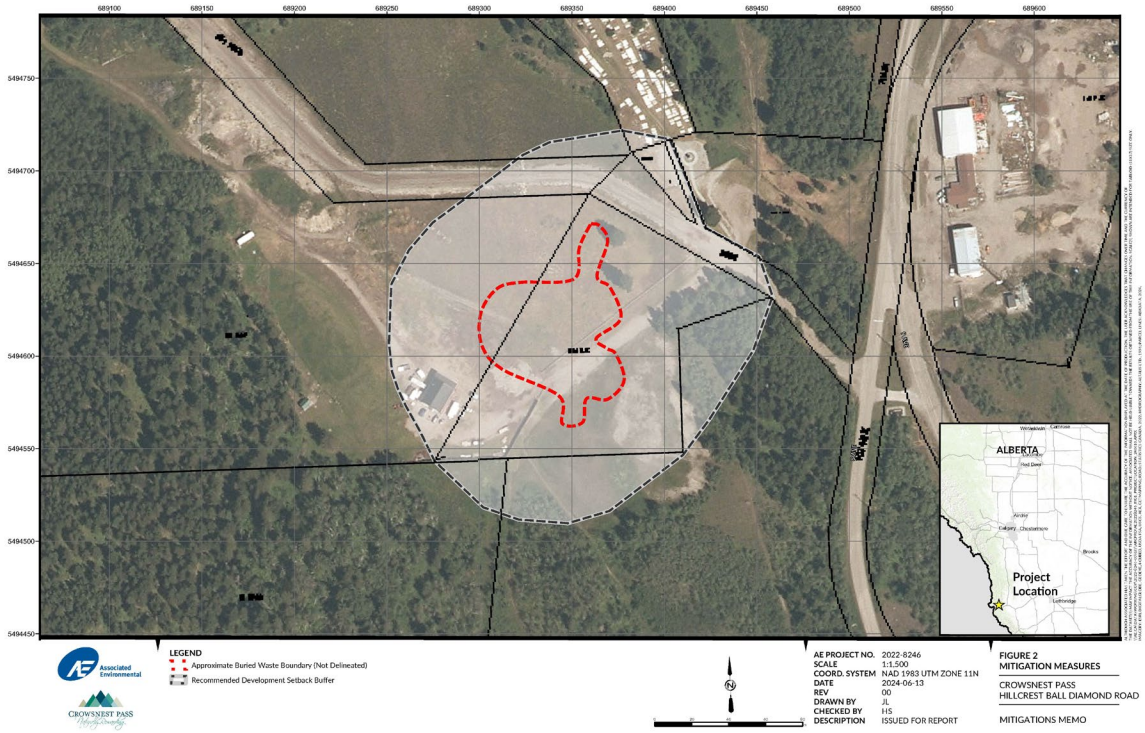


Table 1: Compliance with the *"Guidelines for Setback Reviews (Waste Facility)"*

Table 1 Guideline for Setback Reviews Checklist for Landfills

Considerations for Consent		Old Sartoris Staging Area			Hillcrest Ball Diamond Road		
		Condition		Comments	Condition		Comments
		Yes	No		Yes	No	
Consent should not be considered when all three of the following conditions exist:							
a.	Gas levels above background are present within the waste disposal area of the landfill		X	Methane not detected in soil vapour wells[2]		X	Methane not detected in soil vapour wells[3]
b.	The land area where development is to occur has no natural physical barrier to gas movement	X		No known natural physical barriers	X		No known natural physical barriers
c.	The development has underground infrastructure or basements	X		Potential for future developments to have; recommended that basements not be constructed unless vapour barriers and/or other ventilation systems installed	X		Potential for future developments to have; recommended that basements not be constructed unless vapour barriers and/or other ventilation systems installed
Where groundwater has been contaminated, consent should only be considered where:							
a.	Potable water to the proposed development is being supplied from a municipal system	X		No impacted shallow groundwater reported;[2] recommended that all water to be supplied from municipal system	X		No impacted shallow groundwater reported;[3] recommended that all water to be supplied from municipal system
b.	Vegetation, or other receptors, or property will not be affected by the contaminated groundwater	X		No impacted shallow groundwater reported[2]	X		No impacted shallow groundwater reported[3]
Information Requirements		**Provided**		**Comments**	**Provided**		**Comments**
		Yes	No		Yes	No	
An engineering report, completed by a qualified professional that includes, as a minimum:							
a.	Landfill cell delineation including approximate waste depths	X		Waste depth to 3.6 mbgs; general waste limits and depths reported, but impacted soils not delineated yet[2]	X		Waste depth to at least 3.6 mbgs; general waste limits and depths reported, but impacted soils not delineated yet[3]
b.	Duration of operation	X		Not formally operated or managed; air photos place use before 1949 and ending between 1978 and 1987[1]	X		Not formally operated or managed; air photos place use before 1949 and ending between 1969 and 1978[1]
c.	Amount, types of waste, and degree of waste stabilization in the landfill	X		Metals, glass, wood and plastic debris, crushed brick, cables, tires[1,2]	X		Metals, glass, wood and plastic debris, crushed brick, cables, tires, low-grade coal[1,3]
d.	Landfill topography for site drainage	X		To the north[2]	X		To the north[3]

https://aeris.ae.ca/XWeb/entity/entity.aspx?ec=3&code=35694

CROWSNEST PASS
Integrity Rewarded

	Considerations for Consent	Old Sartoris Staging Area			Hillcrest Ball Diamond Road		
		Condition		Comments	Condition		Comments
		Yes	No		Yes	No	
e.	Landfill final cover details such as thickness and composition	X		Non-engineered cover; thickness between near surface and 0.7, mbgs consisting of silty sand[2]	X		Non-engineered cover; thickness between 0.2 and 1.2 mbgs, consisting of silty sand and low-grade coal[3]
f.	A visual inspection report that details vegetation stress and degree of cover, landfill settlement, exposed refuse, leachate breakout, and any other visually notable landfill issues	X		Environmental overview[1] Preliminary Phase II ESA[2]	X		Environmental overview[1] Preliminary Phase II ESA[3]
g.	A review of the available reports/issues associated with the operation of the facility (such as annual reports)		X	Not formally operated or managed		X	Not formally operated or managed
h.	Regional and site specific geology and hydrogeology	X		Environmental overview[1]	X		Environmental overview[1]
i.	A map showing all water wells and residences within a 1 km radius of the site and other topographical features, such as water bodies, within 5 km of the site	X		Environmental overview[1]	X		Environmental overview[1]
j.	The applicable sections of the area structure plan documenting the zoning and expected use of the landfill and surrounding area	X		Environmental overview[1]	X		Environmental overview[1]
k.	Well logs and groundwater monitoring and sampling results	X		Preliminary Phase II ESA[2]	X		Preliminary Phase II ESA[3]
l.	Landfill gas monitoring results	X		Preliminary Phase II ESA[2]	X		Preliminary Phase II ESA[2]
m.	An opinion on whether encroach is feasible (under what mitigative measures, to what distance)	X		See Section 3 of this letter	X		See Section 3 of this letter
n.	If mitigative measures are proposed, the design details, monitoring and maintenance program of the mitigative measures	X		See Section 3 of this letter	X		See Section 3 of this letter

[1] Associated Environmental Consultants Inc. 2023. Nuisance Grounds Environmental Overview. 2022-8246. [2] Associated Environmental Consultants Inc. 2023. Preliminary Phase II Environmental Site Assessment, Old Sartoris Staging Area, SE-35-007-04 W5M. 2022-8246. [3] Associated Environmental Consultants Inc. 2023. Preliminary Phase II Environmental Site Assessment, Hillcrest Ball Diamond Road, SW-20-007-03 W5M. 2022-8246. mbgs – metres below ground surface

DIRECT CONTROL – DC-1 (Turtle Mountain Restricted Development Area)

PURPOSE: *To provide land use regulations for, and Council's control over, development of land in close proximity to the Turtle Mountain Slide Area, in the interest of public safety.*

1. PERMITTED AND DISCRETIONARY USES

Note: On March 14, 2025 there is no existing development on the lands within this Direct Control District, except for the Hillcrest Ball Diamonds, and the majority of the land in the Direct Control District is owned by either the Municipality or the Crown.

1.1 This Direct Control District does not include any permitted uses.

1.2 Any and all uses of land in this Direct Control District are discretionary.

1.3 New residential development shall not be allowed in the district.

1.4 Council may approve a development permit for any of the following uses:

(a) those residential buildings existing on November 01, 2007, shall be allowed to continue in use and may be repaired, maintained, altered or expanded on a discretionary use basis and only to the extent provided for in the Land Use Bylaw that applied to the subject property on November 1, 2007, but shall not be rebuilt; and

(b) non-residential buildings such as garages, garden sheds or other similar uses that existed on November 01, 2007 as well as the development of new non-residential buildings are allowed in the district as discretionary uses.

2. APPLICATION

2.1 The area that is the subject of this Direct Control – DC-1 district is shown on the map attached to this district.

2.2 A full extent version of the Direct Control District area is shown on Map 1 of this Bylaw.

3. GENERAL REGULATIONS

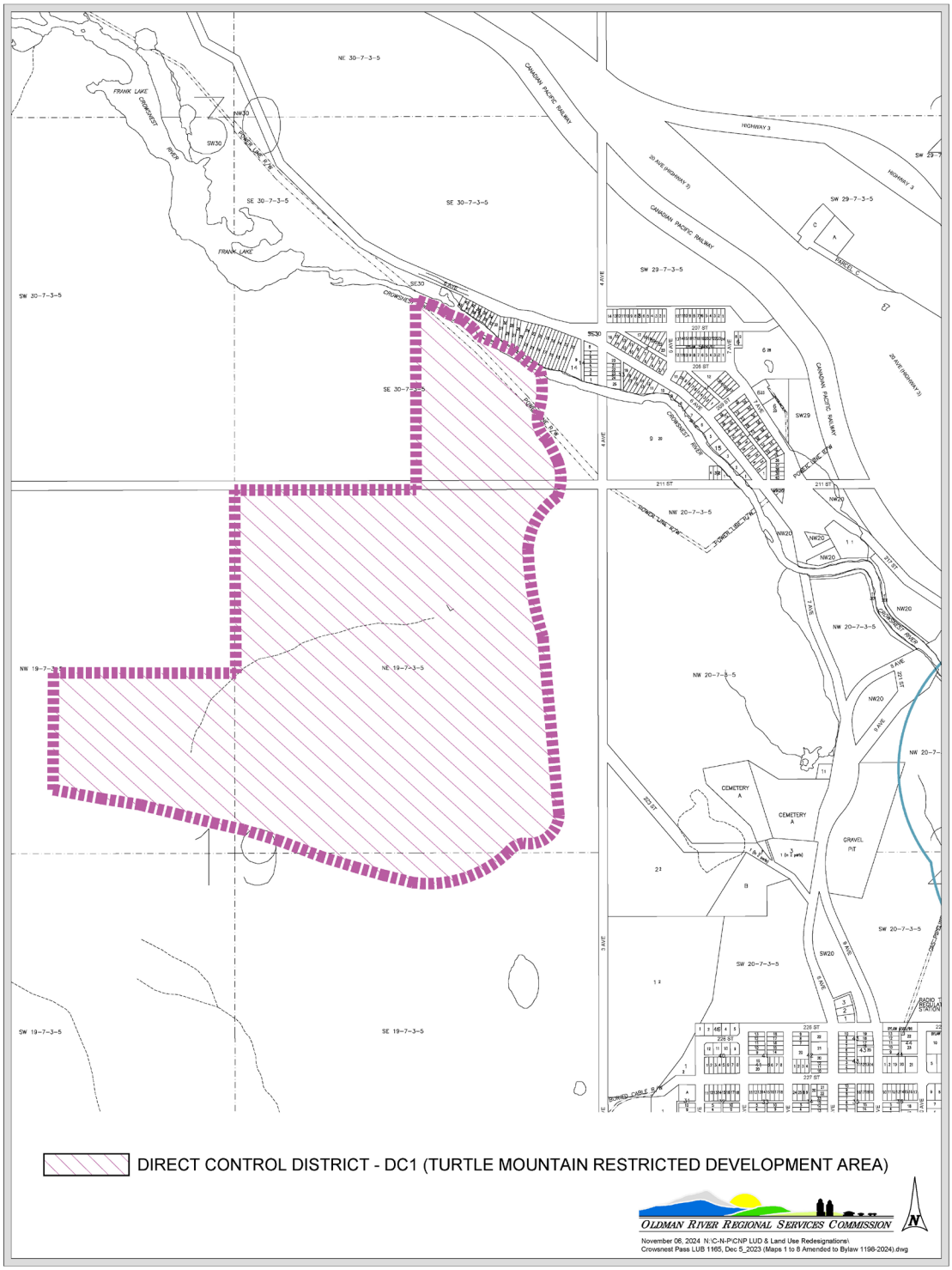
3.1 Council is the Development Authority for land that is subject to this Direct Control District.

3.2 The merits of a development permit application shall be evaluated on a case-by-case basis and having regard for site-specific circumstances.

3.3 Council shall determine the standards of development (e.g. maximum lot coverage, development setbacks) and other regulations for land that is subject to this Direct Control District, for each development permit application on a case-by-case basis and having regard for site-specific circumstances..

3.4 There are no appeals relative to Council's decision on a development permit application.

3.5 While the Municipal Planning Commission is the Subdivision Authority for this Direct Control District, the subdivision of existing certificates of title in this Direct Control District is discouraged.


DIRECT CONTROL DISTRICT - DC1 (TURTLE MOUNTAIN RESTRICTED DEVELOPMENT AREA)
OLDMAN RIVER REGIONAL SERVICES COMMISSION
November 06, 2024 N:\C-N-P\CNP LUD & Land Use Redesignations\
Crowsnest Pass LUB 1165, Dec 5_2023 (Maps 1 to 8 Amended to Bylaw 1196-2024).dwg

FUTURE URBAN DEVELOPMENT - FUD

PURPOSE: *To safeguard against the premature or unorderly development of lands that are within the boundary of an approved area structure plan through an interim designation until such time that the lands are ready to be developed in accordance with the area structure plan.*

1. PERMITTED USES

Accessory Building or Use up to 72.8 m^2 (784 ft^2), not prior to the establishment of the principal building or use
Agriculture
Exploratory Excavation / Grade Alteration / Stockpiling
Home Occupation – Class 1
Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Sign – Types:
- Fascia or Wall
- Freestanding
- Murals
- Portable
- Projecting

DISCRETIONARY USES

Accessory Building or Use up to 72.8 m^2 (784 ft^2) prior to the establishment of the principal building or use
Accessory Building or Use over 72.8 m^2 (784 ft^2)
Canvas Covered Structure
Home Occupation – Class 2
Manufactured Home
Moved-In Building
Moved-In Dwelling
Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
Recreational Vehicle Storage
Resource Extraction
Secondary Suite, Attached
Sign – Types:
- Roof
- Third-Party

Single-Detached Dwelling

2. SUBDIVISION WITHIN THE FUD DISTRICT

Subdivision may be supported where the proposal furthers the outcomes of an approved area structure plan and the layout is consistent with the land use concept outlined in the area structure plan.

3. USE RESTRICTIONS FOR DISCRETIONARY USES

(a) Where lands within this district are subject to a development permit application for a discretionary use, the Development Authority shall not approve the application if it is of the opinion that the use will become non-conforming when the subject lands are ultimately redesignated in accordance with the approved area structure plan that is in effect at the time the development permit application is being considered.

(b) The Development Authority shall utilize a temporary approval under Administration section 17.1(b) where necessary to ensure that the lands are available for development as envisioned in the approved area structure plan.

4. DEVELOPMENT CONSIDERATIONS FOR DISCRETIONARY USES

(a) Where lands within this district are subject to a development permit application for a discretionary use, the Development Authority shall not approve the application if it is of the opinion that the proposed development would:

(i) compromise the orderly subdivision or subsequent development of the subject lands;

(ii) substantially conflict with the provisions of the land use district that will govern the subject lands in the future once the lands have been redesignated to align with the approved area structure plan that is in effect at the time the development permit application is being considered; or

(iii) jeopardize in any way the implementation of the approved area structure plan that is in effect at the time the development permit application is being considered.

5. MINIMUM LOT SIZE – see Schedule 4 Section 16

All uses	– 1.2 hectares (3 acres) or existing titles

6. MINIMUM YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All Uses	Setbacks shall be at the discretion of the Development Authority having regard to the approved area structure plan.					

7. MAXIMUM BUILDING HEIGHT

Principal building	– 10.0 m (32.8 ft)
Accessory buildings	– 6.1 m (20.0 ft)
Principal Structures under "Agriculture"	– No maximum

8. MINIMUM HABITABLE FLOOR AREA OF PRINCIPAL BUILDING

Single-Detached Dwelling	– 102 m^2 (1,100 ft^2) habitable floor area

9. APPLICATION REQUIREMENTS

An application for development shall be accompanied by the documents necessary for the Development Authority to evaluate the consistency of the application with the approved area structure plan. For a permanent building (eg. accessory building, dwelling, etc.), these necessary documents shall include a professionally drafted site plan demonstrating that the building is within an acceptable building pocket and oriented in a manner consistent with the direction provided or implied in the land use concept of the approved area structure plan.

10. STANDARDS OF DEVELOPMENT – See Schedule 4.

11. OFF-STREET PARKING AND LOADING – See Schedule 6.

12. RELOCATION OF BUILDINGS – See Schedule 7.

13. CRITERIA FOR HOME OCCUPATIONS – See Schedule 8.

14. MANUFACTURED HOME DEVELOPMENT STANDARDS – See Schedule 9.

15. SIGN STANDARDS – See Schedule 11.

16. STANDARDS FOR RENEWABLE ENERGY OPERATIONS – See Schedule 12.

17. ANIMAL CARE SERVICE FACILITY REGULATIONS – See Schedule 13.

18. STANDARDS FOR SECONDARY SUITES – See Schedule 15.

19. STANDARDS FOR SHORT-TERM RENTAL / BED & BREAKFAST AND TOURIST HOME – see Schedule 17.

20. DEFINITIONS – See Schedule 18.

Schedule 3

DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

Schedule 3

DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

General Exemptions

1. A development permit is not required:

1.1 for any development exempted under either the Act or an exemption regulation ordered by the Lieutenant Governor in Council pursuant to the Act; or

1.2 for the completion of a construction lawfully commenced on or before the coming into effect of this Bylaw or an applicable amendment to it, provided that the construction is completed:

(a) in accordance with the terms of a development permit granted in respect of it, and

(b) within 12 months of the coming into effect of this Bylaw.

Matters to which the Specific Exemptions Do Not Apply

2. Any exemption to the requirement to obtain a development permit that is provided for in section 3 of this Schedule ***DOES NOT APPLY*** to:

2.1 "Exploratory Excavation / Grade Alteration / Stockpiling", except as provided for in section 3.5 of this Schedule, or

2.2 proposed change of use or occupancy, renovation, alteration, new signage or a change to existing signage, maintenance, or improvement to a building that is located on a property in one of the categories that require referral to the Municipal Historic Resources Advisory Committee pursuant to this Bylaw, or

2.3 the demolition of a building or structure of any size that is located on a property in one of the categories that require referral to the Municipal Historic Resources Advisory Committee pursuant to this Bylaw,

and thus, in the above circumstances a development permit or another form of approval is required and, with reference only to section 2 2.1 and 2.2 above, the Development Officer may determine that, based on the nature of the work a conditional approval from the Development Officer is required instead of a development permit.

Specific Exemptions

3. In addition to the General Exemptions provided for in section 1 of this Schedule, and subject to the relevant provisions of this Schedule, and in the sole discretion of the Development Officer, a development permit is not required for the following development, provided that the use is listed in the applicable land use district and that all district regulations, standards of development and other applicable provisions of this Bylaw that relate to the proposed development, including Schedule 4 section 20 Projections into Yards, are complied with:

Agriculture, Change of Occupancy, Renovations, Maintenance, and Demolition

3.1 "**Agriculture**" as defined in the land use bylaw;

3.2 subject to section 2 in this Schedule, **a change of occupancy** while the land use remains unchanged, provided that the change of occupancy does not involve alterations or additions to the external appearance of the building, or internal alterations that substantially alter the space (e.g. addition of walls or changes to floor plan), and further provided that the parking requirements and all other development standards and requirements of this Bylaw are complied with;

3.3 subject to section 2 in this Schedule, **renovation, alteration, maintenance, or improvement** to a building, that:

(a) does not involve demolition, or

(b) does not involve new construction, or

(c) does not involve a structural alteration, or

(d) does not include an addition that would change the external appearance / dimensions of the building, or

(e) does not create an additional dwelling unit, or

(f) does not result in a change of use, or

(g) does not increase the need for additional parking.

3.4 subject to section 2 2.3 in this Schedule, the **demolition** of a building of less than 46.5 m^2 (500 ft^2) [note that a demolition permit under the *Safety Codes Act* may still be required];

Excavation / Grade Alteration / Stockpiling

3.5 earthworks, demolition, and construction work to service an approved subdivision for which engineering design has been approved by the Municipality and a development agreement has been executed;

3.6 subject to section 2 2.1 in this Schedule, exploratory excavation / grade alteration / stockpiling (as defined in this Bylaw) – this may include matters pursuant to subsection 3.7 of this Schedule. Administration sections 17 and 17.5 and the regulations and standards established under Schedule 4 section 33 shall apply, pursuant to which a temporary conditional approval is required in the sole discretion of the Development Officer;

> ***Note:*** *An activity or construction or earthworks that involves or may result in a change to existing overland stormwater drainage patterns, whether natural or man-made, to an extent that may affect stormwater drainage to adjacent property, or that involves or may result in a change to the existing grade of a property by more than 1.20 metres, or that involves or may result in a side slope ratio (metres) that exceeds 3:1 or a back slope ratio (metres) that exceeds 2:1, shall not be undertaken without first obtaining a development permit, or a conditional approval as provided for in subsection 3.5.*

Private Utilities

3.7 the installation of **private utilities** (as defined in this bylaw but excluding a freestanding Solar Collector and a freestanding Small Wind Energy Conversion System) on private property with the intent to service only the same property on which it is located, provided that a principal building or use exists on the property, or that a development permit for a principal building or use has been issued or arrangements satisfactory to the Development Officer have been agreed to in writing including matters pursuant to subsection 3.5 of Schedule 3, and that any applicable permits under the *Safety Codes Act* are obtained, and that any engineering design that may be required and may require municipal review has been obtained and approved for construction;

3.8 **a communication antenna** or structure for non-commercial, private use that complies with the following requirements:

(a) a communication antenna installed on or attached to a roof,

(b) a communication structure that is not located in a front yard or in a secondary front yard; and/or

(c) a communication antenna or structure that will not exceed the height of the principal building on the site;

At-grade Outdoor Improvements

3.9 subject to section 2 in this Schedule, an at grade outdoor improvement, provided that such improvement is not located within the minimum yard setbacks, except as provided for in Schedule 4 and section 20 Projection into Yard Setbacks, and complies with the relevant provisions of Schedule 4 section 15. This may include but is not limited to landscaping, a driveway (excluding a new access approach or a new dropped curb onto a municipal road), a patio, a sidewalk, a wheelchair ramp, etc.;

Accessory Buildings, Structures, and Uses

3.10 the construction or maintenance of **gates and fences** or other means of enclosure, subject to any limitations in height, obstruction of corner sightlines or other features detailed in Schedule 4 hereof;

3.11 **a retaining wall** that is either not greater than 1.2 m (4 ft) in height above grade and/or that is not critical to the support of building foundations (notwithstanding any other provision in this Bylaw, a retaining wall is deemed to be an accessory structure and may be constructed with a zero-lot line yard setback without requiring the approval of a variance);

3.12 subject to section 2 in this Schedule, **a ground level deck**, a pergola, an uncovered enclosure (i.e. a structure without a roof), a privacy screen, a landing for ground floor building access, a staircase or other similar structure (except a sign), and building features that are allowed as projections into yard setbacks pursuant to Schedule 4 section 20, provided that:

(a) the improvement does not alter lot drainage; and

(b) the improvement complies with all other development standards and provisions of this Bylaw, including Projections into Yards (see Schedule 4 section 20);

3.13 an **accessory structure** in any district, such as a flagpole, a mailbox, a garbage container, a collapsable/moveable packaged greenhouse [maximum 10m² (108ft²)], a yard light standard, and similar structures at the sole discretion of the Development Officer;

3.14 **one accessory building per parcel with an established principal building** which is smaller than 10 m^2 (108 ft^2) in area, provided it meets all applicable setbacks and other development standards of this Bylaw – additional accessory buildings, or an accessory building that does not comply with the development standards prescribed in the applicable land use district, require a development permit regardless of their size;

3.15 the temporary placement of **one temporary Accessory Building** (including specifically for this purpose only, a shipping container / transport trailer or construction trailer but not including a work camp), for the sole purpose of and directly in connection with an active construction project for which a development permit and a building permit under the *Safety Codes Act* have been issued, for the duration of the project, provided that:

(a) the said temporary building is not used or intended to be used as a residence; and

(b) the construction site is active (i.e. construction has commenced and is on-going or is about to commence within one week); placement of a temporary building on an inactive construction site is prohibited; and

(c) the temporary building shall be removed from the site immediately when construction has been suspended for a period of 60 days or more; and

(d) the temporary building shall be placed entirely within the boundaries of the property on which construction is undertaken and shall not obstruct required sight triangles (placement of the temporary building within a road right-of-way, including a boulevard or lane, may require a hoarding permit or temporary closure permit pursuant to the Traffic Bylaw); and

(e) the temporary building must be removed immediately upon completion of construction;

Note: *If the proposed construction is for work that does not require a development permit (e.g. renovations), or if the placement of the Accessory Building cannot comply with the above conditions, then a temporary development permit is required pursuant to Schedule 14 section 3.2;*

Home Occupations

3.16 one business per dwelling unit that operates as a Home Occupation – Class 1 (additional Home Occupations – Class 1 are subject to the development permit process);

Signs

3.17 subject to section 2 in this Schedule, the following signs or changes to existing signage:

(a) any signs identified as exempted from the requirement to obtain a development permit in the Sign Standards Schedule of this Bylaw;

(b) the change of copy for an existing approved / established sign that is a legal and conforming sign pursuant to a previous development permit provided that all conditions of the development permit and standards in Schedule 11 are complied with;

Recreational Vehicles

3.18 individual recreational vehicle (RV) units which are not considered permanent buildings and are located in an approved “Tourism Accommodation”;

3.19 the outdoor storage and/or use for temporary sleeping accommodations of a recreational vehicle (RV) unit in accordance with the provisions and standards of and not exceeding any threshold or timeline established in Schedule 4 – for greater clarity, while a development permit is not required to store (outdoors) or use an RV so stored in accordance with the standards in Schedule 4, a development permit cannot be applied for and shall not be issued for the outdoor storage or use of an RV out of scope with the provisions of Schedule 4;

Tree Felling

3.20 tree felling within the GCR-1, UTAR, NUTAR, and NUA-1 land use districts, on the part of a parcel that is not within the minimum yard setback. The minimum yard setbacks specific to Tree Felling are prescribed in the applicable land use districts. A development permit is required to fell trees within the minimum yard setback in the districts listed above, except for the purposes specified in Schedule 4 of this Bylaw.

Municipal, Provincial, and Federal

3.21 regardless of the use classification in the applicable land use district, the use of land or a building and any development that is undertaken by or on behalf of a municipal, provincial or federal government agency on land that is publicly owned or controlled or is within a designated area of Crown land, except the establishment by the Municipality of a wastewater treatment plant, waste management facility, resource extraction or other development that could be reasonably considered to have nuisance potential (provincial and federal government agencies may elect to obtain a development permit when it is deemed prudent to do so);

3.22 the installation (except the initial installation of a waste management facility or a wastewater treatment plant), maintenance, upgrading, alteration and/or repair of any public works, service or utilities (including a waste management facility or a wastewater treatment plant) by or on behalf of a municipal, provincial or federal government agency on land that is publicly owned or controlled or is within a designated area of Crown land;

Disputes

4. Any question as to whether a proposed development requires a development permit shall be referred to the Development Officer who may make a decision or may refer the question to the Municipal Planning Commission.

Schedule 4

STANDARDS OF DEVELOPMENT

Schedule 4

STANDARDS OF DEVELOPMENT

1. The following is an alphabetical list with section number references of the general development standards and the land use specific development standards that are established in this Schedule:

Applicability of this Schedule ..... Section 2

Accessory Buildings and Uses ..... Section 28
- General Provisions 28.1
- Accessory Building or Use Prior to Principal Building or Use 28.2
- Accessory Building in the Front Yard of a Principal Building 28.3
- Canvas Covered Structures 28.4
- Communication Antennae and Structures 28.5
- Decks 28.6
- Fences in any Residential Land Use District, CRV and CSV 28.7
- Outdoor Washroom Facilities 28.8
- Refuse Storage for Commercial, Industrial and Multi-Unit Residential Development 28.9
- Retaining Walls 28.10
- Shipping Containers 28.11
- Signs 28.12
- Swimming Pools 28.13

Access to Roads, Driveways and Parking Pads ..... Section 4
- All Locations 4.1
- Urban Locations 4.2
- Rural / Non-Urban Locations 4.3

Animal Care Service Facilities ..... Section 29

Apartment, Multi-Unit Residential and Mixed-Use Building ..... Section 30

Cannabis Retail Sales ..... Section 31

Comprehensive Planning for Redesignation, Development Permit or Bareland Condominium Subdivision Applications ..... Section 3
- Comprehensive Site Development Plan 3.1
- Area Structure Plan 3.2

Corner Lot Sight Triangle ..... Section 4

Demolition, Removal or Replacement of Buildings ..... Section 6

Drive-in Commercial ..... Section 32

Easements, Setback Distances and Public Safety ..... Section 7
- Easements, Rights-Of-Way and Legislated Setback Distances 7.1
- Future Highway 3X 7.2
- Railway Lines 7.3
- Setbacks Adjacent to Highway 7.4
- TC Energy High Pressure Gas Pipeline 7.5
- Wildland-Urban Interface 7.6

Environmental Considerations ..... Section 8
- Areas of Potential Environmental Concern (APEC) 8.1
- Flood-Risk Lands 8.2
- Private Sewage Disposal Systems 8.3

Municipal, Environmental and Conservation Reserve, and Conservation Easement 8.4
Tree Felling 8.5
Environmental Protection and Wildlife 8.6
Wildland-Urban Interface 8.7
Exploratory Excavation / Grade Alteration / Stockpiling ..... Section 33
Exposed Foundations ..... Section 9
Historic Resources and Main Street Ground Floor ..... Section 10
Home Occupations ..... Section 34
Industrial and Commercial ..... Section 11
Infill Development in Mature Neighbourhoods ..... Section 12
Landscaping and Screening ..... Section 13
Lighting (Outdoor) ..... Section 14
Lot Grading, Drainage and Stormwater Management (Retaining Walls) ..... Section 15
Lot Sizes and Non-Standard Lots ..... Section 16
Manufactured Homes ..... Section 35
Manufactured Home Communities ..... Section 36
Maximum Grade ..... Section 17
Fully Developable Lots 17.1
Slope Stability Assessment 17.2
Urban Driveways 17.3
Number of Dwelling Units, Recreational Vehicles and Principal Buildings on a Parcel of Land or a Bare Land Condominium Unit ..... Section 18
Number of Dwelling Units and Cabins and/or Recreational Vehicles on a Parcel of Land or a Bare Land Condominium Unit 18.1
Number of Principal Buildings and Uses on a Parcel of Land or a Bare Land Condominium Unit 18.2
Provisions for Additions and Demolitions 18.3
Parking and Loading ..... Section 19
Private Utilities ..... Section 37
Water, Wastewater, Stormwater, Gas, Electricity, and Telecommunications 37.1
Electric Utility – Solar Collector 37.2
Electric Utility – Small Wind Energy Conversion System 37.3
Projections Into Yard Setbacks ..... Section 20
Public Utilities, Infrastructure Mains, and Service Connections ..... Section 21
Quality and Design of Development ..... Section 22
Recreational Vehicles – Outdoor Storage and Temporary Sleeping Accommodations ..... Section 23
Relocation of Buildings ..... Section 24
Renewable Energy Operations ..... Section 38
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Zero Front Yard Setback in the CSV District.....27.12(b)

GENERAL DEVELOPMENT STANDARDS

2. APPLICABILITY OF THIS SCHEDULE

2.1 In addition to more specific or more restrictive standards as may be established within an individual land use district or in a discretionary use development permit, the following standards apply to all land uses in all land use districts.

2.2 All development shall comply with this Bylaw, the land uses, standards and regulations prescribed in the applicable district, the conditions attached to a development permit, the standards established in this Schedule, any other standards established by the Municipality of Crowsnest Pass in and enforced through other municipal bylaws and any federal and provincial regulations that may apply to a development, which is to be determined by an applicant or landowner or their agent and complied with by an applicant or landowner or their agent at their sole risk and responsibility and to the exoneration of the Municipality of Crowsnest Pass from any liability related to these matters and at no cost to the Municipality.

3. COMPREHENSIVE PLANNING FOR REDESIGNATION, DEVELOPMENT PERMIT OR BARELAND CONDOMINIUM SUBDIVISION APPLICATIONS

3.1 Comprehensive Site Development Plan

(a) The Development Officer may require an applicant for a redesignation or a development permit or, where deemed applicable having consideration for the provisions in section 3.2, a bareland condominium subdivision, to prepare a comprehensive site development plan as follows:

(i) As provided in sections 12.1, 18.2(a), 21.7, 27.14, and 42 of this Schedule, or in Table 1 of Schedule 6, or in section 4.4 of Schedule 16.

(ii) When the Development Officer deems it necessary for the purpose of comprehensive and coordinated planning of land uses and infrastructure, the applicant for a redesignation or a development permit shall, at no cost to the Municipality and to the satisfaction of the Development Authority, prepare a Comprehensive Site Development Plan as part of the application for the redesignation or development permit.

(iii) A Comprehensive Site Development Plan must describe the following information:

(A) The layout of the proposed development, parcel boundaries and dimensions, land uses, density of population, location of buildings, parking and loading areas, landscaping, amenity spaces, property line yard setbacks and other relevant development standards to the Development Officer's satisfaction.

(B) The location and specifications of access and egress points into and from the parcel from and to public roadways, including vehicular and pedestrian connections to adjacent properties, supported by a qualified transportation engineering review if required.

(C) The location and capacity and upsizing requirements of existing or required municipal water, wastewater, and stormwater infrastructure and servicing connections at the property line, based on the designed volumes required and produced by the proposed development.

(D) The relation of the proposed development to future subdivision and development adjacent areas.

(E) The sequence of the proposed development.

(F) Any other information that the Development Officer deems relevant to making an informed decision on the development permit application.

(iv) The Development Officer may require that a Comprehensive Site Development Plan for a bareland condominium subdivision application is subject to satisfactory public consultation, including a public hearing pursuant to s. 653 (4.1) of the Act, prior to a subdivision application being deemed complete.

(v) The Development Authority may approve blanket variances to yard setbacks and building heights in a Comprehensive Site Development Plan.

3.2 Conceptual Scheme or Area Structure Plan

(a) The Development Officer may require an applicant for subdivision to prepare a conceptual scheme or an area structure plan as follows:

(i) When the Development Officer deems it necessary for the purpose of comprehensive and coordinated planning of land uses and infrastructure, the applicant for a subdivision application shall, at no cost to the Municipality and to the Development Officer's prepare a conceptual scheme or an area structure plan in accordance with relevant Council policy as part of the application for subdivision.

(ii) A conceptual scheme must describe the following information to the Development Officer's satisfaction:

(A) The layout of the proposed subdivision, with parcel or block boundaries and dimensions.

(B) Municipal Reserve, Environmental Reserve, and Conservation Reserve.

(C) Land uses and density of population

(D) Public roadways.

(E) The location and capacity and upsizing requirements of existing or required on-site and off-site municipal water, wastewater, and stormwater infrastructure, based on the design volumes required and produced by the proposed subdivision.

(F) The relation of the proposed subdivision to future subdivision and development of adjacent areas.

(G) The sequence of the proposed subdivision.

(H) The additional information provided for in the Subdivision and Development Regulation, that the Development Officer may deem relevant to making an informed decision on the subdivision application.

(iii) The Development Officer may require that a conceptual scheme is subject to satisfactory public consultation, including a public hearing pursuant to s. 653 (4.1) of the Act, prior to a subdivision application being deemed complete.

(iv) An Area Structure Plan must describe the information and comply with the preparation process requirements prescribed in the Act and relevant Council policy.

(v) A conceptual scheme and an Area Structure Plan shall demonstrate consistency with other applicable statutory plans.

4. ACCESS TO ROADS, DRIVEWAYS AND PARKING PADS

4.1 All Locations

(a) Subdivision and development shall provide physical and legal public access to a public roadway of a type at the sole discretion of the Municipality, and that is constructed to the minimum engineering standards and is maintained by the Municipality, ***except for***:

(i) development that is accessed by a private easement agreement and a registered easement plan; and

(ii) development internal to a condominium plan; and

(iii) development internal to an unsubdivided Manufactured Home Community or a multi-use development containing private internal roadways.

(b) A municipal parking lot, public utility lot, municipal reserve, school reserve, environmental reserve, conservation reserve, community services reserve, or other Municipal, provincial, or federal publicly owned property shall not be used to provide roadway access to private property without the express authorization and written agreement by the Municipality and/or a School Board and/or another level of government, as may be applicable.

(c) Development, except “Single-Detached Dwelling” and “Duplex / Semi-Detached Dwelling”, shall be designed so that vehicular movements necessary to access and exit a driveway, a parking stall, a parking lot, a loading bay, or a drive-through establishment, from and onto a public roadway can be safely carried out entirely on the subject parcel of land.

(d) The typical location of a property access (i.e. an urban curb crossing or a rural ditch crossing) from a municipal road onto a parcel of land is governed by Administrative Policy and does not require a development permit however, where a new access is proposed as part of a development permit application the Development Officer may, at their sole discretion, require that the proposed property access is reviewed by the Development Authority or its delegate.

(e) The Development Authority may require access to be located so that it can be shared with an adjoining lot or development.

(f) The Development Authority may require a minimum separation distance between vehicular access points, and between vehicular access points and street-street intersections or street-lane intersections.

(g) Access from a public road or lane into a parcel, driveway, garage, parking pad, and into and internal to a “Parking Facility”, parking area and loading area shall meet the applicable turning radius guidelines in *“Design Vehicle Dimensions for Use in Geometric Design”* (Transportation Association of Canada, 1997, as amended) or in *“Chapter D – At-grade Intersections – Highway Geometric Design Guide”* (Alberta Infrastructure, August 1999, as amended).

(h) The Development Authority may require as a condition of a development permit that the applicant or landowner enter into a development agreement with the Municipality to upgrade or pay for the upgrading of an existing public roadway and/or rear lane or to construct or pay for the construction of a new public roadway and/or rear lane, in either case to the minimum engineering standards and at no cost to the Municipality.

4.2 Urban Locations

(a) Only one (1) driveway per parcel shall be provided for single-dwelling residential development unless otherwise approved in a development permit.

(b) A driveway or other vehicular access into a subject parcel shall not be located less than:

(i) 6.1 metres (20 ft) from the intersection of any two streets, and

(ii) 3.0 metres (10 ft) from the intersection of two lanes or from the intersection of a lane with a street.

(c) An urban driveway slope shall meet the requirements established in the municipal Engineering and Development Standards (12% maximum slope).

(d) An urban driveway or parking pad shall be hard-surfaced as defined in this bylaw.

(e) ***Garage setback*** distance from a street or a lane, and ***parking pad / driveway length***:

From a Street

(i) Notwithstanding any other front yard setback distance established in the land use districts or elsewhere in this bylaw, a garage wall with an overhead door facing a street shall be set back and a parking pad / driveway shall be a minimum length of either:

(A) 6.10m from the front property line;

or

(B) 6.5m from the back of an existing or future public walkway;

or

(C) 7.5m from the back of an existing or future public curb.

but not at a distance in-between these distances, to provide for a vehicle to be parked in the driveway in front of the garage door or on a parking pad by overhanging into the boulevard without overhanging over the curb or over a public walkway;

and further, for specific land uses and subject to conditions (see Schedule 6, section 1.4), such a driveway / parking pad may be counted as a valid parking space for the purposes of off-street parking requirements even though a portion of it encroaches into the boulevard.

Rear Lane Access

(ii) “Rear lane access” requires a surveyed and registered public rear lane as defined in this bylaw. Informal access (i.e. not surveyed and not registered) across adjacent private land, Crown land, Municipal land or reserves, or other “public land”, or a surveyed and registered access that is less than 6.0m wide (sub-standard lane), is not legal access. A development permit shall not be approved for a building that is proposed to be accessed from land or a sub-standard lane that is not legal access as defined herein, except as provided in this section for a sub-standard rear lane (less than 6.0m wide) that existed in May 2024.

From a Standard Lane

(iii) The garage wall with an overhead door facing a public lane as defined in this bylaw (***at least 6.0m wide***):

(A) Shall be set back from the property line adjacent to the lane at a distance of either 6.10m or 0.6m, but not at a distance in-between these distances [except pursuant to subsection (B)], to prevent a vehicle parked in the driveway in front of the garage door from overhanging into the lane;

and

(B) If an easement exists along the property line adjacent to the lane, the garage setback distance shall be at least the width of the easement.

From a Sub-standard Lane

(iv) Where a public lane as defined in this bylaw is ***less than 6.0m wide***:

(A) A development permit shall not be approved for a garage that is proposed to be accessed from adjacent private land, Crown land, Municipal land or reserves, or other "public land", or from a surveyed and registered access that is less than 6.0m wide, except as provided for and required in paragraphs (B) and (C) of this subsection;

(B) Where, due to site-specific circumstances, a person applies for a development permit for a garage that is proposed to be accessed from a sub-standard rear lane (less than 6.0m wide), the garage wall with an overhead door shall either:

- not face the sub-standard lane, or
- if it faces the sub-standard lane the wall shall be set back 6.10m from the property line adjacent to the sub-standard lane,

and

where the Development Authority considers a variance to this setback distance, it shall do so in the context that the purpose of this minimum setback distance is to facilitate a turning radius from the sub-standard lane into the garage [see section 4.1(g)];

and

(C) By applying for and being issued a development permit for a garage that is proposed to be accessed from a sub-standard lane (less than 6.0m wide), the applicant for the development permit and/or the landowner of the subject parcel and their successors in title by default agrees to accept the sole risk and responsibility for any liability related to this matter, to the exoneration of and at no cost to the Municipality; and further, this clause shall be a condition of every development permit issued in such a circumstance.

No Rear Lane Access - Front Attached Garage or Parking Pad

(v) In a residential district where a subject property does not have access from a rear lane (at least 6.0m wide) or from a sub-standard lane (less than 6.0m wide) and does not provide a side yard sufficient for a driveway from the front yard to the rear yard, then a front attached garage and/or an off-street, hard-surfaced parking pad with minimum dimensions of 6.1 metres (20 ft) in width and 6.1 metres (20 ft) in depth (length), may be located in the front yard for a minimum of two parking spaces.

4.3 Rural / Non-Urban Locations

(a) The ***location, condition, and grade*** of a driveway or other vehicular access to a parcel located outside of the urban area (as defined in this bylaw) shall be to the satisfaction of the Development Authority, having regard to sight lines, drainage, compatibility with the construction and maintenance of municipal roads, the potential for conflict with access to nearby lands, and the accommodation of emergency vehicle access.

5. CORNER LOT SIGHT TRIANGLE

5.1 On a corner lot, no fence, wall, hedge, landscaping, sign or other material or building that will obstruct vision between a height of 0.9 metre (3 ft) and 3.0 metres (10 ft) shall be erected, placed or maintained within the triangular area formed by an imaginary line starting at the point of intersection of property lines and extending 6.1 metres (20 ft) from their point of intersection, as shown on the following illustrations. Also see location of driveways or other vehicular access relative to intersections and lane entrances under "***Access to Roads, Driveways and Parking Pads – Urban Locations***".

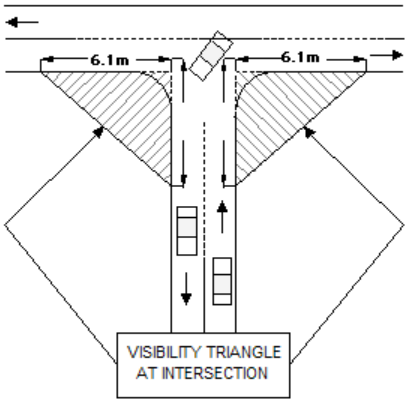


DIAGRAM 1

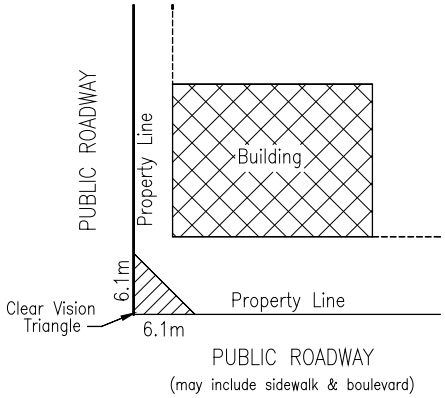


DIAGRAM 2

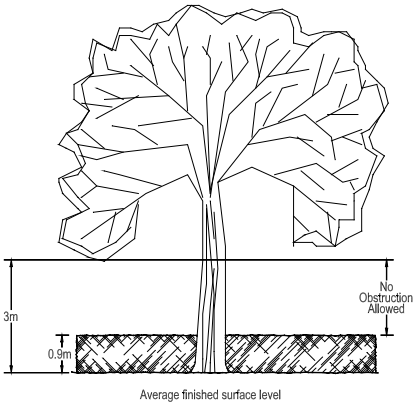


DIAGRAM 3

6. DEMOLITION, REMOVAL OR REPLACEMENT OF BUILDINGS

6.1 Building demolition, removal or replacement shall comply with the following:

(a) No person shall commence or cause to be commenced the demolition, removal or replacement of a building or portion thereof or of a use unless they have applied for and been issued a development permit for demolition, removal or replacement of the building or use.

(b) A development permit is not required for the demolition, removal or replacement of a building less than 46.5 m² (500 ft²) in size (note that a demolition permit under the Safety Codes Act may still be required).

(c) Whenever a development permit is issued for the demolition or removal of a building without it being replaced by a new development at the time, it shall be a condition of the development permit that the lot shall be cleared, with all debris removed to an appropriate waste management facility, and left in a graded condition upon completion of the demolition or removal to the satisfaction of the Development Authority.

(d) When a development permit is approved for the demolition, removal or replacement of a building, the Development Authority may require the applicant to provide a refundable security deposit in an amount established in the Fees, Rates and Charges Bylaw to cover the costs of reclamation to any public utility or municipal property and/or to repair any damage to municipal infrastructure, including but not limited to roads, curbs, sidewalks, signs, lights and utilities.

(e) Whenever a demolition, removal or replacement of a building is carried out, the property owner or applicant shall, at their own responsibility and expense, protect any fence, wall, foundation, structure, sidewalk or roadway that could be affected by such demolition, removal or replacement, including those on neighbouring properties, from damage or displacement.

(f) The property owner or applicant shall be responsible to ensure that best practices are followed by way of, for example, fencing and screening to ensure public safety, and the removal of waste to an appropriate waste management facility.

(g) The landowner or applicant shall be responsible for obtaining the required approval under the Safety Codes Act and other applicable legislation (e.g. relative to asbestos handling), and for utility service disconnections before demolition or removal of buildings.

(h) The Development Officer shall impose a reasonable timeline on all development permits for demolition, removal or replacement, specifying the time period by which the building must be demolished, removed or replaced and the site cleaned up.

7. EASEMENTS, SETBACK DISTANCES, AND PUBLIC SAFETY

7.1 Easements, Rights-of-Way and Legislated Setback Distances

(a) The Development Authority may require that a permanent building is located a specified distance from any registered access easement, utility easement, or other right-of-way.

(b) Development shall comply with the setback distances prescribed in the Subdivision and Development Regulation relative to the provincial development control zone from a provincial highway right-of-way, and the setback distances from sour gas facilities, oil and gas wells, abandoned oil and gas wells, wastewater treatment plants, and landfills.

7.2 Future Highway 3X

(a) Planning and development decisions shall consider the proposed location of the future Highway 3X bypass route, the future twinning of portions of the existing Highway 3 corridor, and the resulting interchange and access locations in an effort to facilitate logical future land use and to limit land use incompatibility.

7.3 Railway Lines

(a) The landowner of a proposed development in proximity to the CPR main line shall demonstrate to the Development Authority that they are aware of and have considered the recommendations in the *"Guidelines for New Development in Proximity to Rail Lines"* document, and the Development Authority may require adherence to these recommendations as a condition of development approval.

7.4 Setbacks Adjacent to Highway

(a) Development located within the prescribed distance from a highway (300 m from right-of-way or 800 m from centre line of highway and public road intersection) must obtain a roadside development permit from Alberta Transportation prior to submitting an application for a development permit, which shall establish the minimum setback requirement from the highway.

7.5 TC Energy High Pressure Gas Pipeline

(a) Development within 30 m of the TC Energy high pressure gas pipeline shall be set back a minimum of 7 m from the edge of the right-of-way and 12 m from the edge of the pipeline unless the pipeline operator consents in writing to a lesser setback.

7.6 Wildland-Urban Interface

(a) Development in the Municipality shall incorporate awareness of the risk of wildland fires affecting development in the Wildland-Urban Interface. The Development Authority shall strive to provide educational information and to enhance public awareness of applicable programs, such as FireSmart. In making a decision on a development permit application the Development Authority shall follow the development and planning related provisions in the FireSmart Bylaw and may impose development permit conditions for that purpose.

8. ENVIRONMENTAL CONSIDERATIONS

8.1 Areas of Potential Environmental Concern (Nuisance Grounds)

(a) Development and subdivision in the proximity of an Area of Potential Environmental Concern as identified in the Areas of Potential Environmental Concern Overlay District (APEC-OD) of Schedule 2 shall comply with the standards and best practices established in that Schedule.

8.2 Flood-Risk Lands

(a) Development of flood-risk lands shall comply with the following standards:

(i) Passive recreational land use may be allowed in a portion of the floodway as identified in the "Flood Risk Mapping Study of the Crowsnest River and its Tributaries" (AMEC, February 2007).

(ii) No building shall be allowed in the floodway. A fence, a retaining wall and other minor structures may be allowed in the floodway if the Development Authority is of the opinion that damage to the structure in the event of a flood is not likely to be significant.

(iii) No development in the floodway shall be allowed which may, in the Development Authority's opinion, adversely alter the floodway hydraulics to the extent that flood frequency is increased.

(iv) No filling shall be allowed in the floodway.

(b) The Development Authority may require that a principal building in the flood fringe be flood proofed pursuant to the recommendations of a professional engineer (see definition), as a condition of issuing a development permit for the building. This requirement does not apply to accessory buildings.

8.3 Private Sewage Disposal Systems

(a) A Private Sewage Disposal System (PSDS) is not allowed within the urban area as defined in this bylaw (refer to section 21 of this Schedule).

(b) Pursuant to Policies 2.3.5 and 4.2.9 of the Municipal Development Plan, when a PSDS is allowed outside of the urban area pursuant to section 21 of this Schedule, a subdivision application or a development permit application shall be deemed incomplete until the applicant provides the appropriate level of assessment established in the Model Process for PSDS (see definition), or an equivalent assessment to the Municipality's satisfaction, at no cost to the Municipality.

(c) When for some reason the requirement of subsection 8.3(b) was not completed at the application stage, the Subdivision Authority or the Development Authority, as applicable, shall impose a condition on a subdivision approval or a development permit approval to require that the applicant provide the appropriate level of assessment established in the Model Process for PSDS (see definition), or an equivalent assessment to the Municipality's satisfaction, at no cost to the Municipality.

(d) In reviewing a subdivision application for:

(i) suitability of the land for the intended purpose, and

(ii) conformance with the provisions of a growth plan, a statutory plan, and this land use bylaw, and

(iii) compliance with the Act and Regulations made under the Act,

the Subdivision Authority shall consider, among other things as may be required, the PSDS assessment provided by the applicant in subsections (b) and (c).

(e) The Subdivision Authority or the Development Authority, as applicable, may impose a condition on a subdivision approval or a development permit approval regarding the registration of a Restrictive Covenant to require the installation of a specific type(s) of PSDS recommended in the said PSDS assessment for the subject parcel [refer to subsections (b), (c) and (d)], and to prohibit the use of the parcel for the intended purposes unless a specific recommended type(s) of PSDS is installed in accordance with the Safety Codes Act.

8.4 Municipal, Environmental and Conservation Reserve, and Conservation Easement

Use of Reserves and Publicly Owned Lands

(a) A private landowner shall not use Municipal lands such as public parking lots, public roadways, public thoroughfares, boulevards, public utility lots, easements, municipal reserve, school reserve, environment reserve, conservation reserve, community services reserve, or other Municipal, provincial, or federal publicly owned property for private purposes such as, but not limited to, the storage of goods, vehicles, equipment, or materials, or the encroachment of private off-street parking spaces, goods, buildings, structures, or fences onto the aforesaid lands.

Municipal Reserve

(b) When the Municipality requires the dedication of Municipal Reserve, the Subdivision Authority shall ensure that it is accomplished in accordance with the provisions of the Municipal Government Act and Policy 1.2.6 of the Municipal Development Plan, as follows:

(i) The land to be dedicated shall not predominantly consist of slopes in excess of 15% and shall not predominantly be susceptible to frequent flooding, and shall be useable for the purpose of establishing a public park, amenity and recreation facilities, accessible trails and pathways, school facilities, and land use buffers.

(ii) Where the Municipality determines that land is not required for the purpose of establishing a public park, amenity and recreation facilities, accessible trails and pathways, school facilities, or land use buffers, Municipal Reserve shall be dedicated as cash in-lieu of land.

(iii) Municipal Reserve shall be dedicated on the entire area of the parcel(s) that is the subject of a subdivision application [calculated in accordance with the exclusions in subsection 8.4(iv)], and ***shall not be deferred by caveat*** to the remainder of the subject parcel, unless:

(A) it is done in accordance with an approved area structure plan that is being implemented in phases, or

(B) notwithstanding subsection (A) above, the Municipality agrees to a deferral of Municipal Reserve, at its discretion.

(iv) The land to be dedicated shall not exceed 10% of the subject parcel area excluding those portions of the subject parcel that is to be dedicated as Conservation Reserve or Environmental Reserve (or that is made subject to an Environmental Reserve Easement). When the applicant and the Municipality agree that cash-in-lieu of land is to be provided, the amount shall not exceed 10% of the appraised market value of the subject parcel excluding the aforesaid portions of the parcel. The dedication of Municipal Reserve as a combination of land and cash in-lieu-of land shall not exceed 10% as described above.

Environmental Reserve

(c) When the Municipality requires the dedication of Environmental Reserve, the Subdivision Authority shall ensure that it is accomplished in accordance with the provisions of the Municipal Government Act and Policies 4.2.4, 4.2.5, 4.2.6 and 4.5.1 of the Municipal Development Plan, as follows:

(i) The Subdivision Authority shall require as a standard procedure and condition of subdivision approval the dedication of land in the form of a titled parcel(s) of land in the ownership of the Municipality, rather than in the form of an Environmental Reserve Easement in favour of the Municipality.

(ii) The Subdivision Authority shall require the dedication of land that is adjacent to the bed and shore of a water body in the form of a strip of land that is not less than 6.0 metres in width measured from the top of bank of the water body, or where circumstances require, from the subject parcel boundary adjacent to the water body, whichever results in a larger distance away from the bed and shore of the water body such that it provides unobstructed foot access (not necessarily public access).

(iii) Notwithstanding the requirement in subsection 8.4(c)(i), pursuant to the provisions of the Act the owner of a parcel of land that is the subject of a subdivision application may negotiate ***with the Municipality*** (not with the Subdivision Authority) regarding an agreement that any or all of the land that is to be taken as Environmental Reserve is instead to be the subject of an Environmental Reserve Easement for the protection and enhancement of the environment. If the owner and the Municipality agree, an easement to this effect may be registered against the land in favour of the Municipality at a land titles office; and further – ***this provision for Environmental Reserve Easement in place of Environmental Reserve does not apply, at the sole discretion of the Municipality, to a portion(s) of the subject land adjacent to the Crowsnest River*** or another water body, where the Municipality may require that the land shall be dedicated pursuant to subsection 8.4(c)(i). Also see subsection 8.4(c)(iv) below.

(iv) The Subdivision Authority ***shall not*** negotiate on behalf of the Municipality with the applicant regarding an agreement pursuant to subsection 8.4(c)(iii) above, and ***shall not*** bind the Municipality into such an agreement either verbally or by imposing a condition of subdivision approval that provides for or implies that land that is to be taken as Environmental Reserve may instead be the subject of an Environmental Reserve Easement, or a Conservation Easement under the Land Stewardship Act or the Environmental Protection and Enhancement Act, or any strategy, partnership, program or other tool that may exist for the protection of wetlands pursuant to the Provincial Wetland Policy.

Conservation Reserve

(d) The Subdivision Authority ***shall not require*** the dedication of Conservation Reserve pursuant to the Municipal Government Act:

(i) when the subject land is land that could be required to be provided as Environmental Reserve pursuant to the Municipal Government Act, and/or

(ii) unless the subject parcel or a portion(s) of it is identified for the purpose of Conservation Reserve in an approved area structure plan, and/or

(iii) unless the conservation of the subject land is recommended in a biophysical assessment to the Municipality's satisfaction.

Conservation Easement and Other Tools

(e) The Subdivision Authority ***shall not on behalf of the Municipality offer to, or accept from,*** the applicant the option to grant a Conservation Easement under the Land Stewardship Act or the Environmental Protection and Enhancement Act, or any strategy, partnership, program or other tool that may exist for the protection of wetlands pursuant to the Provincial Wetland Policy, as a substitute for the dedication of Environmental Reserve, Environmental Reserve Easement, or Conservation Reserve as a condition of subdivision approval.

8.5 Tree Felling

(a) Tree Felling is regulated only in those districts where it is listed as a use.

(b) Tree Felling without the benefit of a development permit within the GCR-1, UTAR, NUTAR, and NUA-1 land use districts shall only be allowed on the part of a parcel that is not within the minimum yard setback. The minimum yard setbacks specific to Tree Felling are prescribed in the applicable land use districts.

(c) Notwithstanding the prohibitions on Tree Felling prescribed above, Tree Felling within the minimum yard setback shall be allowed for the purposes of adhering to FireSmart Canada best practices, developing a driveway or a fence, and managing land subject to an easement or right-of-way in accordance with the underlying easement or right-of-way agreement.

(d) Landowners shall refrain from felling trees within 30 m (98.4 ft) of the boundary of a water body or watercourse, in accordance with the guidelines promoted in the provincial policy document *Stepping Back from the Water.*

8.6 Environmental Protection and Wildlife

Wetlands, Watercourses, Riparian Areas, and Environmentally Significant Areas

(a) Development in the Municipality shall incorporate appropriate setbacks and other design considerations relative to its potential impact on the bed and shore of a watercourse or waterbody, riparian areas and/or environmentally significant area, by incorporating best practices, for example those promoted in relevant publications such as *"Stepping Back from the Water"* and *"Environmentally Significant Areas of Alberta"*.

(b) It is the responsibility of the landowner or applicant for a development permit to obtain clearance from provincial agencies for wetland assessment and compensation and from provincial and/or federal agencies for the use of or impacting upon the bed and shore of a waterbody or watercourse, and other approvals that may be required.

(c) The landowner and/or the developer is responsible to comply with provincial and federal legislation relevant to the environment, e.g. the Environmental Protection and Enhancement Act, the Public Lands Act, acts and regulations relevant to Fisheries and Oceans, the Impact Assessment Act and its associated regulations, etc.

Wildlife

(d) Development in the Municipality shall incorporate awareness of the presence of wildlife in the community. The Development Authority shall strive to provide educational information and to enhance public awareness of applicable programs, such as BearSmart.

(e) The landowner and/or the developer is responsible to comply with provincial and federal legislation relevant to wildlife, e.g. the Wildlife Act, Wildlife Regulation, Species At Risk Act, the Impact Assessment Act and associated regulations, etc.

8.7 Wildland-Urban Interface

(a) Development in the Municipality shall incorporate awareness of the risk of wildfires affecting development in the Wildland-Urban Interface. The Development Authority shall strive to provide educational information and to enhance public awareness of applicable programs, such as FireSmart.

(b) Landowners shall have regard to the development and planning related provisions in the FireSmart Bylaw.

(c) In making a decision on a development permit, the Development Authority shall follow the development and planning related provisions in the FireSmart Bylaw and may impose development permit conditions for that purpose.

9. EXPOSED FOUNDATIONS

9.1 The maximum allowable height above the average finished grade of the surrounding ground of the exposed portion of a concrete or block foundation may be limited by the Development Authority.

10. HISTORIC RESOURCES AND MAIN STREET GROUND FLOOR

Historic Resources

10.1 Development shall comply with the standards and regulations established in the Historic Commercial Areas Overlay District (HCA-OD) of Schedule 2.

10.2 A development permit application that proposes, or a request for approval to undertake work that involves:

- demolition,
- new construction,
- addition,
- a change of use or occupancy,
- renovation,
- alteration,
- new signage or a change to existing signage,
- maintenance, or
- improvement

to a building on a property in one of the following categories shall be reviewed in the context of any comments from the Municipal Historic Resources Advisory Committee and/or requirements from the federal or provincial government, as may be applicable, and the Development Authority may impose relevant conditions in a development permit or other approval:

(a) A property located within the boundaries of the Historic Commercial Areas Overlay District.

(b) Those properties that are designated by bylaw as a Municipal Historic Resource.

(c) Those properties that are designated as a Provincial Historical Resource.

(d) The properties, buildings and structures listed in the Heritage Management Plan Inventory as Historically Significant.

(e) A property within the Coleman National Historic Site of Canada.

Main Street Ground Floor

10.3 Ground floor development on the historic commercial “Main Streets” in Coleman, Blairmore and Bellevue, as defined in the Historic Commercial Areas - Overlay District, shall:

(a) predominantly consist of active commercial and/or retail uses that contribute to street-level pedestrian activity; and

(b) provide a continuous street wall with activated spaces and transparency at the ground floor level (avoiding blank walls) that improves safety and surveillance while attracting interest; and

(c) incorporate the requirements described in Schedule 5, section 6.

Historic Resource Values (Historical Resources Act)

10.4 A landowner or an applicant for a development permit or a subdivision shall be made aware of their responsibility to comply with the Historical Resources Act to make an application via the Online Permitting and Clearance (OPaC) process (https://www.alberta.ca/online-permitting-clearance) to the Historic Resources Management Branch of Alberta Arts, Culture, and Status of Women, and to comply with any requirements, terms, and conditions of such clearance.

11. INDUSTRIAL AND COMMERCIAL

11.1 Industrial and commercial development in the Municipality shall incorporate locational, design and operational considerations (including restricting its hours of operation) to reduce its impact on municipal infrastructure and improve its compatibility with nearby land uses by mitigating conflicts and adverse effects upon those uses, including but not limited to:

(a) measures to control or mitigate noise, smoke, vibration, effluent, dust, ash, odour, electrical interference, glare, heat and/or industrial waste to a level below what is reasonably considered to be offensive, noxious or a nuisance to the character and purpose of the adjacent land use district;

(b) design, exterior building finish, landscaping, siting, setbacks, hard-surfacing of parking areas, and other details, as appropriate and to the satisfaction of the Development Authority;

(c) and the Development Authority may impose relevant conditions on a development permit to ensure compliance with this standard.

12. INFILL DEVELOPMENT IN MATURE NEIGHBOURHOODS

12.1 An application for redevelopment or infill of a Multi-Unit Residential Building and/or an Apartment Building adjacent to existing lower density residential development in a mature neighbourhood shall be consistent with the relevant Municipal Development Plan policies (e.g. 2.1.4, 2.2.1, 2.2.2, 2.2.3, and others) and the standards established in this bylaw, including but not limited to the following aspects:

(a) Infill development shall be designed to respect existing development in a mature neighbourhood by being compatible with existing development of a lower density.

(b) Infill development shall be introduced into a mature neighbourhood thoughtfully and with high quality design to ensure compatibility with existing development of a lower density, by considering the transitioning of increased density, building height, building mass, yard setbacks, roof slopes, slope-adaptive building and site design considerations, and other standards as the Development Authority may deem applicable.

(c) Where practical and possible, infill development shall be located adjacent to or in close proximity to parks or open space.

12.2 The Development Officer may require an applicant to prepare a Comprehensive Site Development Plan to complete a development permit application or a Conceptual Scheme or an Area Structure Plan to complete a subdivision application for infill development or subdivision within a mature neighbourhood. Typically, this would be required for the introduction of medium and higher density residential development adjacent to existing lower density residential development in a mature neighbourhood or for complex proposals where the proposed development or subdivision involves the coordination of infrastructure systems capacity and alignment – it is not likely required for simpler applications, such as a development permit for one or two additional dwelling units or to replace one or two existing dwelling units, or for a subdivision application for one or two additional parcels.

12.3 The Development Authority may impose development permit conditions to ensure that an infill development complies with the standards established in this bylaw.

13. LANDSCAPING AND SCREENING

13.1 The Development Authority may impose development permit conditions for commercial, industrial, "Tourism Accommodation", multi-unit residential and apartment development, and bareland condominium development for a permitted or discretionary use relative to improving the aesthetic appearance of a development, including by the requirement of landscaping (with a requirement to use xeriscaping and/or recommended drought-tolerant vegetation and/or drip-irrigation), screening and/or buffering, when such requirements could serve to improve the quality and/or compatibility of the proposed development, reduce water consumption for yard care, and/or to bring the development into compliance with the standards set out in this Bylaw.

14. LIGHTING (OUTDOOR)

14.1 Where artificial outdoor lighting is provided to illuminate any parcel, building or site, the type, location, intensity and orientation of lighting shall:

(a) avoid direct illumination of the neighbouring properties;

(b) not adversely affect the use, enjoyment and privacy of any dwelling; and

(c) not interfere with traffic safety on public roadways.

14.2 Outdoor lighting is to be mounted not more than 6.1 metres (20 ft) above ground, excepting outdoor lighting for public uses and lighting approved in conjunction with a development permit.

14.3 Site lighting may be required as a condition of development and any such lighting shall be located, oriented and shielded so as not to adversely affect neighbouring properties or traffic safety on public roadways.

15. LOT GRADING, DRAINAGE AND STORMWATER MANAGEMENT (RETAINING WALLS)

15.1 For Exploratory Excavation / Grade Alteration / Stockpiling, see section 33 of this Schedule.

15.2 Notwithstanding any other provision in this Bylaw, including exemptions provided for in Schedule 3, a development (i.e. land use activity, construction or earthworks) that involves or may result in:

(a) a change to existing overland stormwater drainage patterns, whether natural or man-made, to an extent that may affect stormwater drainage to adjacent property, public road, or public lane, or

(b) a change to the existing grade of a property by more than 1.20 metres, or

(c) a deviation or variation in the finished grade elevation between the subject parcel and adjacent property, public road, or public lane, or

(d) a side slope ratio (metres) that exceeds 3:1 or a back slope ratio (metres) that exceeds 2:1,

shall not be undertaken without first obtaining a development permit, or a conditional approval as the case may be, that is supported by an engineered grading plan.

15.3 Development shall comply with the following standards:

(a) In no circumstances shall any part of a building, including eaves, encroach into or cause runoff onto an adjoining property.

(b) The Developer and/or the Landowner shall ensure that any changes to the lot grading maintains positive drainage directing the flow of all surface stormwater away from building foundations towards adjacent streets and lanes without adversely affecting (e.g. erosion, flooding) the subject parcel, adjacent properties, roads, lanes, public property, or public infrastructure, including where applicable in such a manner that the post-development rate and volume of surface stormwater drainage from the subject property do not exceed the pre-development rate and volume of surface stormwater drainage.

(c) Roof and surface drainage shall be directed either:

(i) to the public roadway or lane adjacent to the property, or

(ii) to a rear or side property boundary pursuant to an approved engineered grading plan or stormwater management plan,

and it shall not drain from the subject parcel in any other manner, except as approved in an engineered grading plan or stormwater management plan.

(d) A developer and/or the landowner shall ensure that a site on which a development is carried out is graded and construction of the development is completed in such a manner that surface stormwater runoff from the site complies with the standards in subsections (a), (b) and (c).

(e) A developer and/or the landowner shall undertake and complete the construction of an approved engineered grading plan or stormwater management plan at no cost to the Municipality.

(f) Should a retaining wall be required as part of the stormwater drainage system, and the retaining wall was not previously approved in a development permit, an additional development permit is required.

15.4 In order to deem a development permit application as complete the Development Authority, having consideration for site-specific field conditions including but not limited to slope, apparent drainage patterns, and an actual or potential deviation or variation in the finished grade elevation between the subject parcel and adjacent property, public road, or public lane, may require that an applicant provides to the Development Officer and/or includes into their site plan design, as may be applicable, any or all of the following:

(a) an engineered grading plan and/or drainage plan and/or other measures deemed appropriate to control surface drainage, reduce, eliminate or resolve finished grade differences between the subject parcel and adjacent property, public road, or public lane, and minimize erosion or slope instability.

(b) the construction of a retaining wall when, in the opinion of the Development Authority, significant grade differences exist or will exist after construction between the subject parcel and adjacent property, public road, or public lane.

(i) A retaining wall that is either greater than 1.2 m (4 ft) in height above grade and/or that is critical to the support of building foundations, shall be designed by a professional engineer (see definition).

(ii) Should a retaining wall be required, and the retaining wall was not previously approved in a development permit, an additional development permit is required.

(iii) Notwithstanding any other provision in this Bylaw, a retaining wall is deemed to be an accessory structure and may be constructed with a zero-lot line yard setback without requiring the approval of a variance.

15.5 The Development Authority ***may*** impose conditions on a development permit for the purposes of subsections 15.3 and 15.4, including conditions to ensure that the applicant and/or landowner:

(a) Is(are) responsible for ensuring adherence to and completion of construction in accordance with the approved engineered grading plan and/or drainage plan; and

(b) Provide(s) a survey or lot grading certificate stamped and permitted by an Alberta Land Surveyor or a professional engineer upon completion of the development to demonstrate that the approved engineered grades and drainage design have been implemented satisfactorily.

16. LOT SIZES AND NON-STANDARD LOTS

16.1 The Council may approve a bylaw to redesignate a parcel into a land use district when the subject parcel does not meet the minimum or maximum lot size or minimum lot dimensions established in the district, and such a parcel shall be considered a non-standard lot.

16.2 The Subdivision Authority may approve a subdivision application that will result in a parcel that does not meet the minimum or maximum lot size or minimum lot dimensions established in a land use district, and such a parcel shall be considered a non-standard lot. The Subdivision Authority shall not approve a subdivision that will result in a non-standard lot when the required variance is otherwise expressly prohibited by this Bylaw or a provincial or federal statute or regulation.

16.3 The approval of a non-standard lot either through redesignation or subdivision shall not be a guarantee that the Development Authority will approve a variance to a standard in this Bylaw to accommodate the subsequent development on a non-standard lot.

16.4 The Development Authority may approve a development permit on a non-standard lot with any variances that may be required to accommodate a proposed development, if in its opinion the proposed variances would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels.

16.5 The Subdivision Authority may approve a subdivision application for a lot that contains an existing development that, after allowing for the variances provided for in this Bylaw and after the plan of subdivision is registered, will not meet the minimum measurable standards of this Bylaw:

(a) only if the purpose of the subdivision is to accommodate a development that existed on the date of the initial adoption of this Bylaw (i.e. December 05, 2023), and

(b) only up to the variance authority that is assigned in this Bylaw to the Municipal Planning Commission,

and such approval shall not be granted if the variance is otherwise expressly prohibited by this Bylaw or a provincial or federal statute or regulation.

16.6 The Subdivision Authority and the Development Authority may, at their discretion, omit from the calculation of minimum or maximum standards for lot area or from minimum standards for lot dimensions any part of a lot which, because of rock, steep slopes or other physical features cannot be reasonably developed for the proposed use, including access, parking and buildings.

16.7 The minimum lot size standards established in the land use districts do not apply in a bare land condominium subdivision.

17. MAXIMUM GRADE

17.1 Fully Developable Lots

(a) A lot with an effective grade of 15% or less is considered fully developable.

17.2 Slope Stability Assessment

(a) When a lot has an effective grade of greater than 15% a subdivision or development permit application for that lot shall be accompanied by, or a condition of approval shall be imposed to require, a slope stability assessment and/or foundation design and/or a grading plan, as may be applicable, stamped and permitted by a professional engineer (see definition) demonstrating the viability and safety of the proposed development.

17.3 Urban Driveways

(a) An urban driveway slope shall meet the requirements established in the municipal Engineering and Development Standards (12% maximum slope).

18. NUMBER OF DWELLING UNITS, RECREATIONAL VEHICLES AND PRINCIPAL BUILDINGS ON A PARCEL OF LAND OR A BARE LAND CONDOMINIUM UNIT

18.1 Number of *Dwelling Units* and *Cabins and/or Recreational Vehicles* on a Parcel of Land or a Bare Land Condominium Unit

(a) Where more than one dwelling unit type is listed as separate uses in a land use district, it does not imply that all such dwelling units may be approved to exist or to be placed or constructed at the same time on the same parcel of land or bare land condominium unit, except as provided for in this section.

(b) No person shall construct or place or cause to be constructed or placed more than one dwelling unit or more than one cabin, one recreational vehicle, one Park Model Trailer CSA-Z240, or one Cottage Model CSA-Z241 on a parcel of land or a bare land condominium unit, except where:

(i) in the sole discretion of the Development Authority:

(A) the additional dwelling unit(s) is (are) contained in a building designed for two or more dwelling units, or is (are) located on a parcel of land or a bare land condominium unit in a land use district that expressly allows for two or more dwelling units on the parcel or the bare land condominium unit, but not necessarily in the same building;

and:

(B) the additional dwelling unit(s) is (are) located in a land use district that includes either a Secondary Suite, a Duplex / Semi-Detached Dwelling, a Multi-unit Residential Building, an Apartment Building, a Mixed-use Building or Mixed-use Development, resort accommodation within a Tourist Accommodation, or a Manufactured Home in an unsubdivided Manufactured Home Community; or

(C) the cabin(s) and/or the recreational vehicle(s), Park Model Trailer(s) CSA-Z240, or Cottage Model(s) CSA-Z241 is(are) placed in a Tourist Accommodation, or the various types of recreational vehicles are stored and used for temporary sleeping accommodations on a parcel of land or a bare land condominium unit in an applicable land use district pursuant to Section 23 of this Schedule;

and:

(ii) where required, the Development Authority has issued a development permit for the use that accommodates the additional dwelling unit(s), cabin(s), or recreational vehicle(s), Park Model Trailer(s) CSA-Z240, or Cottage Model(s) CSA-Z241.

18.2 **Number of *Principal Buildings and Uses* on a Parcel of Land or a Bare Land Condominium Unit**

(a) Where a land use district or a land use definition in this Bylaw provides for one or more principal uses to be developed in more than one separate principal buildings (e.g. Multi-unit Residential Building, Apartment, Retail – Shopping Mall, Mixed-use Development) or in one or more lease-bay building(s) on a parcel of land or a bare land condominium unit the Development Officer, depending on the complexity of the proposed development in their sole discretion, may require that the development permit application is accompanied by a Comprehensive Site Development Plan that addresses site layout, site access, stormwater management, pedestrian and vehicle traffic movement and any other matters that the Development Authority deems necessary.

18.3 **Provisions for Additions and Demolitions**

(a) Where a land use district or a land use definition does not provide for multiple principal buildings or multiple dwelling units on a parcel of land or a bare land condominium unit, the Development Authority shall not approve a development permit application for a principal building or a dwelling unit if the same or a similar principal building or dwelling unit already exists on the subject parcel of land or the subject bare land condominium unit, except for the purpose of making an addition to the existing principal building or dwelling unit, or except when the removal of the existing principal building or dwelling unit is made a condition of the development permit.

19. PARKING AND LOADING

19.1 Development shall comply with standards for off-street parking and loading area established in Schedule 6.

20. PROJECTIONS INTO YARD SETBACKS

20.1 A structure that is permitted to project into a yard setback shall be placed in accordance with the standards specified herein, and shall not encroach into, or cause runoff onto, an adjacent property.

20.2 Subject to the relevant development standards in this Bylaw (e.g. corner sight triangles, fence height, etc.), the following accessory buildings and uses, and structural features of any building may project into the yard setbacks that are established in Schedule 2 of this Bylaw, ***up to the specified property line***:

(a) unenclosed steps or unenclosed fire escapes, up to the side or rear property line;

(b) a wheelchair ramp, excluding the housing of an elevator device, up to any property line;

(c) a fence, up to any property line;

(d) a driveway, curb, and sidewalk, up to any property line;

(e) off-street parking, up to any property line;

(f) a cooling unit up to the side or rear property line;

(g) a mailbox, a yard light and a garbage holding enclosure, up to any property line;

(h) landscaping, a privacy screen, a patio, a landing for ground floor building access, a pergola or similar structure, an uncovered enclosure, a fishpond, an ornament, a flagpole less than 4.6 metres (15 ft) in height, or other similar features, up to any property line;

(i) a temporary swimming pool in the rear or side yard, up to the rear or side property line; and

(j) a sign authorized by a development permit issued pursuant to Schedule 11 of this Bylaw, up to any property line.

20.3 Subject to the relevant development standards in this Bylaw (e.g. corner sight triangles, fence height, etc.), the following accessory buildings, uses, and structural features of any building may project into the minimum standard for yard setbacks (notwithstanding any approved variance) that are established in Schedule 2 of this Bylaw, **by the percentages and distances stated below**:

(a) eaves or gutters, not more than 0.6 m (2 ft) into any yard; and further provided that eaves or gutters do not project over the property line and do not discharge stormwater run-ff onto adjacent property.

(b) a chimney, belt course, cornice, sill, cantilever, bay window, or other similar architectural or structural feature may project into any yard up to the lesser of 1.0m or 50% of the minimum yard setback standard;

(c) a balcony or a porch may project 2.0 metres (6.6 ft) into the front yard setback standard, 3.0 metres (10 ft) into the rear yard setback standard, and 50% into the side yard setback standard.

(d) Decks:

(i) a ***ground level deck*** attached to the front or rear elevation of a building may project 50% into the minimum front or rear yard setback standard and may project into the side yard up to the side property line; and

(ii) a ***raised deck*** may project 25% into the minimum front yard setback standard (i.e. projections into the rear yard setback and the side yard setback standards are not allowed)

21. PUBLIC UTILITIES, INFRASTRUCTURE MAINS, AND SERVICE CONNECTIONS

Prohibition on Water Diversion and Private Sewage Disposal

21.1 In the ***urban area*** of the Municipality as defined in this bylaw:

(a) water diversion for household purposes is prohibited [pursuant and in addition to the prohibition of the same as established in the Water (Ministerial) Regulation - Alberta Regulation 205/1998], and/or

(b) the installation of a Private Sewage Disposal System (PSDS) is prohibited, except in the urban area of Frank south of Highway 3,

and as a result:

(c) ***existing and new development in the urban area:***

(i) shall not divert water for household purposes or for industrial, commercial or institutional use, and

(ii) shall not install a private sewage disposal system (except in the urban area of Frank south of Highway 3), and instead

(iii) shall be connected to the municipal water supply system and the municipal wastewater collection system pursuant to subsection 21.2 (except that in the urban area of Frank south of Highway 3 water connections are required but wastewater connections are not available).

Existing and New Subdivision and Development Shall Connect to Municipal Water and Wastewater

21.2 When subdivision or development is approved **in the *urban area*** of the Municipality (as defined in this bylaw):

(a) on an unserviced parcel where municipal water and wastewater infrastructure mains ***are readily available*** to the subject parcel but service connections to the parcel boundary have not been installed; or

(b) on an unserviced parcel where municipal water and/or wastewater infrastructure mains ***are not readily available*** to the subject parcel,

then the Subdivision Authority or the Development Authority, as applicable, shall impose a condition on the subdivision approval or the development permit that requires the landowner to, respectively:

(c) install service connections at no cost to the Municipality; or

(d) bring municipal water and/or wastewater infrastructure mains to a location that makes them readily available to the subject parcel and install service connections for the subject parcel, at no cost to the Municipality (except that in the urban area of Frank south of Highway 3 water connections are required but wastewater connections are not available).

Conditions Regarding Private Utilities, Public Utilities, and Franchise Utilities

21.3 The Subdivision Authority or the Development Authority may impose a subdivision condition or a development permit condition to require that:

(a) the applicant or landowner shall make arrangements satisfactory to the Municipality for the supply of:

(i) private utilities when the parcel is located **outside of the *urban area***, or

(ii) public utilities when the parcel is located **within the *urban area*** – refer to subsection 21.2 (except that in the urban area of Frank south of Highway 3 water connections are required but wastewater connections are not available),

and/or

(iii) franchised services or facilities,

necessary to service the subdivision or development, at no cost to the Municipality;

and

(b) notwithstanding the prohibition of Private Sewage Disposal Systems in the ***urban area*** [see subsection 21.1 (b)], the landowner shall, where applicable and required, enter into a Restrictive Covenant with the Municipality regarding the provision of a Private Sewage Disposal System holding tank from where wastewater is pumped to the property line before it enters by gravity into the Municipal wastewater collection system.

Service Connections for Fee Simple Lots and Units in a Bareland Condominium Subdivision

21.4 The service connections from municipal water and wastewater mains to a parcel shall be independent from the service connections to any other parcel. For greater clarity, a unit in a bare land condominium subdivision is not a parcel but it is part of the parcel that constitutes the bareland condominium plan of subdivision.

21.5 Only one municipal service connection (for each of water and wastewater) per lot shall be provided. For clarity, an individual lot with multiple separate buildings shall not be provided with multiple water and wastewater service connections; the municipality will provide only one service connection at the property boundary, and the landowner may provide private water and wastewater distribution and collection lines to and from the multiple buildings from and to the single municipal service connection.

Other Considerations

21.6 Building foundations and sub-grade pilings, and/or the service connections to municipal infrastructure mains (e.g. curb stop water valves and wastewater service), respectively shall be set back from the lot boundary of a parcel a distance that allows safe excavation for municipal maintenance and repair.

21.7 In a block where infill development potential has been identified consistent with the Municipal Development Plan, a coordinated approach to the provision of public utilities and infrastructure mains may be required, and for this purpose the Development Officer may require a development permit applicant or subdivision applicant to prepare a Comprehensive Site Development Plan, a Conceptual Scheme, or an Area Structure Plan, as applicable, to the satisfaction of the Development Officer (and subject to Council approval of an area structure plan bylaw), at no cost to the Municipality. Typically, this would be required for complex proposals where the proposed development involves the coordination of infrastructure systems capacity and alignment – it is not likely required for simpler applications, such as a development permit for one or two additional dwelling unites or to replace one or two existing dwelling units, or for a subdivision application for one or two additional parcels.

21.8 A subdivision application or a development permit application shall be refused where, in the opinion of the Subdivision Authority or the Development Authority, the proposed subdivision or development will have a detrimental effect on an existing or planned:

(a) transportation or communication system, including primary highways, secondary highways, railway, airport site or communication facility; or

(b) regionally significant service, public works or utilities, including pipelines and power transmission lines.

22. QUALITY AND DESIGN OF DEVELOPMENT

22.1 In addition to the standards established in this Bylaw, the Development Authority may require additional standards as a condition of a development permit, in order to improve the quality of any proposed development such as, but not limited to, hard-surfaced parking areas, exterior finishes to buildings, landscaping, yard setbacks, slope-adaptive building and site design considerations, and the impact on existing development in mature neighbourhoods or areas of historic significance.

22.2 Development shall comply with the following standards:

(a) The design, character and appearance of buildings, signs and properties shall be consistent with the intent of the land use district in which the building, sign or property is located and compatible with other buildings, signs and properties in the same district in the vicinity.

(b) The Development Authority may regulate the exterior finish of buildings or signs to improve the quality of any proposed development within any land use district.

(c) The Development Authority may require that the appearance of walls exposed to public view from beyond the site be improved where, in its opinion, the appearance of such walls is incompatible with the finishing standards of surrounding developments.

(d) The maximum allowable height above the average finished surface level of the surrounding ground of the exposed portion of a concrete or block foundation may be limited by the Development Authority.

(e) If a building is to be located on a lot with more than one street frontage or on a lot with potential for further subdivision, the Development Authority may regulate the orientation and location of the building as a condition of development approval.

23. RECREATIONAL VEHICLES – OUTDOOR STORAGE AND TEMPORARY SLEEPING ACCOMMODATIONS

General Provisions

23.1 The provisions of this Schedule do not apply to the **indoor** storage of a recreational vehicle for personal and private purposes on any property in any land use district.

23.2 For the purposes of this section:

(a) **Construction** means any construction activity that is necessary to construct the subject building; and

(b) **Active construction** means that lawful construction on the subject property has been commenced, continues to be active and ongoing, and is not stopped and re-started over an extended period (which shall be determined at the sole discretion of the Development Officer) until construction completion.

GCR-1 and NUA-1 Land Use Districts

23.3 In the GCR-1 and NUA-1 land use districts the following standards apply to recreational vehicles (RVs):

(a) On a vacant property where the principal dwelling unit has not been approved (i.e. a development permit and a building permit have not been issued for the principal dwelling) and construction is not active, a recreational vehicle shall not be stored outdoors and/or used for temporary sleeping accommodations on the parcel.

(b) Where the principal dwelling unit has been approved (i.e. a development permit and a building permit have been issued for the principal dwelling) and its construction is active, a maximum of three (3) recreational vehicles may be stored outdoors (for non-commercial purpose) and/or used for temporary sleeping accommodations on the parcel for the period that construction of the principal dwelling unit is active, provided that the recreational vehicle(s) or any part of it shall not be stored on a municipal road allowance or lane and that the recreational vehicle does not exceed 15 percent of the parcel area.

(c) Where the principal dwelling unit has been established (i.e. lawful construction of the principal dwelling has been completed), a maximum of three (3) recreational vehicles may be stored outdoors (for non-commercial purposes) and/or used for occasional and temporary sleeping accommodations on the parcel, provided that the recreational vehicle(s) or any part of it shall not be stored on a municipal road allowance or lane and that the recreational vehicle does not exceed 15 percent of the parcel area.

(d) A recreational vehicle stored outdoors (for non-commercial purposes) on a parcel shall be set back a minimum of 3.0 m (10 ft) from a side or rear property line.

R-1, R-1A, R-2, R-2A, R-3, R-4, R-5, CRV and CSV Land Use Districts

23.4 In the R-1, R-1A, R-2, R-2A, R-3, R-4, R-5, CSV, and CRV land use districts the following standards apply to recreational vehicles (RVs):

(a) On a vacant property where the principal dwelling unit(s) has not been approved (i.e. a development permit and a building permit have not been issued for the principal dwelling) and construction is not active, a recreational vehicle shall not be stored outdoors and/or used for temporary sleeping accommodations on the parcel.

(b) Where the principal dwelling unit(s) has been approved (i.e. a development permit and a building permit have been issued for the principal dwelling) and its construction is active, a maximum of one (1) recreational vehicle per principal dwelling unit (i.e. excluding secondary suites or dwelling units in an apartment building) may be stored outdoors (for non-commercial purposes) and/or used for temporary sleeping accommodations on the parcel for the period that construction of the principal dwelling unit(s) is active, provided that the recreational vehicle or any part of it shall not be stored on a municipal road allowance or lane and that the recreational vehicle does not exceed 15 percent of the parcel area.

(c) Where the principal dwelling unit has been established (i.e. lawful construction of the principal dwelling has been completed), a maximum of one (1) recreational vehicle per principal dwelling unit (i.e. excluding secondary suites or dwelling units in an apartment building) may be stored outdoors (for non-commercial purposes) and/or used for occasional and temporary sleeping accommodations on the parcel, provided that the recreational vehicle or any part of it shall not be stored on a municipal road allowance or lane and that the recreational vehicle does not exceed 15 percent of the parcel area.

All Land Use Districts

23.5 In the land use districts listed in sub-sections 23.3 and 23.4:

(a) A recreational vehicle that is stored outdoors shall not be used as the principal dwelling or principal use for living accommodations on a parcel, except as provided for in this Schedule.

(b) A recreational vehicle shall not be connected to a private sewage disposal system, a private water well, a municipal water system, or a municipal wastewater system, but it may be connected to electric power that complies with the provincial Safety Codes Act.

(c) Wastewater from a recreational vehicle shall not be dumped into a municipal wastewater system.

(d) A recreational vehicle shall not be attached to an accessory building (i.e. a shed or a deck) or an addition, and these buildings or structures shall not be developed explicitly for the use of a recreational vehicle for the purposes of this Section.

23.6 Where the provisions of sub-sections 23.3 and 23.4 do not specifically address the outdoor storage and/or use for temporary sleeping accommodations of a recreational vehicle in *any other land use district than those listed in said sub-sections*, the outdoor storage and/or use for temporary sleeping accommodation of a recreational vehicle is prohibited. For greater clarity, the outdoor storage of a recreational vehicle and/or its occasional use as temporary sleeping accommodation in, for example, the Drive-in Commercial C-2 district is prohibited, because "Tourism Accommodation" is not listed as a use in the C-2 district. Further, in any district a development permit for the commercial storage (indoors or outdoors) of one or more recreational vehicles may be issued only when "Recreational Vehicle Storage" or "Temporary Storage Yard" is a listed use in the particular district however, temporary sleeping accommodation is not allowed in "Recreational Vehicle Storage" or "Temporary Storage Yard".

23.7 Provided that all the requirements in sub-sections 23.3 and 23.4 are met, the storage of a recreational vehicle (for non-commercial purposes) and/or its use for occasional and temporary sleeping accommodations are exempted from the requirement to obtain a development permit (see Schedule 3).

23.8 For greater clarity, while a development permit is not required to store (outdoors) or use a recreational vehicle in accordance with the provisions of sub-sections 23.3 and 23.4, there is no implied right to store (outdoors) a recreational vehicle and/or to use it for occasional and temporary sleeping accommodations on any property in any land use district out of scope with the provisions in this Schedule, and a development permit cannot be applied for and shall not be issued for such use. The provisions of this Schedule do not apply to the **indoor** storage of a recreational vehicle for personal and private purposes on any property in any land use district.

24. RELOCATION OF BUILDINGS

24.1 Development shall comply with standards for the relocation of buildings established in Schedule 7.

25. SHOW HOMES AND REAL ESTATE SALES OFFICES

25.1 Show Home development shall comply with the following standards:

(a) The construction of or use of a new, unoccupied dwelling unit for the purpose of a show home and real estate agent office for the sale or marketing of other dwelling units by a builder or developer within a subdivision or development may be approved as a temporary use in all residential land use districts and the C-1 and C-2 commercial land use districts.

(b) A dwelling occupied as a residence shall not be used permanently as a show home, sales office or as a facility to demonstrate a builder's construction quality or methods.

(c) The show home shall not be open to the public for viewing until the road accessing the show home is developed to municipal standards, where practical.

(d) There shall be a sign posted at the show home identifying it as such.

(e) The advertised hours that the show home is open to the public shall not be earlier than 9:00 a.m. or later than 9:00 p.m.

(f) Conditions of the temporary permit do not limit the private showing by appointment of the show home at any time.

(g) For the purposes of this section and Administration s. 17, a Show Home and Real Estate Office shall be deemed to be the same land use as the building in which it is located.

26. SLOPE-ADAPTIVE BUILDING AND SITE DESIGN

26.1 As part of the information to determine that a development permit application is complete, the Development Officer may require that an application incorporates slope-adaptive building methods and site design principles, including methods and principles that minimize the impact of site development on the natural environment, ensures slope stability, and responds positively to the aesthetic opportunities presented by construction on sloping lands. Techniques to achieve this include the design of rooflines and building massing to reflect the angles and shapes of the surrounding landscape, the breaking up of the building mass to conform to the slope, and the use of indigenous materials, compatible colours and landscaping.

27. YARD SETBACKS, YARD SETBACK VARIANCES, FRONT YARD LOCATION, AND SECONDARY FRONT YARD

General Provisions

27.1 Development shall not partially or entirely encroach onto adjacent Municipal Lands or Municipal Reserve (both as defined in this bylaw) or onto adjacent private property, and development shall comply with the yard setbacks established in each land use district as well as this Schedule, including the provisions for projections into yard setbacks pursuant to section 20.

27.2 Yard setbacks are measured at a right-angle from the property line to the nearest part of a building exterior wall or post, the edge of an excavation or the extent of a use.

27.3 The yard setbacks established in the land use districts do not apply to units in a bare land condominium subdivision, except to those units that are adjacent to the perimeter lot line.

Special Yard Setbacks for Some Accessory Structures

27.4 Notwithstanding the minimum yard setbacks for accessory structures prescribed in each land use district and/or in this section, ***such setbacks shall not apply*** to those accessory structures that are ordinarily located on or in close proximity to property boundaries (i.e. fences, flagpoles, signs, garbage holding enclosures, mailboxes, parking spaces, decks, etc.) or to those architectural and structural features or equipment attached to a building, for which this Schedule allows projections into yard setbacks. The following setbacks apply to the these accessory structures:

(a) Decks – refer to subsections 28.6 and 20.3(d); and

(b) All other accessory structures described in this subsection – refer to section 20.

Accessory Building in the Front Yard of a Principal Building

27.5 In all land use districts except GCR-1, NUA-1, and CM-1, an Accessory Building or Use that is a shipping container, a detached Secondary Suite, a detached garage, or a shed, that is proposed to be located in a front yard of a principal building (excluding a secondary front yard) is a discretionary use.

Secondary Front Yard

27.6 **In the R-1 to R-5, CSV, and CRV land use districts,** where a lot has more than one front yard (e.g. a corner lot), the Development Authority may allow for the principal building a reduction of up to one-half of the minimum front yard setback for one of the front yards; however, the full setback shall apply to the other front yard without any variance. The reduced front yard is termed the "Secondary Front Yard".

27.7 For the purpose of determining the "front property boundary", "lot frontage" and "front yard" of, and the fencing standards for a corner lot, the secondary front yard shall be deemed to be a side yard with an increased setback standard as required in this section of this Bylaw (see Diagram 4).

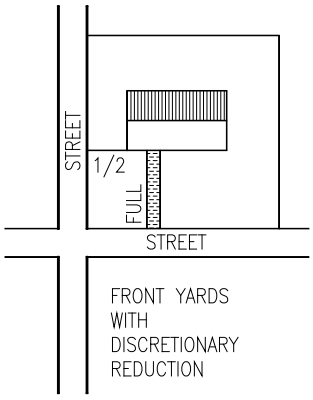


DIAGRAM 4

27.8 Where the front yard setback is zero, the minimum side yard setback shall apply to the secondary front yard.

27.9 The secondary front yard provisions do not apply to an Accessory Building, including an Accessory Building that includes a Secondary Suite – for clarity, an Accessory Building in the secondary front yard may follow the regular side yard setback standard for an Accessory Building.

Duplex / Semi-detached Dwelling

27.10 The side yard setback requirement applies only to one side of a Duplex / Semi-Detached Dwelling and only to the end units of a Multi-Unit Residential Building.

Variances and Prevention of Encroachments

27.11 The Development Authority shall not approve a variance for yard setback to the extent that roof eaves or gutters will overhang beyond the property line. In cases where the alternatives to approving such a variance are not practical, the Development Authority may approve such a variance and shall add conditions to the development permit to require the installation of eavestroughs to prevent water run-off from the roof directly onto the adjacent property, street or lane, and the registration on the certificate of title of an encroachment agreement, subject therefore that the Development Authority cannot impose a condition of approval that binds the Municipality or an adjacent private landowner into an encroachment agreement with the applicant.

27.12 When approving a front yard setback variance, the Development Authority shall ensure, at its sole discretion and to its satisfaction, and where necessary by imposing conditions on a development permit:

(a) Setback of a principal building from Curb and Sidewalk:

(i) in the R-1 District, that there is a minimum distance of 6.5 m (21.33 ft) between the front of the building and the back of an existing curb in the adjacent public roadway or the back of an existing sidewalk in the adjacent public roadway, or

(ii) in the R-1 District, when a sidewalk does not exist in the adjacent public roadway and there is the possibility of a future sidewalk, that there is a minimum distance of 7.5 m (24.6 ft) between the front of the building and the back of an existing curb in the adjacent public roadway, or

(iii) in the R-1 District, when the setback distances in subsections (i) and (ii) cannot be achieved for a dwelling unit without a front attached garage, that there is rear lane access to the property or there is side yard access to the rear yard of the parcel.

(b) Setback from / of Municipal Utilities:

(i) that the building foundation and sub-grade pilings, and/or the service connections to municipal utility infrastructure (e.g. curb stop water valves and sanitary sewer), are respectively set back from the front lot boundary a distance that allows safe excavation of municipal infrastructure for maintenance and repair.

(c) Typical Setbacks on Existing Developed Properties in the Neighbourhood:

(i) that the proposed setback would not be out of character with the typical average setback in the same land use district in the neighbourhood, including mature neighbourhoods and historically significant areas.

27.13 The Development Authority may waive, vary or increase any yard setback requirement wherever doing so would:

(a) either enhance, or avoid conflict with, the general condition of adjacent properties;

(b) facilitate a potential or proposed boundary adjustment scheme;

(c) protect buildings proposed within or adjacent to the Wildland-Urban Interface.

27.14 The Development Authority may approve blanket variances to yard setbacks in a Comprehensive Site Development Plan.

LAND USE SPECIFIC DEVELOPMENT STANDARDS

28. ACCESSORY BUILDINGS AND USES

28.1 General Provisions

(a) For standards relative to Accessory Building and Uses, and accessory structures, refer to the standards provided below and to the definition of "Accessory Building or Use", and to the standards for specific accessory structures established in Schedule 2, and in this Schedule and other relevant Schedules, including but not limited to canvas covered structure, communication antenna and structure, deck, fence, outdoor washroom facility, retaining wall, shipping container, sign, and swimming pool. There may also be standards relevant to Accessory Buildings and Uses on the standards that are established for other uses, such as Tourism Accommodation.

(b) An accessory building that becomes connected to or attached to a principal building only by an unenclosed roofed area (i.e. breezeway, carport, catwalk) that is not integral to the principal building shall be excluded from the calculation of the principal building footprint area, lot coverage ratio, and minimum yard setbacks.

(c) An Accessory Building shall not be used as a Secondary Suite unless a development permit has been issued for a Secondary Suite, Detached.

(d) The Development Authority may restrict the location of an Accessory Building whenever, because of its proposed location, it might cause snow drifting onto a public roadway or lane.

(e) The secondary front yard provisions do not apply to an Accessory Building, including an Accessory Building that includes a Secondary Suite – for clarity, an Accessory Building in the secondary front yard may follow the regular side yard setback standard for an Accessory Building.

28.2 Accessory Building or Use Prior to Principal Building or Use

(a) In all land use districts, an Accessory Building or Use that is proposed to be constructed or established prior to the principal building or use is a discretionary use.

(b) Only one (1) Accessory Building or Use may be developed prior to the establishment of the principal building or use, and only if the Development Authority is satisfied that the Accessory Building is appropriate and will be followed by the commencement of the principal building or by the conversion of the Accessory Building into a principal building (an Accessory Building does not include a structure under "Agriculture" as defined in this bylaw).

(c) A development permit issued for an Accessory Building or Use prior to the establishment of the principal use shall be subject to the following conditions:

(i) in the R-1, R-1A, R-2, R-2A, R-3, R-4, R-5, C-1, C-2, C-3, CRV and CSV land use districts, the principal building or use shall be commenced no less than one (1) year after the date of the approval for the Accessory Building and shall be completed, to the satisfaction of the Development Authority, no more than two (2) years after the date of the approval for the Accessory Building;

(ii) in all other land use districts, the principal building or use shall be commenced no more than two (2) years after the date of the approval for the Accessory Building and shall be completed, to the satisfaction of the Development Authority, no more than three (3) years after the date of the approval for the Accessory Building;

(iii) a refundable security deposit in an amount specified in the Fees, Rates and Charges Bylaw, in a form satisfactory to the Municipality, shall be submitted in order to ensure compliance with the prescribed commencement and completion timelines of the development permit;

(iv) the applicant for development shall forfeit the security deposit in the event of non-compliance with the terms of the development permit; and

(v) an Accessory Building developed prior to a principal building shall not be used as a dwelling unit.

28.3 Accessory Building in the Front Yard of a Principal Building

(a) In all land use districts except GCR-1, NUA-1, and CM-1, an Accessory Building or Use that is a shipping container, a detached Secondary Suite, a detached garage, or a shed, that is proposed to be located in a front yard of a principal building (excluding a secondary front yard) is a discretionary use.

28.4 Canvas Covered Structures

(a) Notwithstanding any other provisions in this Bylaw relative to “Accessory Building and Use”, a “Canvas Covered Structure” that is proposed to be used as an Accessory Building shall be a discretionary use.

(b) A Canvas Covered Structure shall comply with the development standards established for Accessory Buildings and Uses in this Schedule.

(c) The Development Authority may limit the development permit duration of a Canvas Covered Structure.

28.5 Communication Antennae and Structures

(a) Communication antennae and structures for non-commercial, private use are accessory uses which may require a development permit and are subject to the following (see Diagram 7):

(i) A communication antenna or structure shall only be located in a rear yard or side yard which does not abut on a street.

(ii) On an interior lot, a communication antenna or structure shall be situated so that no part of it is closer than 0.9 metre (3 ft) from the side boundaries of the parcel.

(iii) On a corner parcel, a communication antenna or structure shall be situated so that no part of it is closer to the street than the principal building or closer than 0.9 metre (3 ft) from any boundary of the parcel, whichever distance is larger.

(iv) Where any part of a communication antenna or structure is more than 3.0 metres (10 ft) above grade level, or when it is located other than described in this section, it shall be both screened and located to the satisfaction of the Development Authority.

(v) The illumination of a communication antenna or structure is prohibited.

(vi) In accordance with Schedule 3 of this Bylaw, most communication antennae and their structures may not require a development permit.

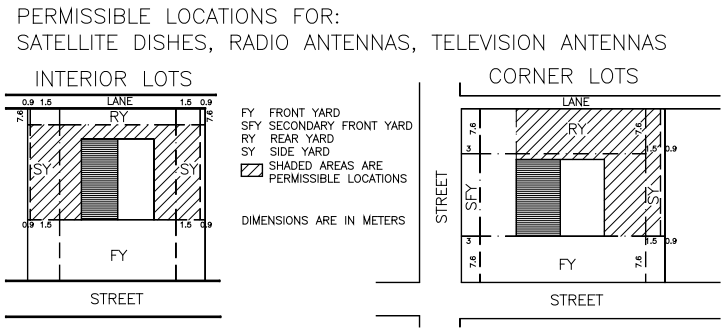


DIAGRAM 5

(b) Communication antennae and structures for commercial or public use are regulated by federal agencies, who are required by law to take into consideration any applicable Municipal policy (rather than a land use bylaw) when making decisions about the location and approval of applications.

28.6 Decks

(a) A deck is an uncovered (roofless) outdoor space that:

(i) is classified as either:

(A) a **ground level deck** – it is always attached to a building, its surface is not higher than 0.6 m above grade, and it is deemed to be an Accessory Building; or

(B) a **raised deck** – it is always attached to a building, its surface is higher than 0.6 m above grade, and it is deemed to be an Accessory Building.

and

(ii) must be accessible from inside the building as well as from the outdoor ground level.

(b) For greater clarity:

(i) consult the definition of “Attached” in this bylaw;

(ii) a deck is not a balcony, landing, patio or porch;

(iii) a deck is considered to be an accessory structure;

(iv) a deck is **not** considered to be part of the gross floor area or habitable floor area of the building that it is attached to (unless it is covered, in which case it is not considered to be a deck);

(v) a deck does not contribute to the lot coverage ratio or to the building footprint area of any building; and

(vi) a deck is a type of accessory structure that has special yard setback provisions [see section 20.3(d)].

(c) For further clarification, when an outdoor space that could otherwise be deemed to be a deck is proposed to be covered by a roof, it is no longer considered to be a deck as defined herein; for the purpose of determining development standards (e.g. yard setbacks) such a covered outdoor space shall be considered to be part of the building that it is attached to (refer to the definitions of “Balcony”, “Landing”, “Patio” and “Porch”).

28.7 Fences in any Residential Land Use District, CRV and CSV

(a) In any residential district, no fence, wall, or any combination thereof shall extend more than 1.0 metre (3.3 ft) above the ground within any minimum front yard setback without approval by the Development Authority, except in the case of a secondary front yard of a corner lot which is to be determined at the sole discretion of the Development Authority (see Diagrams 5 and 6).

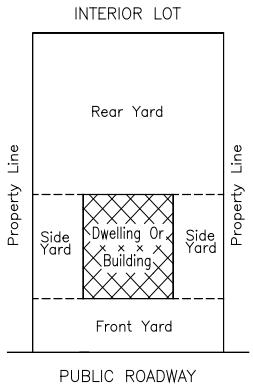


DIAGRAM 6

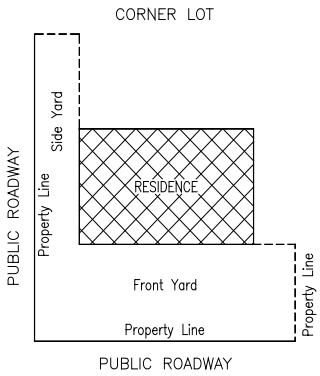


DIAGRAM 7

(b) A fence in a rear yard, side yard and secondary front yard shall be limited to 1.83 metres (6 ft) in height.

28.8 Outdoor Washroom Facilities

(a) Outhouses which involve the human discharge into an open, uncontained pit are prohibited within the Municipality. Those facilities which are plumbed and connected to the municipal wastewater infrastructure system or a Private Sewage Disposal System may be allowed provided they are constructed to comply with provincial regulations and standards.

(b) Portable toilets may be allowed within the municipality, on a temporary basis, to coincide with a public assembly, a special event or a construction project.

28.9 Refuse Storage for Commercial, Industrial and Multi-Unit Residential Development

(a) In non-residential land use districts and in multi-unit residential developments, refuse and garbage holding areas, including refuse containers and compaction, shall be effectively screened from public view. The Development Authority may require screening of refuse and garbage holding areas as a condition of development approval.

(b) In all non-residential land use districts, refuse and garbage holding areas, enclosures, and compaction areas are to be located a minimum of 7.6 metres (25 ft) from an adjacent residential use.

(c) A garbage holding area, enclosure, and / or compaction area shall be located and designed to ensure adequate on-site manoeuvring for refuse collection vehicles.

(d) Refuse on a construction site shall be properly screened or placed in an approved enclosure until removed for disposal.

(e) In a residential land use district, outdoor storage of refuse, other than garbage enclosures, shall not be located in any front yard, including any unscreened portion of a corner lot side yard (secondary front yard) adjacent to a street.

(f) The Development Authority may require that a yard area utilized for storage in a non-residential district that adjoins one or more lots in a residential district or a public property shall be effectively screened by an opaque structure or device or landscaping, or any combination thereof, to the satisfaction of the Development Officer. This shall apply whether or not there is an intervening public roadway, railway or water body.

28.10 **Retaining Walls**

(a) Notwithstanding any other provision in this Bylaw, a retaining wall is deemed to be an accessory structure and may be constructed with a zero-lot line yard setback without requiring the approval of a variance.

(b) The construction of a retaining wall shall comply with the lot grading, drainage and stormwater management standards in section 15 of this Schedule.

28.11 **Shipping Containers**

(a) Development shall comply with standards for Accessory Buildings established in this Schedule and with standards for Shipping Containers established in Schedule 14, as may be applicable.

(b) A shipping container may be used as an Accessory Building, provided that the shipping container shall be masked (as defined in this Bylaw) by painting, exterior framing, siding and, if applicable, a pitched roof, to resemble the appearance of a typical Accessory Building in the immediate neighbourhood, to the Development Authority's satisfaction.

(c) The Development Officer in their sole discretion may modify the masking requirement for a ***permitted use*** site-specific shipping container as specified below under the following circumstances:

(i) by allowing paint on the walls of the shipping container to substitute for siding where, on a property ***inside the urban area*** as defined in this bylaw, the intended objective of masking will be accomplished due to screening of the shipping container by coniferous vegetation, topography, other buildings, or a fence or wall to the Development Officer's satisfaction, with consideration that the paint matches the metal siding of other buildings on the parcel, and

(ii) by waiving the masking requirement where, on a property ***outside of the urban area*** as defined in this bylaw, the shipping container is screened by coniferous vegetation, topography, other buildings, or a fence or wall to the Development Officer's satisfaction.

(d) The masking requirement in subsection(b) above to use a shipping container as an Accessory Building does not apply to a shipping container that is used for the purpose stated in Schedule 14 section 3, Temporary Shipping Containers on Construction Sites.

(e) Except as provided for in sub-sections (c) and (d) above, a shipping container that is not masked is a "Shipping Container accessory to an established principal use on the subject parcel" and shall not be used as an "Accessory Building" and shall be a prohibited use in those districts where "Shipping Container accessory to an established principal use on the subject parcel" is not listed as a permitted or discretionary use subsection.

28.12 **Signs**

(a) Development shall comply with standards established for signs in Schedule 11.

28.13 **Swimming Pools**

(a) Swimming pool development shall comply with the following standards:

(i) A swimming pool is classified as an Accessory Building.

(ii) Construction of an in-ground swimming pool or a swimming pool that is attached to a deck requires a development permit and is subject to the following additional standards:

(A) placement of a swimming pool shall be limited to the side and rear yard only;

(B) a swimming pool is subject to the setback requirements for an Accessory Building in the applicable land use district; and

(C) a swimming pool is subject to the maximum lot coverage ratio for an accessory building in the applicable land use district.

29. ANIMAL CARE SERVICE FACILITIES

29.1 Development shall comply with standards for Animal Care Service Facilities established in Schedule 13.

30. APARTMENT, MULTI-UNIT RESIDENTIAL AND MIXED-USE BUILDING

30.1 Development shall comply with the standards for Apartment, Multi-Unit Residential and Mixed-Use Buildings established in Schedule 5.

30.2 Infill development of Multi-Unit Residential Building and Apartment Building adjacent to existing development of a lower density in a mature neighbourhood shall comply with the provisions of section 12 in this Schedule of the bylaw.

31. CANNABIS RETAIL SALES

31.1 The Development Authority and the Subdivision and Development Appeal Board shall not issue a development permit for a use that is required to obtain a cannabis license under the Gaming, Liquor and Cannabis Act when the proposed use does not comply with the applicable requirements of regulations under that Act respecting the location of cannabis premises and distances between cannabis premises and other specified premises.

31.2 Cannabis retail sales uses shall be located on parcels such that the following separation distances are complied with:

(a)

Separation Distance	**Use**
(i) 100 m	Provincial Health Care Facility
(ii) 200 m	Schools; Child Care Facilities
(iii) 300 m	Cannabis Retail Sales

(b) Separation distances are established by measuring the shortest distance between the exterior wall of a cannabis premises and the property line of the parcel containing the use to be separated from it.

(c) Separation distances are reciprocal.

32. DRIVE-IN COMMERCIAL

32.1 Every drive-in commercial development shall:

(a) provide at least 10 parking spaces subject to the standards in Schedule 6 of this Bylaw;

(b) clearly identify on site plans accompanying the development application the areas proposed for parking and vehicle circulation, including appropriate signs;

(c) provide hard-surfacing and surface drainage to the satisfaction of the Development Officer, in consultation with appropriate municipal staff;

(d) provide a waiting bay not less than 18.3 metres (60 ft) in length on the lot for every take-out service window;

(e) provide adequate distance separation between all vehicle access points as well as between access points and streets or lanes to the satisfaction of the Development Authority;

(f) ensure any vehicular access from Highway 3 is acceptable to Alberta Transportation;

(g) screen parking and traffic circulation areas abutting side or rear lot boundaries with an opaque structure or fence, wall or landscaping or any combination thereof to the satisfaction of the Development Authority;

(h) provide landscaping of a type and amount satisfactory to the Development Authority.

32.2 The Development Authority may waive or vary any of these provisions for drive-in commercial development wherever it concludes it is reasonable to do so.

33. EXPLORATORY EXCAVATION / GRADE ALTERATION / STOCKPILING

33.1 Exploratory excavation / Grade alteration / Stockpiling (as defined in this Bylaw) that is proposed to be undertaken prior to obtaining a development permit for a use that is listed in the applicable land use district does not require a development permit however, the person who intends to undertake the work and the landowner are required to:

(a) notify the Development Officer of the intended work, describe the scope of work and provide the start-date and completion date, and

(b) provide sufficient information about the proposed development (i.e. the intended construction) and the intended Exploratory Excavation / Grade Alteration / Stockpiling as required by the Development Officer, including a site plan, and

(c) shall not proceed with the work until the Development Officer has issued a temporary conditional approval.

33.2 A temporary conditional approval from the Development Officer shall include a hold harmless agreement as follows:

(a) The conditional approval is for the sole purpose of Exploratory Excavation / Grade Alteration / Stockpiling as defined in this Bylaw, i.e. to gain temporary access to a parcel, remove trees, confirm yard setbacks, locate existing utilities, explore building foundation options, cutting / filling, the temporary accumulation of soil, gravel and/or other natural materials, and/or to confirm a suitable building site in preparation for intended construction associated with a proposed permitted or discretionary use in the applicable land use district, where a development permit application has been submitted or is intended to be submitted, or is not required under the exemption provisions in Schedule 3 of this Bylaw.

(b) The applicant and landowner shall ensure that the work does not result in a change to existing overland stormwater drainage patterns, whether natural or man-made, to an extent that may affect stormwater drainage to adjacent property.

(c) The developer shall not undertake construction activities beyond the conditionally approved scope of work (e.g. the developer shall not pour concrete foundations).

(d) The conditional approval is temporary and shall be valid from the date of issuance until a development permit is issued or denied for the proposed development (i.e. the intended construction) on the subject parcel, or until a date to be determined to the Development Officer's satisfaction, whichever occurs first. If a development permit is not issued by the determined date, the developer may apply for an extension of the conditional approval.

(e) Failing the issuance of a development permit for the intended construction, the developer and/or the landowner shall remediate the site to the Development Officer's satisfaction and at no cost to the Municipality.

(f) The issuance of a conditional approval does not provide any guarantees to the developer relative to the issuance of a development permit for any use or building.

(g) If the person or landowner proceeds with the work under a conditional approval, that person and the landowner implicitly agree to be solely responsible for the work (including remediation to restore the property to its former condition if required), at the sole risk of the person and the landowner, and to the exoneration and indemnification of the Municipality from any liability related to the work, and at no cost to the Municipality.

34. HOME OCCUPATIONS

34.1 Development shall comply with standards for Home Occupations established in Schedule 8.

35. MANUFACTURED HOMES

35.1 Development shall comply with standards for Manufactured Homes established in Schedule 9.

36. MANUFACTURED HOME COMMUNITIES

36.1 Development shall comply with standards for Manufactured Home Communities established in Schedule 10.

37. PRIVATE UTILITIES

37.1 Water, Wastewater, Stormwater, Gas, Electricity and Telecommunication Utilities

(a) A development permit is not required to install private water, wastewater, stormwater, gas, electricity, or telecommunications utilities inside a building that has the benefit of a development permit or from such a building to the property line, in order to connect to public utilities or franchised utilities. This exemption excludes a freestanding Solar Collector and a freestanding Small Wind Energy Conversion System; and further this exemption does not apply where this Bylaw, or provincial regulation [e.g. the prohibition on water diversion for household purposes as established in the Water (Ministerial) Regulation - Alberta Regulation 205/1998, the Private Sewage Disposal Systems Regulation - Alberta Regulation 229/1997, etc.], or federal legislation, prohibits the installation of a private water well and/or a Private Sewage Disposal System.

(b) The above utilities may be subject to standards established in this Schedule and this section.

(c) The above utilities may require a permit under the *Safety Codes Act* and it is the responsibility of the landowner to obtain any required permits.

37.2 Electric Utility – Solar Collector

(a) A Solar Collector panel **attached to a roof or a wall of a building** does not require a development permit provided that the building to which it is attached has the benefit of a development permit, and such Solar Collector is subject to the following standards:

(i) A solar collector mounted on a roof:

(A) may project a maximum of 1.22 m (4 ft) from the surface of the roof and shall not exceed the maximum height requirements of the applicable land use district;

(B) must not extend beyond the outermost edge of the roof and shall be located as to not impede access to the roof structure for emergency purposes, to the satisfaction of the Development Authority; and

(C) must be located such that it does not create undue glare on neighbouring property or public roadways.

(ii) A solar collector mounted to a wall:

(A) must be located a minimum of 2.44 m (8 ft) above grade;

(B) may project a maximum of 1.52 m (5 ft) from the surface of the wall, when the wall faces the rear property line, subject to the setback requirements of the applicable land use district;

(C) may project a maximum of 0.6 m (2 ft) from the surface of the wall when the wall faces the front, secondary front or side property line, subject to the setback requirements of the applicable land use district; and

(D) must be located such that it does not create undue glare on neighbouring property or public roadways.

(b) A **freestanding** Solar Collector panel or a Solar Collector panel mounted to any structure other than a roof or wall of a building requires a development permit, may be approved in a land use district where it is listed as a discretionary use, shall meet the required setbacks to roadways and property lines that apply to an Accessory Building, and is subject to the following additional standards:

(i) shall not exceed 2.44 m (8 ft) in height above existing grade;

(ii) may project a maximum of 1.52 m (5 ft) from the surface of the wall, when the wall faces the rear property line, subject to the setback requirements of the applicable land use district; and

(iii) must be located such that it does not create undue glare on neighbouring property or public roadways.

(iv) The use of multiple freestanding solar collectors where the primary purpose and intent of the project is to collect, convert and feed energy back into the provincial electric grid for the commercial sale and distribution off site to the marketplace, shall be deemed a “Renewable Energy Operation” and may be approved only in those land use districts where it is listed as a discretionary use.

37.3 Electric Utility - Small Wind Energy Conversion System

(a) A Small Wind Energy Conversion System (SWECS) requires a development permit, may be approved in a land use district where it is listed as a discretionary use, shall meet the required setbacks to roadways and property lines that apply to an Accessory Building, and is subject to the following additional standards:

(i) In addition to the standard development permit application requirements, an application for a SWECS shall include the following information to the Development Authority’s satisfaction:

(A) the manufacturer’s specifications indicating the SWES rated output in kilowatts, safety features and sound characteristics, and the type of material used in tower, blade and/or rotor construction;

(B) the potential for electromagnetic interference;

(C) the nature and function of over speed controls which are provided;

(D) specifications on the foundations and/or anchor design, including location and anchoring of any guy wires; and

(E) the location of existing buildings or improvements.

(ii) A SWECS shall comply with the following standards:

(A) There shall be a limit of one SWECS per parcel.

(B) The system's tower shall be set back a minimum distance equal to the height of the tower from all parcel lines, or the minimum setback for an Accessory Building in the applicable land use district, whichever is greater.

(C) No part of the system, including guy wire anchors, may extend closer than 3.0 m (10 ft) to the property boundaries of the installation site.

(D) The system's total height shall not exceed a maximum height of 15.2 m (50 ft).

(E) The Development Authority may require that the system's tower be located and screened by landforms, natural vegetation or other means to minimize visual impacts on neighbouring residences and public roads, public trails and other public areas.

(F) The system's tower and supporting structures shall be painted a single, neutral, non-reflective, non-glossy (for example, earth-tones, gray, black) that, to the extent possible, visually blends the system with the surrounding natural and built environments.

(G) The system shall be equipped with manual and automatic over speed controls. The conformance of rotor and over speed control design and fabrication to good engineering practices shall be certified by a licensed mechanical, structural or civil engineer.

(H) The system's tower-climbing apparatus and blade tips shall be no closer than 4.6 m (15 ft) from ground level unless the system is enclosed by a 1.83 m (6 ft) high fence.

(I) The system's utility lines shall be underground where economically practical.

(J) The system shall be operated such that no electromagnetic interference is caused.

(K) A SWECS shall not exceed 45 dB(A), or in excess of 5 dB(A) above the background noise, whichever is greater. The level, however, may be exceeded during short-term events including utility outages and severe windstorms.

(L) No advertising or brand names shall be placed on a SWECS.

(M) Upon abandonment or termination of the system's use, the entire facility, including the system's tower, turbine, supporting structures and all equipment, shall be removed and the site shall be restored to its pre-construction condition.

38. RENEWABLE ENERGY OPERATIONS

38.1 Development shall comply with Schedule 12: Standards for Renewable Energy Operations.

39. SECONDARY SUITES

39.1 Development shall comply with standards for Secondary Suites established in Schedule 15.

40. SHORT-TERM RENTAL / BED & BREAKFAST AND TOURIST HOMES

40.1 Development shall comply with standards for Short-Term Rental / Bed & Breakfast and Tourist Home established in Schedule 17.

41. TEMPORARY AUTO SALES

41.1 The Development Authority may issue a development permit for a Temporary auto sales use if in its opinion the available parking spaces/area is sufficient to support the proposed use while not having an appreciable negative impact on the parking or use of the shopping mall or other adjacent land uses.

41.2 The Development Authority may limit the number of vehicles to be stored on the site for the purpose of sale.

41.3 The Development Authority shall limit the timeframe of the development permit which shall in no case exceed ten (10) days, and for not more than ten (10) occasions per calendar year.

41.4 Servicing and repair operations shall not be included as part of the use.

42. TOURISM ACCOMMODATION

42.1 The applicant for a Tourism Accommodation shall prepare a Comprehensive Site Development Plan (CSDP) to the satisfaction of the Development Authority and subject to the provisions of subsections 42.2 and 42.3.

42.2 The Development Authority, in its sole discretion (except as approved in DP60/2008 relative to Block B, Plan 7510370 – see the permitted use list in the NUTAR district) **may**, subject to Administration section 19 of this Bylaw, impose conditions on the approval of a development permit for a Tourism Accommodation, and in doing so it **shall** have regard for site-specific considerations that it deems relevant and that must be established in a CSDP to its satisfaction, including but not limited to the following:

(a) The subject property's locational context in relation to the Purpose Statement in the UTAR and NUTAR districts and its relation to the edge of an urban area as defined in this Bylaw).

(b) The types, combination, and maximum number of resort accommodation units and/or camping accommodation units (both as defined in this Bylaw) that are approved for a specific Tourism Accommodation, including:

(i) the desirability of restricting the types, combination, and maximum number of resort accommodation units and/or camping accommodation units for the purpose of making a proposed development more compatible with natural features and existing and/or planned development or land uses in adjacent areas (refer to subsection 42.3 below);

(ii) the maximum number or maximum percentage of resort accommodation units and/or camping accommodation units that, notwithstanding anything to the contrary in this Bylaw, may be used for residential occupancy (as defined in this Bylaw), provided that the units so used are connected to year-round collective water and wastewater services.

and

(iii) with reference to the considerations in subsection 42.3 below, the Development Authority may prohibit certain types of camping accommodation units;

(c) Parking areas, road access, and internal private roadway design - specifically, all parking shall be accommodated on-site or on private roads within the Tourism Accommodation (without restricting emergency vehicle access), and parking shall not be allowed on public streets and lanes.

(d) Access and egress for emergency response (i.e. a road with at least two separate ingress/egress points, with an all-weather surface for its entire length, and constructed along its entire length and termination points to accommodate all EMS vehicle types in terms of width, length, height, weight and turning radius), and measures to ensure that such access and egress remain unobstructed at all times.

(e) Landscaping, amenity areas, and the preservation of natural features.

(f) The maximum or minimum density in the Tourism Accommodation, either overall or broken down by accommodation type.

(g) Measures to mitigate:

  (i) adverse effects and nuisances that may unduly interfere with the amenities of the adjacent neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and/or

  (ii) the impact of a Tourism Accommodation on community landscapes that are visible or viewed from adjacent and nearby public roadways.

(h) Servicing for water supply and wastewater disposal:

  (i) With the exceptions provided for in Schedule 4 Section 21.2, a Tourism Accommodation in the UTAR district **shall** be connected to a municipal service connection for water supply and wastewater disposal to provide either or a combination of collective servicing of units and/or communal washrooms and wastewater dumping stations, for either year-round and/or seasonal operation.

  (ii) Except as otherwise **required** in subsection 42.3(d), a Tourism Accommodation in the NUTAR district **may** be connected to a municipal service connection for water supply and wastewater disposal to provide either or a combination of collective servicing of units and/or communal washrooms and wastewater dumping stations, for either year-round and/or seasonal operation,.

(i) For a Tourism Accommodation that includes **camping accommodation** (as defined in this Bylaw) **in any location**:

  (i) The specifications established in the current Alberta Camping Association Standards Manual.

  (ii) The siting, area, dimensions, surfacing, setbacks, screening, servicing and identification / delineation of camping accommodation units.

  (iii) The maximum number or maximum percentage of camping accommodation units that, notwithstanding anything to the contrary in this Bylaw, may be used for residential occupancy (as defined in this Bylaw), provided that the units so used are connected to year-round collective water and wastewater services.

  (iv) Restrictions on the number, size, height, appearance, and use of an Accessory Building (e.g. deck, shed) that may be approved in a Tourism Accommodation that includes camping accommodation.

Tourism Accommodation in an Urban Growth Node

42.3 When deciding on a development permit application for a Tourism Accommodation on a parcel that is located in an **urban growth node**, and in exercising its discretion pursuant to subsection 42.2:

(a) the Development Authority **shall** have regard for the intent of Policy 3.1.7 of the Municipal Development Plan (MDP), which discourages support for the development of traditional "campgrounds" and other private recreation facilities in an urban growth node;

and

(b) the Development Authority **may**, notwithstanding Policy 3.1.7 of the MDP, approve in an urban growth node a development permit for a Tourism Accommodation that entirely or partially consists of resort accommodation and/or camping accommodation (as defined in this bylaw – cabins and recreational vehicles) if it is satisfied that the Tourism Accommodation is deemed not to be a traditional or typical "resort", "campground" or "recreational vehicle park" as implied in Policy 3.1.7 of the MDP, by having regard for but not being limited to the following considerations, and by imposing relevant conditions as it deems necessary for this purpose:

(i) site-specific and locational context of the subject parcel, e.g. the extent to which the subject parcel presents challenging terrain conditions that preclude or render highly unfeasible or impractical the development in the foreseeable future of the subject parcel or a substantial portion thereof for traditional type of higher density urban residential development that the MDP promotes for new neighbourhood development;

and/or

(ii) the extent to which the Comprehensive Site Development Plan incorporates minimum standards for resort accommodation and camping accommodation to ensure a high quality and unique style of development, e.g.:

(A) the presence / absence and/or an enhanced standard and quality of certain types of buildings and uses in the proposed development, and/or

(B) hard-surfaced internal roads, high quality landscaping, uniform design and development of resort accommodation units and camping accommodation units (or stalls), for example relative to stall layout and fencing, and/or

(C) ***specifically for camping accommodation***, a form of ownership of the camping accommodation units in a manner that encourages long-term occupancy or control of occupancy (versus random short-term rental), and/or

(D) servicing of the development from municipal water and wastewater infrastructure, subject to subsection 42.3(d);

and

(c) if the Development Authority determined pursuant to subsection 42.3(b) to approve in an urban growth node a Tourism Accommodation (Small or Large) in either the UTAR district or the NUTAR district **that includes camping accommodation**, it **shall** impose a development permit condition that requires the Developer, notwithstanding anything to the contrary in this Bylaw, to establish a form of ownership of the camping accommodation units through either leases or a bareland condominium plan, but not fee simple subdivision (for greater clarity this requirement does not apply when a Tourist Accommodation in an urban growth node includes only resort accommodation);

and

(d) notwithstanding subsection 42.2(h)(ii), if the Development Authority determined pursuant to subsection 42.3(b) to approve in an urban growth node a Tourism Accommodation in the NUTAR district that includes **either resort accommodation or camping accommodation**, it **shall** impose a development permit condition that requires that the Tourism Accommodation **shall** be connected to a municipal service connection for water supply and wastewater disposal to provide collective servicing of all units for year-round operation.

43. TREE FELLING

43.1 Development shall comply with standards established in subsection 8.5 of this Schedule.

44. WORK CAMPS

44.1 Development shall comply with standards for Work Camps established in Schedule 16.

Schedule 5

STANDARDS FOR APARTMENT, MULTI-UNIT RESIDENTIAL AND MIXED-USE BUILDINGS

Schedule 5

STANDARDS FOR APARTMENT, MULTI-UNIT RESIDENTIAL AND MIXED-USE BUILDINGS

1. APPLICATION

1.1 This Schedule applies to all Apartment, Multi-Unit Residential and Mixed-Use Buildings containing three (3) or more dwelling units.

2. BUILDING HEIGHT

2.1 Where a proposed Apartment Building or Mixed-Use Building is proposed to exceed 3 storeys, or 4 storeys in the CM-1 land use district, the development permit application shall, to the satisfaction of the Development Authority, address the criteria in Administrative Section 13, adequacy of firefighting resources, as well as demonstrate thoughtful siting, massing and landscaping that mitigate the impact on neighbouring properties (also refer to section 6 in this Schedule of the bylaw).

3. MAXIMUM DENSITY

3.1 The maximum density for Apartments, Multi-Unit Residential and Mixed-Use Buildings contemplated in this Schedule shall be determined by the Development Authority on a case by case basis with regard for the criteria in Administrative Section 13, the slope-adaptive building and site design considerations in Schedule 4, and the impact on adjacent development, parking requirements, the provision of outdoor amenity space, architectural interest at the pedestrian scale and access to existing and planned trails as per the policies in Section 2.2 of the Municipal Development Plan (also refer to section 6 in this Schedule of the bylaw).

4. SEPARATION SPACE AND AMENITY AREAS

4.1 As a condition of approval, the Development Authority shall establish the minimum distance separating the development from adjacent buildings.

4.2 Wherever 20 or more dwelling units are proposed for a single lot or in a single condominium-style development, one or more communal amenity space(s) shall be provided in addition to the private amenity space, at a rate of 4.6 m^2 (50 ft^2) per unit.

4.3 Amenity space as specified above:

(a) may be located indoors, outdoors or both;

(b) shall not be located within a minimum front yard setback; and

(c) may be subject to screening, landscaping, fencing or other reasonable conditions as approved by the Development Authority having regard to compatibility of the proposed development with the surrounding area.

5. PARKING, DRAINAGE AND LANDSCAPING

5.1 An Apartment Building, a Multi-Unit Residential Building or a Mixed-Use Building shall comply with the following standards as conditions of approval:

(a) all off-street parking shall be hard-surfaced, and surface drainage provided to the satisfaction of the Development Authority;

(b) a comprehensive landscaping plan shall be provided; and

(c) the site plan shall identify on-site areas dedicated to snow storage.

6. ADDITIONAL REQUIREMENTS - INFILL DEVELOPMENT OF MULTI-UNIT RESIDENTIAL BUILDING OR APARTMENT BUILDING IN A MATURE NEIGHBOURHOOD

6.1 An application for redevelopment or infill of a Multi-Unit Residential Building and/or an Apartment Building adjacent to existing lower density residential development in a mature neighbourhood shall comply with the provisions in Schedule 4 section 12.

7. ADDITIONAL REQUIREMENTS - BUILDINGS IN THE HISTORIC COMMERCIAL AREAS OVERLAY DISTRICT AND THE CM-1 DISTRICT

7.1 In addition to the considerations listed in this Schedule, an Apartment Building, a Multi-Unit Residential Building or a Mixed-Use Building located, as the case may be, in the Historic Commercial Areas Overlay District or the CM-1 district should be designed with regard for the following *"Downtown Design Requirements"* as per Policy 1.3.5 of the Municipal Development Plan:

(a) provide a continuous street wall with activated spaces and transparency at the ground floor level (avoiding blank walls) that improves safety and surveillance while attracting interest;

(b) encourage a theme articulated by a comprehensive design approach that is historic or a theme complementary to existing buildings in the downtown area;

(c) promote active pedestrian activities such as sidewalk and street patios, and canopies;

(d) locate automobile-oriented elements such as parking lots, driveways, and garages away from the pedestrian realm and to the rear of building;

(e) promote development with minimal to zero setbacks;

(f) explore streetscaping opportunities to create a visually pleasing, pedestrian oriented experience with permanent street furniture;

(g) promote barrier free design (universal accessibility);

(h) support a mix of uses including residential developments above the street level; and

(i) require a high degree of focus on architectural design of building façade and front setback areas.

7.2 A Mixed-Use Building located in the Historic Commercial Areas Overlay District or the CM-1 district shall consist predominantly of commercial and/or office uses on the ground floor.

7.3 A proposal for an Apartment Building, a Multi-Unit Residential Building or a Mixed-Use Building located in the Historic Commercial Areas Overlay district and the CM-1 district shall be evaluated more rigorously by the Development Authority with respect to the architectural quality of building facades and the extent to which the proposals complement both the existing buildings in the area as well as the pedestrian realm.

Schedule 6

OFF-STREET PARKING AND LOADING AREA STANDARDS

Schedule 6

OFF-STREET PARKING AND LOADING AREA STANDARDS

1. REQUIREMENTS FOR PARKING AND LOADING AREAS

1.1 Off-street parking and loading facilities shall be accessible and shall be:

(a) designed to eliminate tandem parking (which is the stacking of vehicles in parking spaces without providing a driving aisle to enter or exit the parking spaces).

(b) constructed so as to facilitate drainage, snow removal and maintenance;

(c) provided with a hard-surfaced, all-weather finish layer;

(d) designed so as to not interfere with either parking or traffic and pedestrian safety.

1.2 All developments except "Single-Detached Dwelling" and "Duplex / Semi-Detached Dwelling" shall be designed so that parking movements necessary to access and exit a driveway, a parking stall, a parking lot, a loading bay, or a drive-through establishment, from and onto a public street (except a lane), can safely be carried out wholly on the subject parcel of land.

1.3 Access from a public road or lane into and internal to each parking area and each loading area shall meet the applicable turning radius guidelines in *"Design Vehicle Dimensions for Use in Geometric Design"* (Transportation Association of Canada, 1997, as amended) or in *"Chapter D – At-grade Intersections – Highway Geometric Design Guide"* (Alberta Infrastructure, August 1999, as amended).

1.4 Notwithstanding the definition of "Off-street parking space" in Schedule 18B or any other provision in this bylaw, only for Single-detached Dwelling, Duplex / Semi-detached Dwelling, Secondary Suite, Tourist Home, Short-term Rental / Bed & Breakfast, Manufactured Home, and Multi-unit Residential Building, as well as cabin (resort accommodation) that is part of a Tourism Accommodation, Small in the Urban Tourism Accommodation and Recreation (UTAR) district, the Development Authority may, on a case-by-case basis considering the site-specific conditions, interpret the meaning of "off-street parking" to include that portion of a private driveway that is wholly or partially located on / encroaching within the public boulevard portion of an urban street (excluding a lane), on the condition that a vehicle parked in such a driveway shall not overhang a public street curb, shall not overhang any portion of the driving surface of a public street, and shall not obstruct (wholly or partially) a public sidewalk, pedestrian walkway, or bicycle path.

Shared Parking Facilities

1.5 A required parking or loading facility shall be located on the same lot as the development for which it is required unless, in the opinion of the Development Authority, it is impractical to provide all of the required facilities on the same lot. In such a situation the Development Authority may:

(a) allow all or some of the required parking spaces on an alternate lot located within 50 metres (164 ft) walking distance of the development, provided a parking agreement or other suitable instrument registrable onto a certificate of title, to which the Municipality is a Third-Party, is registered against the alternate lot concerned; or

(b) allow limited sharing of parking spaces between two uses where the *normal* hours of operation will not conflict, e.g. a church and a commercial use.

1.6 The HCA-OD establishes special parking and loading area provisions and exemptions for the change of use or occupancy of an existing commercial property.

2. REQUIREMENTS SPECIFIC TO PARKING AREAS

2.1 Parking spaces shall be designed to comply with the layout alternatives shown in the diagrams provided in this Schedule, and the following dimensions:

(a) 2.7 metres (9 ft) width;

(b) 6.1 metres (20 ft) length.

2.2 As a condition of development approval, the Development Authority **may** require that:

(a) all or part of a specified parking area be hard-surfaced;

(b) a certain number of parking spaces for the handicapped be provided pursuant to provisions in this Schedule;

(c) a proposed parking area with over four parking spaces be set back at least 2.4 metres (8 ft) from a street, lane or property line adjacent to a residential land use district, or be screened to the Development Officer's satisfaction;

(d) parking facilities for any use, other than a residential building with less than three dwelling units, be ***laid out and clearly marked*** in a manner which provides for safe and orderly parking;

(e) the dimensions and layout of parking spaces and access lanes be comparable to one of the alternatives shown on the diagrams in this Schedule.

2.3 In the case of multiple uses on a site, parking spaces equivalent to the total of the spaces required for each individual use shall be provided.

2.4 The minimum number of off-street parking spaces required for specific uses in ***Table 1*** shall be provided for these uses and shall be applicable in every land use district, except as provided for parking exemptions in the Historic Commercial Areas Overlay District, or unless otherwise specified in this Bylaw, and except as may be varied by a variance approved by the Development Authority.

2.5 The calculation of parking space requirements that results in a fractional number shall be rounded to the next highest number.

3. REQUIREMENTS SPECIFIC TO LOADING AREAS

3.1 The provision of off-street loading areas shall be as follows:

(a) A minimum of one off-street loading area per building or one loading area for each loading door, whichever is greater, shall be provided in the C-1 and C-2 land use districts.

(b) A minimum of two off-street loading areas per building or one loading area for each loading door, whichever is greater, shall be provided in the I-1 and SIP-1 land use districts.

(c) The Development Authority may require the provision of off-street loading areas in other land use districts.

(d) The Development Authority may require additional loading areas or doors be provided for a specific development.

3.2 The Development Authority may allow a joint loading area for two adjacent developments where this would facilitate more orderly or economical development.

3.3 Loading areas shall be designed to comply with the following dimensions:

(a) 3.0 metres (10 ft) width;

(b) 9.1 metres (30 ft) length;

(c) 27.9 m^2 (300 ft^2) area;

(d) 4.3 m (14 ft) overhead clearance.

3.4 Each loading area shall be designed so that vehicles using it will not interfere with safe and convenient pedestrian movement, traffic flow or parking.

4. BARRIER-FREE PARKING SPACES

4.1 Barrier-free parking spaces shall be designed in accordance with best practices.

4.2 The number of designated barrier-free parking spaces shall be in accordance with ***Table 2***.

Table 1

MINIMUM OFF-STREET PARKING SPACES

PROPOSED USE	PARKING SPACES REQUIRED *
Residential, except in the CM-1 District	
Apartment and Multi-Unit Residential Building	1.75 per dwelling unit containing 2 or more bedrooms 1.25 per dwelling unit containing no more than 1 bedroom
Seniors Supportive Housing Facility	0.5 per accommodation unit
Secondary Suite	1.0 per secondary suite
All Other Residential Uses	2 per dwelling unit
Commercial, except in the CM-1, UTAR, and NUTAR Districts	
Retail – Store, Small	1 per 45.1 m^2 (485 ft^2) net floor area (NFA)**
Retail – Store, Large	To be determined by the recommendations of a traffic engineering review
Service Station and Automobile or Equipment Repair	1 per 45.1 m^2 (485 ft^2) NFA; minimum 6 spaces per development
Office and Personal Service	1 per 60.0 m^2 (645 ft^2) NFA
Food and/or Beverage Service	1 per 5 seats or 1 per 12.0 m^2 (130 ft^2)NFA, whichever is greater, plus 1 space per 2 employees
Historic Auberge	1 per one-bed guest room / accommodation unit, plus 0.50 for each additional bed.
Hotel, Motel	1 per guest room
Drive-in Food Service	As for Food and/or beverage service , but with a minimum of 10 spaces per development
Auto Sales and Service	1 per 49.7 m^2 (535 ft^2) of site area
Short-Term Rental / Bed & Breakfast	1 per 4 guests in addition to parking required for the principal use. Parking for all principal use and guest vehicles, including recreation vehicles, utility trailers and ATV trailers shall be accommodated on the subject property, and the parking of all principal use and guest vehicles, including recreation vehicles, utility trailers and ATV trailers shall not be allowed on the street, regardless of the provisions in other municipal

	bylaws (e.g. for landowner on-street parking or the recreational vehicle of the landowner). The Development Authority shall not approve a variance to the off-street parking standard for a Short- Term Rental / Bed & Breakfast in any District that is not within the Historic Commercial Areas Overlay District.
Tourist Home	1 per 4 guests. Parking for all vehicles, including recreation vehicles, utility trailers and ATV trailers shall be accommodated on the subject property, and the parking of all vehicles, including recreation vehicles, utility trailers and ATV trailers shall not be allowed on the street, regardless of the provisions in other municipal bylaws (e.g. for landowner on-street parking or the recreational vehicle of the landowner). The Development Authority shall not approve a variance to the off-street parking standard for a Tourist Home in any District that is not within the Historic Commercial Areas Overlay District.
All Other Commercial Uses	As approved by the Development Authority
Industrial and Storage	
Manufacturing or processing	1 per 65.0 m^2 (700 ft^2)NFA; minimum of 5 spaces
Light Manufacturing, Warehousing and Storage Facility	1 per 65.0 m^2 (700 ft^2)NFA; minimum of 5 spaces
Public Assembly, except in the CM-1 District	
Place of Worship	1 per 5 fixed seats
Community Facility (except school)	1 per 6 fixed seats OR 1 per 5.0 m^2 (54 ft^2) NFA, whichever is greater
School, elementary and junior	2 per classroom
School, high and college	1 per 4 students
All other uses and all uses in the CM-1, UTAR, and NUTAR Districts	• As approved by the Development Authority and/or specified in an approved Comprehensive Site Development Plan. • In the UTAR and NUTAR districts parking shall include additional guest parking, and parking shall not be allowed on public streets.

NOTES:

* The calculation of parking space requirements that results in a fractional number shall be rounded to the next highest number

** NFA refers to net floor area

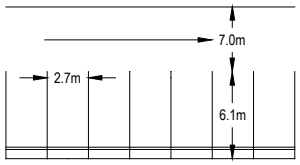
Table 2

DESIGNATED BARRIER-FREE PARKING SPACES

Total Number of Parking Spaces from Table 2	Designated Barrier-Free Parking Spaces Required as Part of and included with Total Parking Spaces
2–10	1
11–25	2
26–50	3
51–100	4
for each additional increment of 100 or part thereof	one additional space

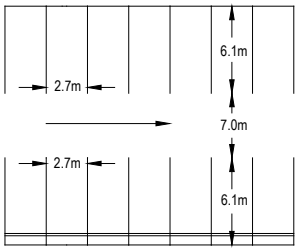
PARKING LAYOUT ALTERNATIVES-METRES

90° one way-single aisle



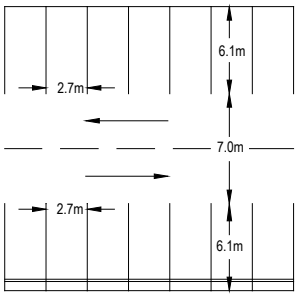
0.15m Raised Curb 0.6m From Wall

90° one way-two aisle



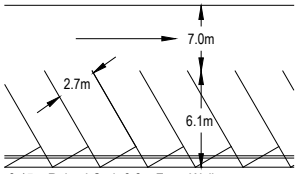
0.15m Raised Curb 0.6m From Wall

90° two way-two aisle



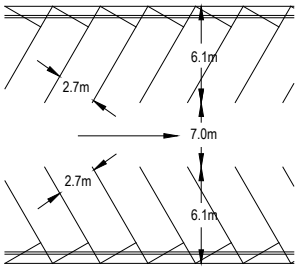
0.15m Raised Curb 0.6m From Wall

60° one way-single aisle



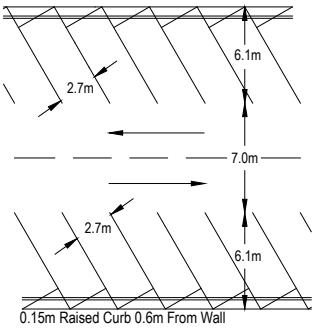
0.15m Raised Curb 0.6m From Wall

60° one way-two aisle



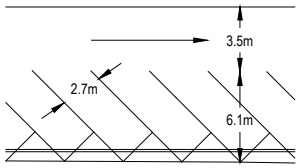
0.15m Raised Curb 0.6m From Wall

60° two way-two aisle



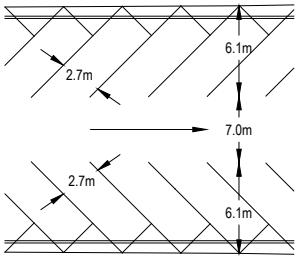
0.15m Raised Curb 0.6m From Wall

45° one way-single aisle



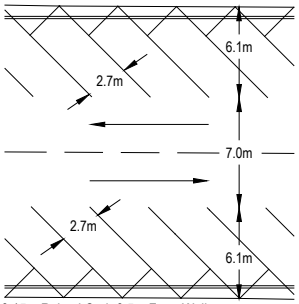
0.15m Raised Curb 0.5m From Wall

45° one way-two aisle



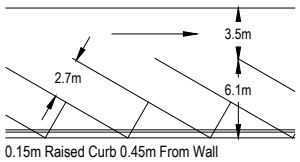
0.15m Raised Curb 0.5m From Wall

45° two way-two aisle



0.15m Raised Curb 0.5m From Wall

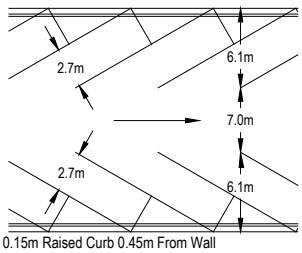
30° one way-one aisle



0.15m Raised Curb 0.45m From Wall

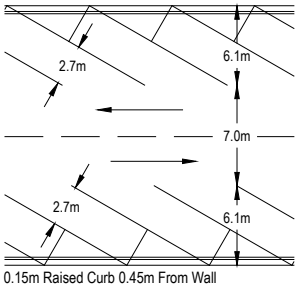
acadfile\blocks\parkingm

30° one way-two aisle



0.15m Raised Curb 0.45m From Wall

30° two way-two aisle



0.15m Raised Curb 0.45m From Wall

Schedule 7

RELOCATION OF BUILDINGS

Schedule 7

RELOCATION OF BUILDINGS

1. APPLICATION OF THIS SCHEDULE

1.1 This Schedule applies to any development permit application for either a permitted or a discretionary use that involves the relocation of a building, including “Manufactured Home”, “Moved-In Building”, “Moved-In Dwelling” and any other building type that is supplied as a “Ready-to-Move” or “Modular” building.

2. DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

2.1 An applicant for a development permit that involves the relocation of a building within or to the Municipality is required to submit, with their application, the following information in addition to the information normally required within this Bylaw:

(a) colour photographs of the building proposed to be relocated, accurately depicting the building and general condition of the building;

(b) complete site plan showing how the proposed building would be located on the proposed lot;

(c) foundation proposals;

(d) floor plans of the building; and

(e) any other information that may be deemed necessary by the Development Authority.

2.2 It is the responsibility of the landowner to ensure that a building approved to be relocated into the community complies with relevant federal, provincial and municipal codes, standards, regulations, bylaws and legislation (e.g. the *Safety Codes Act,* restrictions on urea-formaldehyde insulation, asbestos content, standards in this Bylaw, traffic accommodation to move the building into the community pursuant to the Traffic Bylaw, etc.)

3. DEVELOPMENT PERMIT APPLICATION CONSIDERATIONS

3.1 A development permit that involves the relocation of a building shall be reviewed by the Development Authority, based on the following criteria:

(a) the proposed location within the municipality and the general aesthetics of the neighbourhood;

(b) the age / era of the building to be relocated compared to the age / era of the buildings surrounding the site onto which the subject building is proposed to be relocated;

(c) the nature and condition of the exterior building materials of the building that is proposed to be relocated compared to that of the buildings surrounding the site onto which the subject building is proposed to be relocated (siding, roofing, foundation parging, soffits, fascia, eavestroughs and gutters);

(d) the compatibility of the building that is proposed to be relocated with the neighbourhood and adjacent properties;

(e) the compatibility of the proposed building with the future development of the area; and

(f) any other planning considerations as determined by the Development Authority.

3.2 In the case of a “Manufactured Home” and a “Moved-In Dwelling” to be relocated, it shall, in the opinion of the Development Authority, be compatible with respect to age and appearance, with the houses in the receiving neighbourhood.

3.3 Due to the fact that, at the time of reviewing a development permit application the photographs provided by the applicant of a “Manufactured Home” or a “Moved-In Dwelling” that is proposed to be relocated into the community could be misinterpreted, the Development Authority shall impose a condition on all development permits for a “Manufactured Home” or a “Moved-In Dwelling” that requires the landowner to upgrade the exterior building materials (siding, roofing, foundation parging, soffits, fascia, eavestroughs and gutters) of the subject building after it has been placed on the subject property to ensure that, in the sole discretion of the Development Authority, the subject building is compatible with buildings on surrounding properties.

3.4 The Development Authority shall include in the notice of its decision to adjacent landowners photographs of the building that is proposed to be relocated when it is a “Manufactured Home” or a “Moved-In Dwelling”.

4. PROVISION OF SECURITY AND TIMELINE FOR COMPLETION

4.1 The landowner or applicant shall post a refundable security deposit in an amount specified in the Fees, Rates and Charges Bylaw to ensure that the proposed building is brought into compliance with the development permit conditions (Note: the landowner or applicant may also be required under the Traffic Bylaw to obtain a permit to move the building on municipal roads and to provide a refundable security deposit to cover potential damages to municipal infrastructure or utility infrastructure owned by a third-party – please contact the Transportation Department).

4.2 Renovations and conditions imposed by the Development Authority to a building relocated within or to the Municipality shall be completed within one year of the issuance of the development permit. Non-compliance shall result in the forfeiture of the security deposit.

Schedule 8

CRITERIA FOR HOME OCCUPATIONS

Schedule 8

CRITERIA FOR HOME OCCUPATIONS

1. CLASSIFICATION OF HOME OCCUPATIONS

1.1 For the purpose of this Bylaw, the following definitions / descriptions shall be used to distinguish between the two classes of home occupations:

(a) **Home Occupation – Class 1**

(i) A Home Occupation – Class 1 fully complies with the following description:

(A) The use does not require more than occasional customer visits to the premises (for greater clarity, "occasional" means one customer site visit per day).

(B) The use does not involve outdoor storage of materials, commercial vehicles or heavy equipment (note: a utility trailer or other equipment that is typically compatible with residential districts are excluded from this standard).

(C) There is no display of goods on the premises (indoor or outdoor).

(D) There is no outdoor activity involved with the business.

(E) An advertising sign is not allowed, except as may be provided under exemptions in the Sign Standards Schedule.

(F) The home occupation does not require any "outside employees" who are not members of the household that resides on the premises, to attend work at the premises at any time. The home occupation may employ persons who are not occupants of the property provided that the nature of the business does not require on-site attendance from the outside employees at any time.

or

(G) The use is strictly for the purpose of a "working from home" arrangement that does not involve on-site attendance from a person(s) other than an occupant of the property who conducts their normal employment remotely from home, and that complies with the above classification criteria;

and

(H) The use complies with the **Development Standards** in this Schedule.

(ii) A development permit is not required for a Home Occupation – Class 1 that fully complies with the above description. A Home Occupation – Class 1 that does not fully comply with the above description defaults to the classification of a Home Occupation – Class 2 and requires a discretionary use development permit.

(b) **Home Occupation – Class 2**

(i) A Home Occupation – Class 2 complies with the following description:

(A) There is a limited volume of on-premises sales (for greater clarity "limited volume" means not more than 25 customer site visits per week).

(B) The use does not involve outdoor storage (or display) of materials, commercial vehicles or heavy equipment (note: a utility trailer or other equipment that is compatible with residential districts are excluded from this standard).

(C) There is a limited display of goods on the premises and such display is restricted to indoors only.

(D) There is limited outdoor activity involved with the business.

(E) One identification or advertising sign may be attached to the building and shall be in accordance with the Sign Standards Schedule of this Bylaw.

(F) The home occupation requires not more than one "outside employee" who does not reside on the premises but is required to attend at the premises. The home occupation may employ additional persons who are not occupants of the property provided that the nature of the business does not require on-site attendance from the additional outside employees.

(G) The use complies with the **Development Standards** in this Schedule.

(ii) A Home Occupation – Class 2 requires a discretionary use development permit.

1.2 Where any doubt arises in determining the home occupation classification, then the Development Officer shall refer the application to the Municipal Planning Commission for a decision.

2. DEVELOPMENT STANDARDS

Home Occupation – Class 1

2.1 Only one Home Occupation – Class 1 **per dwelling unit** may be established without a development permit. Any additional Home Occupation – Class 1 in the same dwelling unit requires a development permit. For the purpose of this clause "dwelling unit" means any and all dwelling units on the same parcel, including a Secondary Suite and each dwelling unit within a Multi-unit Residential Building or Apartment.

Home Occupation – Class 2

2.2 Only one development permit for a Home Occupation – Class 2 may be issued **per parcel**. No additional development permits shall be issued for Home Occupation – Class 2 on the same parcel.

Home Occupation – Class 1 and Class 2

2.3 Home occupation – Class 1 and Home Occupation Class 2 shall be operated subject to the following standards and conditions:

(a) The use shall occur within the principal building or within a detached accessory structure.

(b) The home occupation shall not alter the residential character, appearance and/or activity of the dwelling unit, accessory building or the subject property such that it is incompatible with the applicable land use district.

(c) The approved use shall be valid only for the period of time that:

(i) the use is established and actively on-going, and

(ii) the dwelling unit is occupied by the applicant for the approved use.

(d) A development permit issued for a home occupation may be subject to the condition that the applicant is required to apply annually to renew the development permit.

(e) Non-compliance with a development permit issued for a Home Occupation, where the use is or has become detrimental to or incompatible with the residential character and amenities of the neighbourhood, shall be enforced by the Development Authority by the issuance of a Stop Order.

(f) A new development application must be submitted for consideration by the Development Authority in order to make any substantial changes or additions to an approved use or an established use (e.g. the type, use or intensity).

(g) The use shall not generate more vehicular or pedestrian traffic and vehicular parking than what is described in subsection 1.1 (a) and (b) for each of the Home Occupation classifications and what is reasonably deemed by the Development Officer to be typical for the neighbourhood and within the district.

(h) The activity associated with the Home Occupation (Class 1 or Class 2) shall not create noise to a level that is reasonably deemed by the Development Officer to be a nuisance.

(i) No vibration, effluent, electrical interference, smoke, dust, ash, odour, heat, glare or industrial waste shall be produced by the activity of a Home Occupation (Class 1 or Class 2) to a level that is reasonably deemed by the Development Officer to be offensive, noxious, a nuisance or otherwise incompatible with the character and purpose of the subject and adjacent land use districts.

(j) The use shall not cause an increase in the demand placed on any one or more utilities (water, wastewater, garbage, etc.) such that the combined total consumption for a dwelling unit and its home occupation exceeds the average for residences in the area.

3. VARIANCES TO HOME OCCUPATION – CLASS 2

3.1 Only in the GCR-1, NUA-1 and NUTAR Districts and only relative to the number of on-site customer visits, the outdoor storage of materials, commercial vehicles or heavy equipment, and the number of employees outside of members of the household who reside on the premises, the Development Authority may vary the standards for a Home Occupation – Class 2 in order to allow a small business start-up until the business requires relocation to a commercial or industrial District, to the extent that, in the sole discretion of the Development Authority, the Home Occupation would be compatible with the neighbourhood.

4. PROHIBITION OF RENTING A DWELLING UNIT TO A WORK CREW FOR HOME OCCUPATION – CLASS 2

4.1 In the R-1 to R-5, CSV, CRV, GCR-1, UTAR, NUTAR, and NUA-1 land use districts, a dwelling unit shall not be rented for any period of time to or occupied by a person or by a work crew, where such person or work crew:

(a) requires to bring a commercial vehicle (other than a standard passenger vehicle/truck which is the person's employment vehicle) or equipment to the premises; or

(b) requires to use the premises for any portion of an occupation that is reasonably categorized as a business, including a Home Occupation – Class 2 (except the long-term renter or landowner who has complied with the provisions of this Bylaw regarding Home Occupations).

Schedule 9

MANUFACTURED HOME DEVELOPMENT STANDARDS

Schedule 9

MANUFACTURED HOME DEVELOPMENT STANDARDS

1. ELIGIBLE MANUFACTURED HOMES

1.1 New Manufactured Home units that have Canadian Standards Association (CSA) approval (i.e. compliant with the CSA-A277 certification standard).

1.2 Previously occupied Manufactured Home units are subject to Municipal Planning Commission approval and:

(a) must be units of 74.3 m^2 (800 ft^2) or more, constructed within the last 20 years (applicant may be required to provide CSA approval for year constructed);

(b) must be in a good state of repair; and

(c) the development application must be accompanied by recent colour photographs of all elevations (i.e. front, side and rear views), including additions.

2. FOUNDATIONS, SKIRTING AND ANCHORING

2.1 All Manufactured Homes shall be placed on permanent concrete foundations or otherwise anchored as may be specified in the National Building Code – Alberta Edition (enforcement of this standard is not part of the Land Use Bylaw).

2.2 All Manufactured Homes shall be skirted to the satisfaction of the Development Authority, unless the underside of the unit is concealed by the foundation.

2.3 Where a basement is provided for a Manufactured Home, access shall be housed within an enclosure of a design and finish which, in the opinion of the Development Authority, complements the unit.

2.4 Manufactured Homes, with or without a basement, shall be not less than 0.3 metre (1 ft) and not more than 0.9 metre (3 ft) above the average grade of the surrounding ground.

3. ADDITIONS TO MANUFACTURED HOMES

3.1 Any proposed addition to a Manufactured Home will be considered part of the unit and shall require a development permit.

3.2 The colour and finish of any addition shall be of a quality, style and design which, in the opinion of the Development Officer, match or complement the unit. The materials used shall be limited to those normally used for the exteriors of residences.

Schedule 10

MANUFACTURED HOME COMMUNITY REGULATIONS

Schedule 10

MANUFACTURED HOME COMMUNITY REGULATIONS

1. Except for the perimeter boundary of the parcel or the bareland condominium plan of subdivision, the owner of an unsubdivided manufactured home community or a manufactured home community held in a bareland condominium subdivision may establish their own internal yard setbacks and other standards for principal buildings and accessory buildings in the community rules or in the bareland condominium association bylaws, pursuant to the standards established in this Schedule. For clarity, the building setback standards established in the R-4 district apply only to the perimeter property line of the parcel or the perimeter boundary of the bareland condominium plan of subdivision on which a Manufactured Home Community is located.

2. No parcel of land within the Municipality of Crowsnest Pass shall be developed for use as a Manufactured Home Community unless the following regulations with regard thereto can be and are fulfilled, namely:

2.1 The parcel of land is situated within a land use district wherein such use is prescribed.

2.2 The minimum area of a Manufactured Home stall or bareland condominium unit within a Manufactured Home Community development should not be less than 232.2 m^2 (2,500 ft^2).

2.3 Each building (**including accessory buildings**) should be located:

(a) entirely within the boundaries of a stall or bareland condominium unit;

(b) a principal building should be located approximately 4.88 m (16 ft) from a principal building on an adjacent stall or bareland condominium unit;

(c) a principal building should be located approximately 1.8 m (6 ft) from an accessory building on an adjacent stall or bareland condominium unit;

(d) all buildings should be located approximately 5.0 m (16.4 ft) from a front line of a stall or a bareland condominium unit;

and further, it is the responsibility of the landowner to ensure that at a minimum any setback standard or fire rating requirement established in the National Building Code – Alberta Edition or the National Fire Code - Alberta Edition are complied with, at the sole risk and responsibility of the landowner to the exoneration of the Municipality of Crowsnest Pass from any liability related to these matters, and at no cost to the Municipality of Crowsnest Pass.

2.4 Approximately 10 percent of the gross area of a Manufactured Home Community shall be allocated to communal open space for the recreational use and enjoyment of its inhabitants.

2.5 All internal roads, streets or driveways used by vehicles must be hard-surfaced to standards specified by the Development Authority.

2.6 A footpath system, which may or may not be adjoined to an internal road system, should be provided within a Manufactured Home Community to provide convenient pedestrian access from the Manufactured Home lots to the community's communal services and facilities. A footpath should be approximately 0.9 metre (3 ft) in width and hard-surfaced.

2.7 A hard-surfaced pad connected by a hard-surfaced driveway to the adjoining internal road system must be provided on each Manufactured Home stall for the purpose of situating a Manufactured Home thereon. The size of the pad must be sufficient to accommodate any model of Manufactured Home to be placed within the community without encroachment onto adjacent stalls or adjacent lands, and its location should ensure that the Manufactured Home is not closer than approximately 4.88 metres (16 ft) from another Manufactured Home on an adjacent stall or bareland condominium unit.

2.8 Those areas of a Manufactured Home stall or bareland condominium unit that are not developed with a patio, apron, driveway or footpath should be landscaped.

2.9 It is the applicant and/or landowner's responsibility to comply with all relevant provincial and federal legislation and regulations (e.g. relative to building, electrical, gas and plumbing permits issued under the *Safety Codes Act*).

2.10 One freestanding, identification sign may be erected at the entrance to the Manufactured Home Community. The Development Authority may allow a second sign under exceptional circumstances. The sign or signs shall be of a size, type and construction acceptable to the Development Authority and in compliance with the sign standards in Schedule 11 of this Bylaw.

2.11 Signs within the Manufactured Home Community should be integrated in design and appearance, in scale with the immediate surroundings, and constructed of durable material.

2.12 Two parking spaces shall be provided for each Manufactured Home stall or bareland condominium unit. These parking spaces may be located on site or in a communal parking area which does not encroach into any adjacent internal road or driveway. All parking spaces shall be hard-surfaced to the satisfaction of the Development Authority.

2.13 The design, appearance, general location and exterior finishing materials of the permanent buildings within a Manufactured Home Community must be acceptable to the Development Authority.

2.14 The outdoor lighting system within a Manufactured Home Community should be integrated in design and appearance.

2.15 Each Manufactured Home stall or bareland condominium unit shall be physically defined at its corners or along its boundaries by means of a marker to the satisfaction of the Development Authority.

2.16 The boundaries of a Manufactured Home Community shall be suitably and adequately screened, and the site shall be landscaped to the satisfaction of the Development Authority.

2.17 Each Manufactured Home Community must be designed to have at least two access/egress points. Except with the approval of the Development Authority, a Manufactured Home Community shall not have more than one motor vehicle entrance and not more than one motor vehicle exit to a public road, each of minimum width of 7.6 metres (25 ft) measured from curb to curb or from edge of road surface to edge of road surface.

2.18 The management of a Manufactured Home Community shall at all times conform to local bylaws relating to community standards, sanitation and garbage and refuse collection.

2.19 At least one communal garbage container on a permanent foundation shall be provided for each Manufactured Home Community.

Schedule 11

SIGN STANDARDS

Schedule 11

SIGN STANDARDS

1. DEFINITIONS

1.1 In addition to the definitions in Schedule 18 of this Bylaw, the following definitions apply to this Schedule:

A-Board Sign means a self-supporting A-shaped sign or sandwich board which is set upon the ground and has no external supporting structure. This does not include a portable sign.

Active Electronic Sign means a computerized structure that uses digital technology to provide visual communication in advertising or conveying a message for pedestrian or vehicular traffic where the message is non-fixed (i.e. it flashes, scrolls, etc.).

Awning means an adjustable or temporary roof-like covering fitted over windows and doors and used for either shelter, advertising or decoration.

Banner Sign means a sign made of fabric or other non-rigid material with no enclosing framework.

Billboard means a Third-Party Sign structure within the highways development control zone of Alberta Transportation relative to the right-of-way of Highway 3, and that is designed and intended to provide a leasable advertising sign area on both sides in excess of 18.6 m^2 (200 ft^2) per side.

Canopy means a permanent fixture fitted over windows and doors and used for either shelter, advertising or decoration.

Canopy Sign means a sign that is mounted, painted or otherwise attached to an awning, canopy or marquee.

Clearance means the shortest vertical distance between the underside of a sign and the grade directly below the sign.

Construction Sign means a temporary sign erected on a site where construction is taking place to identify the construction project and those parties having a role or interest in the construction.

Copy or Sign copy means the message on a sign in either permanent or removable form.

Copy Area means the entire area within a single polygon or a combination of squares or rectangles that will enclose the limits of the advertising message or announcement, and that include, but not be limited to:

(a) decorations related to the specific nature of the advertising message or announcement;

(b) the area of individual figures or letters shall be calculated on the basis of the smallest squares or rectangles that will enclose the individual letters or figures; and

(c) in the case of a double or multi-face sign, the average of the total area of all sign faces will be counted in copy area calculations.

Cornice means a horizontal molded projection crowning a building.

Directional Off-Premises Sign means any sign which advertises, directs or otherwise identifies a service, facility, product or activity to be found at a location other than the premises on which the sign is located.

Fascia or Wall Sign means a sign attached across the fascia of a building, located approximately parallel thereto, in such a manner that the fascia becomes the supporting structure for, or forms the background surface of the sign, which does not project more than 0.3 metre (1 ft) from the building supporting said sign, or it means a sign fastened to or painted on the wall of a building.

Freestanding Sign means any sign or display supported by a freestanding column or structure.

Height of Sign means the vertical distance measured from the highest point of the sign or sign structure to the grade directly below the sign.

Illumination means the lighting of any sign by artificial means and may be further described as:

(a) internal illumination that means the lighting of any sign face from a light source located within the sign or behind the copy;

(b) directed illumination that means the lighting of any sign face from a light source located on or near the exterior of the sign;

(c) indirect illumination that means the lighting of any sign face by reflected light from a source that is distinct form, but intentionally directed towards the sign.

Marquee means a permanent structure that projects from a building, usually at an entrance, and is permanently attached to and supported by the building.

Merchandising Aid means an inflatable sign, or a tethered balloon intended to call attention to a business, and that may contain a name, logo, advertising message or announcement.

Mural means a painting or other decorative work applied to and made integral with an exterior wall surface of a building, but it does not contain advertising or sign copy.

Political Poster means a temporary sign announcing or supporting candidates or issues in any election or plebiscite.

Portable Sign means a sign that is not permanently affixed to a building or the ground and is supported on a structure allowing it to be readily moved from one location to another, to provide short-term promotional advertising. This does not include an A-Board sign.

Projecting Sign means a sign that is wholly or partly dependent upon a building for support and that projects more than 0.3 metre (1 ft) from such building.

Primary Sign means a sign advertising the primary use of the premises.

Real Estate Sign means a sign pertaining to the sale or lease of the premises or a portion of the premises on which the sign is located. This is not a Subdivision or Development Marketing Sign.

Resident Identification Sign means a sign located on the premises, limited to providing the address and/or name of the owner or occupant of a building or premises.

Roof Sign means any sign that is entirely upon and above the roofline or parapet of a building.

Sign means any development that is:

(a) constructed and affixed directly or indirectly to any building, window, or a parcel of land; and

(b) used to advertise, identify or display a commercial or non-commercial activity, product, place, organization, institute, person, service, event or location, by any means, including words, letters, figures, design, symbols, fixtures, colours, trademarks, illumination or projected images and in such a manner as to be visible from any public place.

Sign Area means the entire face of a sign including the copy area and any framing, trim or moulding, but not including the supporting structure.

Sign Band means a prominent exterior sign display surface located on the wall or horizontally below the cornice, fascia or roofline of a building.

Subdivision Entrance Sign means a permanent sign indicating the name of a subdivision or a portion of the subdivision on which it is placed.

Subdivision or Development Marketing Sign means a temporary sign placed on a parcel of land that is the subject of an approved subdivision or an approved development permit for the purpose of promoting future lots, new home areas, show homes, or a future development, and which may incorporate small banners or flags. This is not a Real Estate Sign.

Third-Party Sign means a sign advertising a business or an activity that is not located on the same lot or parcel as the sign, including a Directional Off-Premises Sign, a Merchandising Aid and a Billboard.

Traffic Sign means any sign for the purpose of controlling traffic or providing directional information to drivers.

Window Sign means a film, screen or similar material applied to a window area (inside or outside), or a sign otherwise placed on the window sill inside the building, such that it is intended to be viewed from the outside.

2. ADMINISTRATION

2.1 This Bylaw applies to all signs within the Municipality.

2.2 Unless exempt under Schedule 3 of this Bylaw, read together with Section 5 of this Schedule, no person shall erect, place, alter, or commence any sign development within the Municipality without having first obtained a development permit from the Development Authority in accordance with the provisions of this Bylaw.

2.3 Table 1, *Summary of Sign Requirements*, is provided as a convenient summary of certain significant requirements for each category of sign. For the complete list of requirements, refer to Sections 6 to 17 of this Schedule. Where Table 1 contains a standard that is inconsistent with a standard established in Sections 6 to 17, the standard in Sections 6 to 17 shall prevail.

2.4 Resolution of conflicts between sections of this Bylaw will be at the discretion of the Municipal Planning Commission.

2.5 All types of signs and circumstances may not be addressed by this Bylaw, so affected persons are encouraged to submit an application for a development permit for consideration by the Development Authority.

3. APPLICATION REQUIREMENTS

3.1 A business or enterprise applying for a sign development permit must possess or be in the process of obtaining a development permit and a business license for its business location, must be located and operational or in the process of becoming located and operation within the boundaries of the Municipality, and must have the written consent from the landowner on whose property the sign is proposed to be located.

3.2 All applications for a sign development permit shall provide the following information in addition to the information required elsewhere in this Bylaw:

(a) the distance from the sign to property lines, roadway intersections, traffic control devices and from access points to the property;

(b) the distance from the sign to buildings and other signs on the property;

(c) the distance to aerial power lines from freestanding and roof signs;

(d) a sign plan drawn to scale or photographically produced showing design and placement;

(e) the dimensions of the sign;

(f) the method of attachment to and the nature of the structure to which attachment will be made;

(g) for a fascia sign or a wall sign, the projection distance from the face of the building;

(h) the height of the sign measured from grade to the highest point of the sign or sign structure;

(i) any other information as may reasonably be required by the Development Officer, which could include plans for installation and mounting that have been approved by a Professional Engineer (see definition); and

(j) sign copy.

4. GENERAL REGULATIONS

4.1 The various types of Signs may be approved only where they are prescribed in a land use district in accordance with the provisions of this Bylaw.

4.2 An application for a sign development located along a highway within the Municipal jurisdiction shall be considered in the context of Provincial legislated requirements, and the applicant must first obtain a roadside development permit from Alberta Transportation before making a development permit application to the Municipality.

4.3 All signs in the Municipality shall comply with the following:

(a) all signs shall be maintained by the owner in a safe and tidy manner to the satisfaction of the Development Authority;

(b) no sign for which a development permit has been granted shall be relocated or substantially repaired unless authorized by a new development permit. However, no development permit is required to clean, repaint or otherwise maintain any sign;

(c) all signs shall, in the opinion of the Development Authority, be of quality construction and of a design suitable for public display;

(d) the colour, design, visual impact, aesthetics, character, finishing (both sides), and shape of all signs shall be to the satisfaction of the Development Authority.

4.4 The Development Authority may require sign placements to be enhanced with landscaping or architectural features to improve aesthetics.

4.5 No sign shall be placed or illuminated in such a manner that, in the opinion of the Development Authority:

(a) it causes confusion with or obstructs the view of any traffic control device;

(b) it obstructs or endangers vehicular or pedestrian traffic; or

(c) it adversely affects neighbouring properties; or

(d) it will create a potential hazard or conflict with the routing of any public utility; or

(e) it's source of light is not fixed, or it flashes or revolves, or it is not shielded.

4.6 An Active Electronic Sign shall not be approved within the Municipality's jurisdiction, with the exception of such signs as may be allowed by Alberta Transportation within the highway right-of-way.

4.7 No Billboard Sign shall be approved within the Municipality's boundaries except where such sign was approved by Alberta Transportation within the development control zone of a highway.

4.8 The maximum number of Primary Signs that may be approved on a lot with single frontage is three and with two or more frontages, four. These primary signs may consist of any combination of the sign categories in Sections 6 to 17 of this Schedule.

4.9 The maximum combined sign area of all Primary Signs that may be located on a lot with a single frontage is 12.0 m² (130 ft²) and with two or more frontages is 18.0 m² (194 ft²).

4.10 All signs associated with a particular business must be moved within 30 days of the closure of the business.

4.11 No signs shall be approved within the Municipality's boundaries that are attached to or mounted on permanently fixed or stationary transport trailers or shipping containers.

5. SIGNS NOT REQUIRING A DEVELOPMENT PERMIT

5.1 All signs listed as a use in any land use district require a development permit, except the following signs, and regardless of whether or not the sign is listed as a use in the applicable land use district:

(a) a merchandising aid posted for a maximum of 7 days;

(b) a sign that is posted or exhibited inside a building;

(c) a window sign;

(d) an A-board sign during business hours;

(e) a temporary sign that:

(i) relates to the sale of goods, the carrying out of construction or similar work (a construction sign), or the announcement of any special event of a religious, educational, cultural, political (political poster) or similar nature; and

(ii) has sign area not exceeding 2.0 m² (21.5 ft²); and

(iii) is posted for a time period not to exceed 21 days; and

(iv) is removed by the advertiser within 7 days of the completion of the event or works to which the sign relates;

(f) a traffic sign within a road or highway right-of-way authorized by the Municipality, the Government of Alberta, or the Federal Government;

(g) a campaign sign relating to a Federal, Provincial, Municipal, or School Board election provided that:

(i) it is posted for a time period not to exceed 30 days or such other time as regulated under Provincial or Federal legislation; and

(ii) the sign is removed within 7 days following the election;

(h) a sign advertising a lawn sale, garage sale, a family event, or a sporting event provided that it:

(i) has a sign area not exceeding 0.55 m² (6 ft²); and

(ii) is posted for a time period not to exceed 7 days; and

(iii) is removed from the property within 48 hours of the completion of the event;

(i) real estate signs as follows:

(i) a sign advertising the location of real estate for the purposes of public viewing or an open house, provided that the sign is posted for a time period not exceeding 3 days and is removed from the property within 48 hours of the completion of the event; or

(ii) a sign that indicates the **immediate availability** for sale, lease, or rental of a land parcel or a building, or portion thereof, provided that the sign:

(A) is posted only on the business frontage of the building or land, on the building, or on public land directly in front of the building; and

(B) has a sign area not exceeding 3.0 m² (32 ft²); and

(C) is removed within 30 days of the lease or sale of the building or land;

but is not to be interpreted as a Subdivision or Development Marketing Sign.

(j) a resident identification sign showing the name or address of a building and that is sculpted or formed from a building material that is integral to the building face;

(k) a resident identification sign showing address numbers or letters displayed on the property where together the total sign area is less than 1.2 m² (13 ft²);

(l) a sign on a bench or waste receptacle, where the bench or receptacle is on or in front of a business property, and is provided as public service, and does not obstruct the use of the bench or waste receptable; and

(m) a sign posted on a construction site during the period of construction and removed within 30 days following construction completion.

6. A-BOARD SIGN

6.1 A-Board Signs shall only be allowed in commercial and industrial districts.

6.2 A-Board Signs must be on or directly in front of the property on which the business being advertised is located.

6.3 A-Board Signs may be displayed only during the business hours of the business being advertised.

6.4 A-Board Signs shall not exceed 0.6 metre (2 ft) in width and 1.23 metres (4 ft) in height.

6.5 No A-Board Sign shall occupy more than 30 percent of the width of any public sidewalk.

6.6 The number of A-Board Signs that may be approved is one per business frontage to a maximum of two.

7. CANOPY SIGN

7.1 No more than one canopy is allowed per building.

7.2 No more than one Canopy Sign is allowed per business frontage to a maximum of two.

7.3 The Canopy Sign for each use in a multi-tenant building having individual business frontages shall be consistent in size and design as directed by the Development Officer.

7.4 The sign area of a Canopy Sign shall not exceed the lesser of 9.3 m² (100 ft²) or 30 percent of the area of each side of the awning, canopy or marquee to which it is mounted, painted or otherwise attached.

7.5 No part of a Canopy Sign, exclusive of any supports, shall be less than 2.7 metres (9 ft) above ground or sidewalk grade.

7.6 No Canopy Sign shall be located within 0.5 metre (1.6 ft) of the top of a parapet or roofline.

7.7 Encroachment of a Canopy Sign into or over a road, Municipal property or right-of-way is subject to the following conditions:

(a) No part of a Canopy Sign shall project or encroach over any public place or extend closer than 0.9 metre (3 ft) of the edge of a curb or a roadway without the approval of the Municipality.

(b) Subject thereto that the Development Authority cannot impose a condition of approval that binds the Municipality or an adjacent private landowner into an encroachment agreement within the applicant, the approval of a Canopy Sign that projects or encroaches into or over Municipal property or right-of-way is conditional upon the owners and occupiers of the premises upon which said sign is located entering into an encroachment agreement and providing to the Municipality, on an annual basis, a liability insurance policy that indemnifies the Municipality for any public safety risk, liability, injury or damage resulting from said sign.

8. FASCIA OR WALL SIGN

8.1 No more than one Fascia and/or one Wall Sign (i.e. one of each) per business frontage may be approved and it shall be located completely on the same site as the use being advertised.

8.2 Where a sidewall of a building project is above the roofline of an adjacent building, the Development Authority may allow one additional Fascia and/or Wall Sign to be located on the exposed sidewall.

8.3 The sign surface shall not exceed the lesser of 6.5 m² (70 ft²) or 15 percent of the exterior fascia or wall unit on which it is attached or located.

8.4 Whenever there is an identifiable sign band on the building, Fascia Signs and Wall Signs should be of a consistent size and located near the same level as other similar signs on the premises and adjacent buildings.

8.5 A Fascia Sign or a Wall Sign shall not be located within 0.5 metre (1.6 ft) of the top of a parapet or a roofline.

9. FREESTANDING SIGN

9.1 Freestanding Signs may be approved only in non-residential land use districts.

9.2 All Freestanding Signs shall be located completely on the same lot as the use being advertised.

9.3 No more than one Freestanding Sign per frontage, or where there are two or more frontages, a maximum of two Freestanding Signs shall be located on a single lot or premises.

9.4 Freestanding Signs advertising a single business shall not be approved on properties zoned for multiple commercial enterprises.

9.5 No Freestanding Sign shall exceed 7.6 metres (25 ft) in height including supporting structures.

9.6 The sign area of a Freestanding Sign shall not exceed 6.5 m² (70 ft²) per face.

9.7 No part of a Freestanding Sign located in the proximity of traffic shall be less than 2.7 metres (9 ft) above ground or sidewalk grade.

10. HOME OCCUPATION – CLASS 2, TOURIST HOME, AND SHORT-TERM RENTAL / BED & BREAKFAST SIGN

10.1 Home Occupation – Class 2, Tourist Home, and Short-Term Rental / B&B Signs may be allowed for the purpose of identifying an approved Home Occupation – Class 2, Tourist Home, or Short-Term Rental / B&B.

10.2 The sign area of a Home Occupation – Class 2, Tourist Home, and Short-Term Rental / B&B Sign shall not exceed 0.72 m² (8 ft²).

10.3 A Home Occupation – Class 2, Tourist Home and Short-Term Rental / B&B Sign may be attached to a wall or a fence, or it may be a stand-alone structure that shall not extend more than 1.5 metres (5 ft) above grade, or it may be a window sign.

10.4 An application for a Home Occupation – Class 2, Tourist Home, and Short-Term Rental / B&B Sign will not be considered unless the operator of the home occupation is in possession of a development permit and a business license.

10.5 Only one Home Occupation – Class 2, Tourist Home, and Short-Term Rental / B&B Sign per residence may be approved.

11. MURAL

11.1 A Mural may be approved on the basis of design merit if, in the opinion of the Development Authority the mural will:

(a) be visually attractive to passers-by and/or will enhance the visual quality of the Municipality;

(b) enhance the immediate surroundings in which they are to be situated; and

(c) be constructed of weather-resistant materials that will withstand prevailing climatic conditions.

12. PORTABLE SIGN

12.1 The sign area of a Portable Sign shall not exceed 3.7 m² (40 ft²).

12.2 No more than one Portable Sign per frontage or, where there are two or more frontages, a total of two Portable Signs may be located on a single lot or premises.

12.3 No Portable Sign shall extend or project into any public place or beyond the boundaries of the lot premises upon which it is sited without the approval of the Development Authority.

12.4 A sign development permit granted for a Portable Sign shall specify the period of time, not to exceed 90 days, during which the sign is approved to be exhibited.

13. PROJECTING SIGN

13.1 A single Projecting Sign may be approved on a single lot or business frontage.

13.2 Any Projecting Sign shall have a minimum clearance of at least 2.7 metres (9 ft).

13.3 The sign area of a Projecting Sign shall not exceed 1.5 m² (16 ft²) per face.

13.4 A Projecting Sign shall be securely fastened to the building to the satisfaction of the Development Authority.

13.5 No Projecting Sign may be located within 0.5 metre (1.6 ft) of the top of a parapet or a roofline.

13.6 Encroachment of a Projecting Sign into or over a road, Municipal property or right-of-way is subject to the following conditions:

(a) No part of a Projecting Sign shall project or encroach over any public place or extend closer than 0.9 metre (3 ft) of the edge of a curb or roadway without the approval of the Municipality.

(b) Subject thereto that the Development Authority cannot impose a condition of approval that binds the Municipality or an adjacent private landowner into an encroachment agreement within the applicant, the approval of a Projecting Sign that encroaches into or over Municipal property or right-of-way is conditional upon the owners and occupiers of the premises upon which said sign is located entering into an encroachment agreement and providing to the Municipality, on an annual basis, a liability insurance policy that indemnifies the Municipality for any public safety risk, liability, injury or damage resulting from said sign.

14. ROOF SIGN

14.1 No more than one Roof Sign may be approved per business frontage.

14.2 The sign area of a Roof Sign shall not exceed 8.4 m² (90 ft²).

14.3 No part of a Roof Sign shall project horizontally beyond any exterior wall, parapet or roofline of the building upon which it is located.

14.4 A Roof Sign may be approved:

(a) on the flat roof of a building that is at least 9.1 metres (30 ft) high; or

(b) between the eaves and peak of a sloping roof.

14.5 On a flat roof, no part of any Roof Sign, excluding that portion which is used for support and which is free of copy, shall be less than 1.2 metres (4 ft), or more than 4.6 metres (15 ft) above the parapet or roofline.

14.6 No supporting structures shall be visible to the public unless finished in an aesthetically pleasing manner to the satisfaction of the Development Officer.

14.7 On a sloping roof no part of any Roof Sign shall be more than 6.1 metres (20 ft) above grade.

14.8 All Roof Signs shall be securely fastened to the building to the satisfaction of the Development Authority.

15. SUBDIVISION ENTRANCE SIGN

15.1 A Subdivision Entrance Sign may be approved in all land use districts provided it:

(a) is freestanding;

(b) does not exceed 4.0 metres (13 ft) in sign height;

(c) does not exceed 6.0 m² (64.6 ft²) in sign area;

(d) incorporates the name of the neighbourhood, subdivision or area; and

(e) is architecturally integrated with any design theme or style of the neighbourhood, subdivision or area at which it is located.

16. SUBDIVISION OR DEVELOPMENT MARKETING SIGN

16.1 Approval of a Subdivision or Development Marketing Sign requires that:

(a) the subject subdivision application or development permit application has been approved by the Subdivision Authority or the Development Authority;

(b) the sign is located within the boundaries of the parcel that is the subject of the subdivision or the development being marketed;

(c) the sign is free-standing, a banner, or attached to a structure;

(d) the sign has sign area not exceeding 12.0 m² (130 ft²); and

(e) the sign does not exceed 5.0 metres (16 ft) in height.

16.2 Only one sign per street frontage of the original parcel boundary is allowed.

16.3 This sign type shall not be interpreted to include a Real Estate Sign as defined in this Schedule.

17. THIRD-PARTY SIGN

17.1 Third-Party Signs include off-premises directional signs, off-premises merchandising aids, and Billboards (the latter only in those locations as specified in this Schedule).

17.2 An application for a Third-Party sign development located within the development control zone of a highway within the Municipal jurisdiction shall be considered in the context of Provincial legislated requirements, and the applicant must first obtain a roadside development permit from Alberta Transportation before making a development permit application to the Municipality.

17.3 Third-Party Signs are prohibited in residential land use districts.

17.4 A business or enterprise applying for a Third-Party sign development permit must possess or be in the process of obtaining a development permit and a business license for its business location, must be located and operational or in the process of becoming located and operation within the boundaries of the Municipality, and must have the written consent from the landowner on whose property the sign is proposed to be located.

17.5 The site requirements for a Third-Party Sign include:

(a) the sign must be attached to a fixed structure, which shall exclude signs posted or exhibited on motor vehicles or trailers that are temporarily or permanently parked solely for the purpose of displaying the sign;

(b) the sign area shall not exceed 18.6 m² (200 ft²) on each face, except for a Billboard of which the advertising sign area on both sides may exceed 18.6 m² (200 ft²) per side up to a maximum sign area at the sole discretion of the Development Authority;

(c) the maximum height, including support structure, shall be 6.1 metres (20 ft);

(d) the spacing between Billboards along Highway 3 shall be no less than 500 metres (1640 ft), at the sites as follows:

(i) West of Coleman, starting approximately 1.8 km west of the West Access to Coleman and each additional 500 metres (approximately) west thereof, to a maximum of five sign sites.

(ii) East of Bellevue, starting approximately 500 metres east of the East Access to Bellevue and each additional 500 metres (approximately) east thereof, to a maximum of five sign sites.

(Note: field conditions will be taken into consideration when determining the exact location for placement of Third-Party Signs along Highway 3)

(e) consideration by the Development Authority of the sign in relation to the site's topography, adjacent land uses, and aesthetics of the area.

17.6 Both sides of a Third-Party Sign may be used for advertising purposes.

17.7 The Development Authority may restrict the number of Third-Party Signs per site or location and/or the number of advertisements per Third-Party Sign panel.

17.8 Each component sign, panel or advertisement shall be:

(a) of equal sign area;

(b) manufactured of the same materials for continuity; and

(c) confined within the same structural frame.

17.9 The reverse side of a Billboard that is visible from the opposite direction shall have copy or be painted upon installation.

17.10 Community oriented and/or public service Banner Signs that cross a public roadway must be located at least 5.0 metres (16.4 ft) above the public roadway.

TABLE 1 – Summary of Sign Requirements
(see Section shown under Category for the complete listing of requirements)

Category	Maximum Sign Area	Maximum and Minimum Height / Width	Number of Signs Permitted	Additional Requirements
A-Board Sign (Section 6)		1.23 m (4 ft) maximum height and 0.6 m (2 ft) maximum width	one per business frontage to a maximum of two	allowed in commercial and industrial districts only
Canopy Sign (Section 7)	the sign area must not exceed the lesser of 9.3 m^2 (100 ft^2) or 30% of the area of each side of the awning, canopy or marquee	minimum height above grade 2.7 m (9 ft)	one per frontage to a maximum of two	(a) cannot project more than 1.5 m (5 ft) over any public place or within 0.9 m (3 ft) of the curb or roadway (b) cannot be within 0.5 m (1.6 ft) of the top of a parapet or roofline (c) excluding any supports, no part shall be less than 2.7 m (9 ft) above ground or sidewalk grade (d) the Canopy Sign for each use in a multi-tenant building having individual business frontages shall be consistent in size and design as directed by the Development Officer
Fascia or Wall Sign (Section 8)	sign area the lesser of 6.5 m^2 (70 ft^2) or 15% of the exterior wall area to which it is attached		one per business frontage	(a) cannot be within 0.5 m (1.6 ft) of the top of a parapet or roofline (b) where located in proximity of traffic, no part shall be less than 2.7 m (9 ft) above grade
Freestanding Sign (Section 9)	sign area 6.5 m^2 (70 ft^2) per face	7.6 m (25 ft) maximum height	one per frontage, to a maximum of two	must be located completely on the same lot as the use being advertised
Home Occupation – Class 2, Tourist Home and Short-Term Rental / Bed & Breakfast Sign (Section 10)	0.72 m^2 (8 ft^2)	maximum height above grade 1.5 m (5 ft) for stand-alone signs	one per residence	the operator of the approved home occupation – class 2, tourist home or short-term rental / bed & breakfast must be in possession of a development permit and business license

Category	Maximum Sign Area	Maximum and Minimum Height / Width	Number of Signs Permitted	Additional Requirements
Mural (Section 11)				
Portable Sign (Section 12)	sign area 3.7 m^2 (40 ft^2)		one per frontage, to a maximum of two	(a) may not extend into any public place or beyond the lot boundaries (b) maximum time on the premises may not exceed 90 days per calendar year
Projecting Sign (Section 13)	sign area 1.5 m^2 (16 ft^2) per face	minimum 2.7 m (9 ft) above grade	one per single lot or business frontage	(a) horizontal projection ≤ 1.5 m (5 ft) (b) setback from curb or roadway ≥ 0.9 m (3 ft) (c) setback from any public place ≥ 1.5 m (5 ft) (d) cannot be within 0.5 m (1.6 ft) of the top of a parapet or roofline
Roof Sign (Section 14)	sign area 8.4 m^2 (90 ft^2)	(a) on a flat roof, no part, excluding that portion which is used for support and is free of copy, shall be less than 1.2 m (4 ft), or more than 4.6 m (15 ft) above the parapet or roofline (b) on a sloping roof no part of any Roof Sign shall be more than 6.1 m (20 ft) above grade	one per business frontage	(a) may not project horizontally beyond any exterior wall, parapet or roofline of the building (b) only on flat roof of building more than 9.1 m (30 ft) high
Subdivision Entrance Sign (Section 15)	sign area 6 m^2 (64 ft^2)	maximum height 4 m (13 ft)		
Subdivision or Development Marketing Sign (Section 16)	sign area 12 m^2 (130 ft^2)	maximum height 5 m (16 ft)	one per street frontage of the original parcel boundary	

Category	Maximum Sign Area	Maximum and Minimum Height / Width	Number of Signs Permitted	Additional Requirements
Third Party Sign (Section 17)	sign area 18.6 m^2 (200 ft^2), except a billboard, which is at the sole discretion of the Development Authority	maximum height 6.1 m (20 ft) including support structure	subject to the spacing requirements outlined in Section 19(e) of this Schedule	(a) not permitted in residential land use districts (b) no more than two businesses may advertise per panel (c) minimum spacing between signs is 500 m (1640 ft) (d) minimum clearance of 5.0 m (16.4 ft) for community oriented or public service banner signs that cross a public roadway (e) the spacing between billboards along Highway 3 shall be no less than 500 m at the designated locations specified in this Schedule (f) the reverse side of a billboard shall be painted upon installation

Schedule 12

STANDARDS FOR RENEWABLE ENERGY OPERATIONS

Schedule 12

STANDARDS FOR RENEWABLE ENERGY OPERATIONS

1. DEFINITIONS

1.1 In addition to the definitions below, the definitions in Schedule 18 also apply to this Schedule.

1.2 The following definitions are specific to this Schedule:

(a) **Anaerobic digester** means a facility or system designed to process animal manure, organic or septic waste, and typically converts waste into biogas. The biogas can be used to heat water or create electricity, and may provide a source of organic fertilizer.

(b) **Anaerobic digestion** is a series of processes in which microorganisms break down biodegradable material in the absence of oxygen. It is used for industrial or domestic purposes to manage waste and/or to release energy.

(c) **Biodiesel** means a clean burning alternative fuel, produced from domestic, renewable resources, such as soy oil and other feedstocks. Biodiesel is made through a chemical process called transesterification whereby the glycerin is separated from the fat or vegetable oil.

(d) **Bioenergy** means the energy stored in organic matter to generate electricity. This organic matter can include agricultural residues, animal manure, waste wood, wood chips and bark. Bioenergy can be generated in a variety of ways such as Thermal treatment, Anaerobic digestion, Biofuel or Landfill gas.

(e) **Biofuel** means a fuel derived from biological raw materials or biomass (recently living organisms or their metabolic byproducts, such as manure from cows). It is a renewable energy source and typically is considered a fuel with an 80% minimum content by volume of materials derived from living organisms harvested within ten years preceding its manufacture.

(f) **Blade(s)** means the part(s) of a WECS system that forms an aerodynamic surface and revolves on contact with the wind.

(g) **Blade clearance** means the minimum distance from grade to the tip of the blade(s) when that tip is at the bottom of a full 360° revolution and pointed down to the ground.

(h) **External parcel boundary** means the property boundary for which are outside the footprint of the wind farm and adjacent to the WECS, where adjacent refers to lands that are contiguous in nature and not separated by a municipal road allowance.

(i) **Fermentation** is the process of extracting energy from the oxidation of organic compounds.

(j) **Gasification** is a process that converts organic or fossil-based carbonaceous materials into carbon monoxide, hydrogen and carbon dioxide. This is achieved by reacting the material at high temperatures (>700 °C), without combustion, with a controlled amount of oxygen and/or steam.

(k) **Geothermal energy** means thermal energy that is generated and stored in the Earth.

(l) **Horizontal axis nacelle** means a WECS on which the axis of the nacelle is parallel to grade.

(m) **Internal parcel boundary** means the property boundary for lands which are within the footprint of the wind farm.

(n) **Mechanical biological treatment system** is a type of waste processing facility that combines a sorting facility with a form of biological treatment such as composting or anaerobic digestion. MBT plants are designed to process mixed household waste as well as commercial and industrial wastes.

(o) **Meteorological (met) tower** is a free-standing tower or a removed mast, which carries measuring instruments with meteorological instruments such as thermometers and wind velocity measurers. Typically, for wind farms these mount anemometers at a range of heights up to the hub height of the proposed wind turbines (up to heights of 80 meters) and they log the wind speed data at frequent intervals (e.g. every ten minutes) for at least one year and often for two or more.

(p) **Micro-hydro** means a type of hydroelectric power that typically produces up to 100 kW of electricity using the natural flow of water. These installations can provide power to an isolated home or small community, or are sometimes connected to electric power networks.

(q) **Nacelle** means the part of the WECS that includes a generator, gearbox or yaw motors and other operating parts that is installed at the top of the tower, and to which the blade(s) are attached, and is responsible for converting wind power to energy.

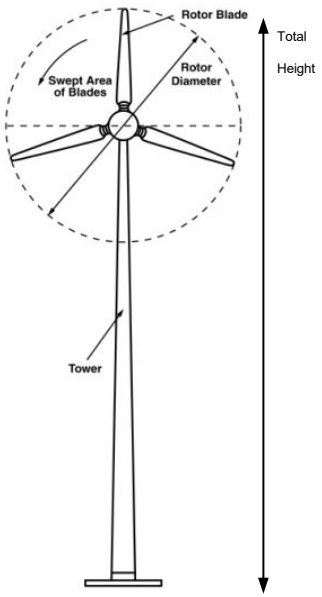
(r) **Over speed control** means a device which prevents excessive rotor speed.

(s) **Pyrolysis** is a thermochemical decomposition of organic material at elevated temperatures without the participation of oxygen. It involves the simultaneous change of chemical composition and physical phase, and is irreversible.

(t) **Rotor's arc** means the largest circumferential path travelled by a blade.

(u) **Thermal depolymerization (TDP)** is a depolymerization process using hydrous pyrolysis for the reduction of complex organic materials (usually waste products of various sorts, often biomass and plastic) into light crude oil. It mimics the natural geological processes thought to be involved in the production of fossil fuels.

(v) **Total height** means the distance from grade to the tip of a blade when that tip is at the top of a full 360° revolution and is pointed up to the sky.



(w) **Tower** means the vertical structure that supports the nacelle and the blade(s) above the ground.

(x) **Vertical axis rotor** means a wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth's surface.

(y) **Waste-to-Energy (WtE) or energy-from-waste (EfW)** is the process of creating energy, typically in the form of electricity or heat, from the incineration of a waste source. Most WtE processes produce electricity directly through combustion, or produce a combustible fuel commodity, such as methane, methanol, ethanol or synthetic fuels. Besides incineration, other WtE technologies may include: gasification, thermal depolymerization, pyrolysis, plasma gasification, anaerobic digestion, fermentation, and mechanical biological treatment.

2. GENERAL APPLICATION REQUIREMENTS

2.1 The applicant is responsible to apply for provincial and federal approvals or permits that may be required.

2.2 All types of Renewable Energy Operations require a development permit, including but not limited to solar photovoltaic, solar thermal, geo-exchange, micro-hydro, carbon capture and storage, geothermal, micro-hydro, waste-to-energy, an anaerobic digester, biodiesel, biofuel or a fuel cell.

2.3 An individual development permit application shall be submitted for each titled parcel.

2.4 A development permit application for a Renewable Energy Operation shall be accompanied by the following information:

(a) all information previously submitted to the Alberta Utilities Commission and any other provincial or federal agency that the Development Authority determines to be relevant to the development permit application;

(b) a copy of any provincial and federal approvals, licenses and authorizations obtained prior to the application for a development permit; and

(c) if not include in the above, the following information:

(i) a reclamation plan;

(ii) the status of the applicant's application to provincial and federal agencies, including but not limited to Industry Canada, NavCanada, Transport Canada, Alberta Utilities Commission, Alberta Transportation, Environmental Impact Assessment Agency of Canada, Alberta Environment, and any other government departments required for approval;

(iii) detailed information on the type of facility, structure or system, number of structures, height of structures, the proposed energy process and rated output;

(iv) the manufacturer's specifications indicating (if applicable) the rated output in megawatts and/or the safety features and sound characteristics;

(v) information or verification of the proposed source of water if required for the type of facility;

(vi) a visual representation of the project including scaled elevations, photographs and/or digital projections of the project within the landscape;

(vii) identification of the roads to be used for construction and operation of the project and any impacts to the local road system including required approaches from public roads having regard to municipal standards;

(viii) an accurate site plan showing and labeling the information outlined in this section, and the location of overhead utilities on or abutting the subject lot or parcel and identification of any sensitive, environmental or topographical features which may be present on the parcel, including canals, streams or water wells;

(ix) a site suitability analysis including but not limited to: potential visual impacts, topography, soil characteristics, environmental features and issues, studies identifying noise, odour and pollutant impacts and how these impacts will be addressed, accessibility to a road, compatibility with surrounding land uses, potential impacts to agricultural land and irrigation operations, stormwater management, and consistency with the policies of the Municipal Development Plan and this Bylaw;

(x) setback distances of structures from public roads, property lines and structures or uses on adjacent parcels of land;

(xi) a preliminary grading/drainage plan, including a site construction/grading plan with details on proposed management practices for any soil stripping and erosion control, and proposed construction haul route;

(xii) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental or topographical features which may be present on the parcel;

(xiii) an emergency response plan;

(xiv) plans and methods of weed control and erosion control;

(xv) information regarding general public safety and security measures including site fencing;

(xvi) a summary of any public consultation undertaken prior to the application date; and

(xvii) a statement describing the project's relationship to the *South Saskatchewan Regional Plan.*

3. SITING AND STANDARDS

3.1 General Site Selection Criteria

(a) The following site selection criteria are to be considered:

(i) the preferred location of Renewable Energy Operations is on parcels designated for industrial land use and located in proximity to highways or railway corridors;

(ii) use of the poor quality lowest productive land, and poor agricultural land is preferred;

(iii) use of cut-off, fragmented, irregular shaped parcels is preferred;

(iv) environmentally sensitive and environmentally significant areas, including wetlands or intact native grasslands, should be avoided; and

(v) a Renewable Energy Operation shall not be located within 300 m (984.3 ft) of an individual residential dwelling on an adjacent parcel, or 750 m (2460.6 ft) from a boundary of a designated grouped country residential subdivision or an urban residential area.

3.2 Development Standards

(a) The following development standards are established for a Renewable Energy Operation:

(i) the buildings or structures of a commercial or industrial energy project shall comply with all property line and public roadway setbacks as established in the district in which the project is proposed;

(ii) the Development Authority may require a larger minimum setback than required in the applicable land use district, having regard for the location of the development, determined natural, scenic or ecologically significant features of the landscape, adjacent land uses and potential environmental impacts (e.g. air, water surface and subsurface soil, etc.);

(iii) all surface drainage must be contained on site and any adjacent water bodies must be adequately protected from run-off;

(iv) suitable fencing must be installed to provide security and discourage trespassing;

(v) all energy transmission lines on the site of the energy generating facility to the substation or grid shall be underground unless otherwise approved by the Development Authority;

(vi) spacing of structures must provide access for firefighting of both forage and electrical fires; and

(vii) weeds shall be controlled in a comprehensive manner ensuring adjacent landowners are not negatively affected.

4. DECOMMISSIONING

4.1 General Decommissioning Requirements

(a) Decommissioning and reclamation shall take place in compliance with the applicable provincial standards of the day the site is decommissioned. If no standards are in place at the time of a development permit application, the applicant shall provide a reclamation plan outlining how the site will be decommissioned and reclaimed to the site's predevelopment state. The reclamation plan shall include information on:

(i) treatment of footings and wires;

(ii) reclamation of roads, driveways, pathways, and other similar disturbances;

(iii) notice to be given to landowners and the Municipality;

(iv) containment of hazardous materials;

(v) site security;

(vi) haul routes for disposal materials;

(vii) the requirement for removal of structures / devices after a certain period of inactivity; and

(viii) discussion of the timeline for the reclamation plan.

4.2 Provision of Security

(a) As a condition of development approval, the Municipality may require security, in a form satisfactory to the Development Authority, to ensure the reclamation plan is implemented. The condition may include a periodic review and supplementation of the security to ensure the amount is sufficient to implement the reclamation plan.

5. GENERAL CONDITIONS OF DEVELOPMENT PERMIT APPROVAL

5.1 Any license, permit, approval or other authorization granted by AUC or AER shall prevail over any Land Use Bylaw requirements or development permit decisions or conditions if there is a perceived conflict.

5.2 In addition to any other conditions authorized under this Bylaw, the Development Authority may attach to the development permit for a Renewable Energy Operation any condition related to the following criteria and in accordance with Sections 619 and 620 of the MGA:

(i) require the developer to enter into a road use agreement and/or development agreement with the Municipality;

(ii) place restrictions on the location, height and type of fencing used for the site;

(iii) require the application of approved weed control measures;

(iv) require ground cover to be established prior to solar installation to mitigate erosion;

(v) stipulate minimum clearance from average ground elevation so to allow perennial forage to grow;

(vi) stipulate grading, stockpiling, weed control and soil erosion control measures;

(vii) the provision of an emergency/fire suppression management plan;

(viii) require compliance with applicable decommissioning and reclamation standards or, if no decommissioning and reclamation standards are in place at the time of rendering a decision, require compliance with a reclamation plan prepared by the applicant to the satisfaction of the Development Authority;

(ix) require that, should the developer propose alteration, retooling or repowering of an existing approved / established Renewable Energy Operation where the equipment is proposed to change from the original approval, the developer shall apply for a new development permit; and

(x) the provision of financial security in an amount and form acceptable to the municipality to ensure that the conditions of the development permit are complied with and completed, including that the reclamation plan is implemented. The condition may include a periodic review and supplementation of the security to ensure the amount is sufficient to ensure compliance.

6. GENERAL APPROVAL NOTIFICATION REQUIREMENTS

6.1 The Development Authority shall provide its Notice of Decision on a development permit application for a Renewable Energy Operation to:

(a) an adjacent municipal jurisdiction if the boundaries of the municipal jurisdiction are within 2 km (1.2 miles) of the proposed project site; and

(b) landowners within 2 km (1.2 miles) of the proposed project site.

7. SOLAR COLLECTOR FARM

7.1 Application Requirements

(a) In addition to the general application requirements, a development permit application for a solar collector farm shall provide details on the estimated reflection or sunglare produced from the solar panels to adjacent public roads and private property.

7.2 Development Standards

(a) In addition to the general development standards, a Solar Collector Farm shall be positioned with a minimum clearance above grade as approved by the Development Authority, to facilitate the growth of perennial forage as a soil erosion control.

8. COMMERCIAL WIND ENERGY CONVERSION SYSTEM (CWECS)

8.1 Application Requirements

(a) In addition to the general application requirements, a development permit application for a CWECS shall be accompanied by the following additional information:

(i) a digital version of the site plan showing the exact location and base elevation of each CWECS in UTM coordinates with NAD datum, Zone 12;

(ii) an analysis of the potential for noise and shadow/flicker effect, both at the site of the installation, at the boundary of the property containing the development at any habitable residence within 2 km (1.2 miles) of any CWECS – AUC Rule 12; and

(iii) specifications on the foundations and/or anchor design, including location and anchoring of any guy wires.

8.2 Development Standards

(a) The Development Authority may approve multiple CWECS on a case-by-case basis having regard for:

(i) proximity to other adjacent land uses;

(ii) density of CWECS;

(iii) consideration of the cumulative effect of all CWECS approved or proposed within the Municipality;

(iv) utilities; and

(v) information received through the circulation process.

(b) In addition to the general development standards, the following development standards are established for a CWECS:

(i) A CWECS shall be setback from a property line or a developed or undeveloped municipal roadway adjacent to the project not less than the total height of the CWECS, plus 10 percent.

(ii) A CWECS shall be setback from a dwelling unit within the project boundary (lands leased for wind energy development) not less than 300 m or as required by the Alberta Utilities Commission, whichever is greater.

(iii) A CWECS shall be setback from a dwelling unit not within the project boundary (lands leased for wind energy development) not less than 800 m or as required by the Alberta Utilities Commission, whichever is greater.

(iv) The cumulative modelled sound level of a multi-CWECS measured at the project boundary (including all titled parcels participating in the project) shall not exceed 45dBa unless an easement, as approved by the Development Authority, is agreed to by the affected landowner and registered on the subject certificates of land title.

(v) In the case of multiple CWECS, setbacks can be increased from the minimum setback requirements in the district depending upon the number of CWECS in a group and the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or land use.

(vi) The minimum vertical blade clearance from grade shall be 7.6 m (25 ft) for a CWECS employing a horizontal axis rotor unless otherwise approved by the Development Authority.

(vii) For public safety:

(A) a security fence with a lockable gate shall surround a CWECS tower not less than 1.8 m (5.9 ft) in height if the tower is climbable or subject to vandalism that could threaten tower integrity;

(B) no ladder or permanent tower access device shall be located less than 3.7 m (12 ft) from grade;

(C) a locked device shall be installed on the tower to preclude access to the top of the tower;

(D) all of the above be provided or such additional safety mechanisms or procedures be provided as the Development Authority considers reasonable and appropriate;

(E) the use of tubular towers, with locked door access, will preclude the above requirements.

(viii) All collector lines (less than 69 kV) on the site of a multi-CWECS shall be underground.

(ix) Unless otherwise approved by the Development Authority, a CWECS shall be finished in a non-bright reflective matte colour that minimizes the obtrusive impact of a CWECS to the satisfaction of the Development Authority.

(x) No lettering or advertising shall appear on the towers or blades. On other parts of the CWECS, the only lettering will be the manufacturer's identification or municipal symbol.

9. OTHER RENEWABLE ENERGY OPERATIONS

9.1 Development Standards

(a) In addition to the general development standards, structures or facilities related to waste-to-energy, anaerobic digesters, biodiesel, or biofuels projects or developments shall not be located within:

(i) a minimum of 250 m (820 ft) from any residential dwelling, food establishment or public use facility or building;

(ii) a minimum of 120 m (394 ft) from the boundary or right-of-way of an irrigation district canal, creek, stream, river, lake shore or water body; or

(iii) the parts of the project related to the transmission lines and associated structures and to the roads, docks, water crossings, culverts, etc. associated with the facility may be allowed within 30 m (100 ft) of a water body or within the water body itself (to the satisfaction of the Municipality and/or all other federal and provincial departments that may have jurisdiction with respect to a proposed project).

(b) In addition to the general development standards, the following standards are established for Renewable Energy Operations other than Solar Collector and Commercial Wind Energy Conversion System, and depending on the type of renewable energy project being proposed:

(i) All surface drainage must be contained on site and any adjacent water bodies must be adequately protected from run-off.

(ii) The applicant is responsible for preparing at their own expense an engineered surface drainage management plan and submitting an application for approval to Alberta Environment, if applicable.

(iii) Any biodiesel waste or water contaminated with biodiesel, is prohibited to be discharged directly into any sewers or surface waters.

(iv) All feedstock and materials are to be stored and contained within buildings, and no outdoor storage is allowed.

(v) The semi-truck traffic used for the hauling and shipment of raw material or feedstock and finished/processed goods associated with the development shall be limited to a designated truck haul route as agreed to or specified by the Municipality.

Schedule 13

ANIMAL CARE SERVICE FACILITY REGULATIONS

Schedule 13

ANIMAL CARE SERVICE FACILITY REGULATIONS

1. An application for a development permit for a domestic animal care service facility (small or large) must be made to the Development Officer by submitting:
   (a) a completed development application;
   (b) the fee prescribed;
   (c) a site plan indicating the legal description, all property lines and easements, and the location of existing and proposed development in relation to lot boundaries; and
   (d) floor plans, elevations and sections at a minimum scale of 1:200 or such other scale to the satisfaction of the Development Officer.
2. No buildings or exterior exercise area(s) forming part of an animal care service facility, large shall be allowed within 304.8 m (1000 ft) of any dwelling located on adjacent parcels and a diagram indicating the distances shall be submitted with the development permit application.
3. All domestic animal facilities, including buildings and exterior exercise areas, shall be located to the rear of the principal building.
4. The Development Authority may, when issuing a development permit, determine the maximum number of adult domestic animals that may be kept at any one time by the operator of a private or commercial animal care service facility .
5. All pens, rooms, exercise runs, and holding stalls shall be soundproofed if deemed necessary by the Development Authority which shall base its decision on the number and types of animals to be kept at the animal care service facility, the proximity of the facility to other uses, and the possibility that the noise from the facility may adversely affect the amenities of the area.
6. In addition to soundproofing requirements, the times at which the animals are allowed outdoors may be regulated. In particular, all domestic animals at an animal care service facility , including pups, may be required to be kept indoors between the hours of 11:00 p.m. and 7:00 a.m.
7. All animal care service facilities, large shall be screened by both a visual and sound barrier, by fences and/or landscaping, from existing dwellings on adjacent parcels to the satisfaction of the Development Authority.
8. Animal care service facilities which propose to house exotic animals shall not be allowed within the municipality.
9. It is the responsibility of the facility operator to comply with other applicable Municipal bylaws, e.g. the Business License Bylaw, the Community Standards Bylaw, etc. and with all applicable federal and provincial legislation.

Schedule 14

SHIPPING CONTAINER / TRANSPORT TRAILER REGULATIONS

Schedule 14

SHIPPING CONTAINER / TRANSPORT TRAILER REGULATIONS

1. SHIPPING CONTAINER ACCESSORY TO AN ESTABLISHED PRINCIPAL USE ON THE SUBJECT PARCEL- APPLICABLE LAND USE DISTRICTS

1.1 A shipping container and/or transport trailer may be allowed to locate in those land use districts where it is listed as "Shipping container accessory to an established principal use on the subject parcel" if a development permit for this discretionary use is approved by the Development Authority, subject to the standards and conditions established in this Schedule.

2. SHIPPING CONTAINER ACCESSORY TO AN ESTABLISHED PRINCIPAL USE ON THE SUBJECT PARCEL- CONDITIONS OF APPROVAL

2.1 A shipping container / transport trailer that is not masked by painting, exterior framing, siding and, if applicable, a pitched roof to resemble the appearance of a typical accessory building in the immediate neighbourhood, to the Development Authority's satisfaction, shall not be used as an "Accessory Building".

2.2 The Development Authority may limit the number of shipping containers and/or transport trailers that may be allowed on a lot.

2.3 Shipping containers for the purpose of an Accessory Building may be stacked no more than two containers high.

2.4 The building footprint area of the shipping containers and/or transport trailers when added to the building footprint area of principal and accessory buildings on the property shall not exceed the maximum lot coverage ratio in an applicable land use district.

2.5 A shipping container or transport trailer located in the C-1 or C-2 district shall normally be required to be improved (i.e. painted, augmented with landscaping etc.) to the satisfaction of the Development Authority, so as to improve its appearance and compatibility with the land use district. The Development Authority may waive this requirement where it is satisfied that the proposed shipping container or transport trailer will be compatible with existing development on the site and adjacent to the site (i.e. the proposed development does not require painting or is not readily in public view).

2.6 A shipping container or transport trailer located in the I-1 or I-2 district may be required to be improved (i.e. painted, augmented with landscaping etc.) to the satisfaction of the Development Authority, so as to improve its appearance and compatibility with the land use district. The Development Authority may waive this requirement where it is satisfied that the proposed shipping container or transport trailer will be compatible with existing development on the site and adjacent to the site (i.e. the proposed development does not require painting or is not readily in public view).

2.7 The placement of any shipping container and/or transport trailer shall comply with the yard setbacks established for an Accessory Building within an applicable land use district, and the Development Authority may specify the location of a shipping container on a lot or may refuse to approve a shipping container in the location on the lot proposed by the applicant if the Development Authority is of the opinion that the proposed location unduly interferes with the amenities of the neighbourhood or materially interferes with or affects the use, enjoyment or value of neighbouring parcels of land.

2.8 The Development Authority may limit the time for which a development permit issued for a "Shipping container, accessory to an established principal use on the subject parcel" in an applicable land use district is valid.

2.9 An application for a development permit for a shipping container and/or transport trailer must be completed and submitted to the Development Officer along with the applicable development fee. At least two recent colour photographs of the shipping container and/or transport trailer (one end view and one side view) shall be required to accompany each application. The application must be authorized by the registered owners of the property.

2.10 The Development Authority may attach any additional reasonable conditions to an application that are not specifically outlined in this schedule.

2.11 Shipping containers and transport trailers shall not display advertising, company logos, names or other marketing without an approved sign development permit.

3. TEMPORARY SHIPPING CONTAINERS ON CONSTRUCTION SITES

3.1 One temporary shipping container / transport trailer shall be allowed to be placed as a temporary building in conjunction with an active construction site. Pursuant to Schedule 3 a development permit is not required for one temporary construction site shipping container in connection with:

(a) a development for which a development permit and a building permit has been issued, or

(b) a project for which a development permit or a building permit is not required,

for the period that is required to complete the project, provided that:

(i) the said temporary building is not used or intended to be used as a residence; and

(ii) the construction site is active (i.e. construction has commenced and is on-going or is about to commence within one week); placement of a temporary building on an inactive construction site is prohibited;

(iii) the temporary building shall be removed from the site immediately when construction has been suspended for a period of 60 days or more;

(iv) the temporary building shall be placed entirely within the boundaries of the property on which construction is undertaken and shall not obstruct required sight triangles (placement of the temporary building within a road right-of-way, including a boulevard or lane, may require a hoarding permit or temporary closure permit pursuant to the Traffic Bylaw); and

(v) the temporary building must be removed immediately upon completion of construction.

3.2 A temporary development permit pursuant to Administration, section 17 is required to use a shipping container as an Accessory Building or Use on a construction site in a manner that is inconsistent with one or more of the provisions in section 3.1 above.

3.3 The masking requirement in Schedule 4, section 28.11(b) to use a shipping container as an Accessory Building does not apply to shipping container that is lawfully used for the purposes stated in sections 3.1 and 3.2 above.

3.4 In all land use districts except GCR-1, NUA-1, and CM-1, an Accessory Building or Use that is a shipping container, a detached Secondary Suite, a detached garage, or a shed, that is proposed to be located in a front yard of a principal building (excluding a secondary front yard) is a discretionary use.

and

3.5 In all land use districts, an Accessory Building or Use that is proposed to be constructed or established prior to the establishment of the principal building or use is a discretionary use.

Schedule 15

STANDARDS FOR SECONDARY SUITES

Schedule 15

STANDARDS FOR SECONDARY SUITES

1. Secondary Suite –refer to Schedule 18A for the definition of Secondary Suite.

2. All Secondary Suite Types (Attached and Detached)

2.1 A secondary suite shall only be allowed on a properly districted parcel:

(a) on which the principal use or principal building is a Single-Detached Dwelling, a Duplex / Semi-detached Dwelling (except in the R-1 district), or a Multi-Unit Residential Building as defined in this Bylaw;

(b) on which each principal dwelling unit that contains a Secondary Suite has an individual certificate of land title, which may be either a fee simple title with a party wall agreement or a condominium title. For clarity, a Duplex / Semi-Detached Dwelling unit or a unit within a Multi-Unit Residential Building that contains a Secondary Suite shall be subdivided prior to the issuance of a development permit for a Secondary Suite;

(c) on which both the Secondary Suite and the principal dwelling unit comply with and satisfy without variances the applicable minimum off-street parking requirements established in Table 1 of the Off-Street Parking and Loading Area Standards Schedule of this bylaw; and

(d) within a land use district where the principal building and a Secondary Suite are listed as permitted or discretionary uses.

2.2 There shall be no more than one Secondary Suite developed on a property in any land use district, except in the Grouped Country Residential (GCR-1) district. In the GCR-1 district no more than one Secondary Suite, Attached and two Secondary Suites, Detached shall be allowed on a property.

2.3 When a Secondary Suite has been approved on a property in the R-1 to R-5, CSV, CRV, GCR-1, and NUA-1 land use districts, the Secondary Suite and/or the principal dwelling unit or principal building shall not be approved or used as a Tourist Home, except when the entire property is rented out as one Tourist Home rental unit, and subject to the standards established for Tourist Homes in this Bylaw. Where a development permit for a Secondary Suite is issued in a principal dwelling that is approved as a Tourist Home, the development permit that was issued in respect of the Tourist Home shall be revoked as a condition of the development permit for the Secondary Suite.

2.4 In the R-1 to R-5, CSV, CRV, GCR-1, and NUA-1 land use districts, a Secondary Suite and/or the principal dwelling unit on the subject property shall not be rented for any period of time to or occupied by a person or by a work crew, where such person or work crew:

(a) requires to bring a commercial vehicle (other than a standard passenger vehicle/truck which is the person's employment vehicle) or equipment to the premises; or

(b) requires to use the premises for any portion of an occupation that is reasonably categorized as a business, including a Home Occupation – Class 2 (except the landowner who has complied with the provisions of this Bylaw regarding Home Occupations).

2.5 The gross floor area of a Secondary Suite is restricted as follows:

(a) The gross floor area of a Secondary Suite, Attached shall not exceed the lesser of 83.6m² (900 ft²) or 40 percent of the net floor area of the principal dwelling unit in which it is

located, except when it is located in the basement of a principal dwelling, in which case it may encompass the entire basement area.

(b) The area of a Secondary Suite, Detached shall count toward the 15 percent maximum lot coverage ratio combined for Accessory Buildings on the property.

(c) The gross floor area of a Secondary Suite, Detached that is enclosed within a detached garage shall not exceed the gross floor area of the garage by more than 10 percent and further, shall not exceed 102m² (1100 ft²), whichever is less and is further subject to the 15 percent maximum lot coverage ratio combined for Accessory Buildings on the property.

(d) The gross floor area of a Secondary Suite, Detached that is a stand-alone Accessory Building shall not exceed 102m² (1100 ft²), and is subject to the 15 percent maximum lot coverage ratio combined for Accessory Buildings on the property.

(e) Restrictions on Variance Authority:

(i) The Development Authority may approve a maximum 10% variance of the standard for maximum gross floor area of a Secondary Suite. An application requesting a variance in excess of 10% shall be refused.

(ii) The Development Authority shall not approve a variance to the 15 percent maximum lot coverage ratio combined for Accessory Buildings for the purpose of accommodating a Secondary Suite, Detached.

2.6 The applicant for a Secondary Suite shall demonstrate that the municipal water and wastewater infrastructure, or if applicable, the on-site private water and wastewater facilities, have capacity to service the Secondary Suite(s) and, if required, the applicant/landowner shall be required to upgrade municipal infrastructure or on-site private water and wastewater facilities (or provide alternative servicing) at no cost to the municipality.

3. Secondary Suite enclosed within a Principal Dwelling (including a Secondary Suite above an *attached* garage)

3.1 When a Secondary Suite is enclosed within a Single-Detached dwelling the exterior frontage of the Single-Detached dwelling shall appear as a typical Single-Detached Dwelling.

3.2 A Secondary Suite enclosed within a principal dwelling shall have an entrance separate from and secondary to the entrance to the principal dwelling, either from a common indoor landing or directly from the exterior of the building. Exterior access to the Secondary Suite shall be subordinate in both location, size, and appearance to the access of the principal dwelling.

4. Secondary Suite enclosed within an Accessory Building (i.e. inside a detached garage or as a stand-alone Accessory Building)

4.1 For a Secondary Suite, Detached the Development Authority may approve a maximum variance of 10 percent to the maximum height of an Accessory Building to accommodate the Secondary Suite, and only when the proposed side and/or rear yard setbacks are acceptable to the Development Authority or increased to its satisfaction as a condition of the variance.

4.2 For a Secondary Suite located in an Accessory Building the Development Authority may require higher standards, including but not limited to minimum yard setbacks, screening, orientation of windows, maximum building height, roof slope, specification of side yard elevation design, exterior finishing to match that of the principal building , or other standards that the Development Authority considers relevant, necessary and reasonable

Schedule 16

WORK CAMP REGULATIONS

Schedule 16

WORK CAMP REGULATIONS

1. A work camp developed and operated by or on behalf of a federal, provincial, or municipal government on land that is publicly owned or controlled does not require a development permit. Any other permits, licenses or authorizations required shall be obtained and any federal, provincial and municipal legislation must be adhered to at all times.

2. A development permit for a private Work Camp may be issued for up to four (4) years or a lesser time period as determined by the Development Authority.

3. Development Standards for a private Work Camp include the following:

3.1 A work camp shall be developed in compliance with the relevant provincial legislation and regulation, e.g. Work Camps Regulation, Public Health Act, etc.

3.2 Where possible a Work Camp must connect to municipal water and/or wastewater services.

3.3 Minimum setbacks shall be as approved by the Development Authority.

3.4 The maximum number of sleeping units in a Work Camp is 300, and the Development Authority shall not approve a variance to this standard.

3.5 The minimum parcel size for a Work Camp is 1.62 hectares (4 acres).

4. An application for a development permit must provide the following information to the satisfaction of the Development Authority:

4.1 type and purpose of the camp;

4.2 number of residential units;

4.3 adjacent land uses;

4.4 a comprehensive site development plan including total area of the camp, camp boundary lines, building locations, sizes, and uses, access location(s), driveways, parking and landscaping;

4.5 detailed building plans, including the type and number of rooms, and building elevations;

4.6 detailed servicing plan identifying proposed water supply, wastewater disposal, solid waste collection areas, lighting, drainage and grading;

4.7 the start date for development, date of occupancy, and camp removal date; and

4.8 reclamation measures for the land once the camp has been removed.

5. As a condition of approval, the Development Authority may include the following conditions:

5.1 requirement for road upgrading (if required) or entering into a road use agreement with respect to impact on the roadway used to provide access to the camp, such as dust control and other matters;

5.2 requirements to limit noise to certain hours and days (generally 11 pm to 7 am), with the exception of generator noise, which must be mitigated by shielding or other method when it may be detrimental to an adjacent property;

5.3 requirement to maintain any existing natural buffers (trees, etc.); and

5.4 requirement to mitigate traffic impact by using vans or buses for transporting workers to and from job sites or urban areas.

Schedule 17

STANDARDS FOR SHORT-TERM RENTAL / BED & BREAKFAST AND TOURIST HOME

Schedule 17

STANDARDS FOR SHORT-TERM RENTAL / BED & BREAKFAST AND TOURIST HOME

1. DEFINITIONS

1.1 **Short-Term Rental / Bed & Breakfast** means the operation of short-term commercial accommodation within a dwelling unit, including a Secondary Suite or a room(s) in or a portion of a dwelling unit for a period not exceeding 30 days, and the owner of the property is required to occupy the dwelling unit as their primary residence and be present on the premises during the operation of the Short-Term Rental / Bed & Breakfast. Refer to the definition of Primary Residence. Short-Term Rental / Bed & Breakfast does not include a boarding house, hotel, hostel, motel, or Tourist Home.

1.2 **Tourist Home** means the operation of short-term commercial accommodation within a dwelling unit where the entire property is rented to only one reservation at a time for a period not exceeding 30 days and the owner of the property is not required to occupy the dwelling unit as their primary residence. Refer to the definition of Primary Residence. Tourist Home does not include a boarding house, hotel, hostel, motel, or Short-Term Rental / Bed & Breakfast.

1.3 **Tourist Home Rental Unit** means the building or portion thereof and the entire premises contained in a certificate of title that are rented as a single reservation to a party who occupies either the entire building or a portion thereof and the entire premises for the rental period.

1.4 **Primary Residence** means the residence where a person normally resides and has control and management of the property by a form of ownership.

2. STANDARDS

2.1 General Standards

(a) A Short-Term Rental / Bed & Breakfast and a Tourist Home may be allowed only in a land use district where Short-Term Rental / Bed & Breakfast and/or Tourist Home are specifically listed as uses – no other uses in any district shall be interpreted to be “similar uses”.

(b) The Development Officer shall maintain an inventory by civic address and/or map of all Short-Term Rental / Bed & Breakfast and Tourist Home operations that have been issued a development permit and a business license. This inventory shall inform the Development Authority’s decision in the case of discretionary use applications.

(c) The Development Officer shall notify the owners of all adjacent properties, and, only in the R1 to R-5 land use districts, also those properties within 100 metres (328 ft) of the subject property, on both sides of the street in which the subject property is located of the Development Authority’s decision to approve a discretionary use Short-Term Rental / Bed & Breakfast or Tourist Home.

(d) The operator of a Short-Term Rental or Tourist Home shall be made aware through the issuance of a development permit of their responsibility to comply with federal and provincial legislation (e.g. Alberta Health, the Safety Codes Act, and Fire Code regulations) and other municipal bylaws [e.g. the Community Standards Bylaw regarding the control of wildlife attractants (e.g. by providing a bear proof garbage receptacle), restrictions on noise, loud music or other disturbances, fire bans, and the requirement to obtain a business license under the Business License Bylaw).

2.2 Separation Distance

(a) There shall be a minimum separation distance of 200 m between Tourist Homes in the Residential R-1 to R-5 land use districts.

(b) The 200 m separation distance shall be measured from points located on the property lines in closest proximity to each other between two Tourist Homes.

(c) The Development Authority shall not approve a variance to the 200 m separation distance.

2.3 Maximum Occupancy and Number of Rental Units shall be determined as follows:

(a) for a Short-Term Rental / Bed & Breakfast:

(i) The Developmental Authority shall not approve a development permit for both a Short-Term Rental / Bed & Breakfast and a Tourist Home on the same property.

(ii) During all times that a Short-Term Rental / Bed & Breakfast is rented to guests, the landowner shall occupy either the principal dwelling unit or a portion thereof or a Secondary Suite or one of the Duplex / Semi-Detached Dwelling units on the property from where a Short-Term Rental / Bed & Breakfast is operated.

(iii) A Short-Term Rental / Bed & Breakfast operation may offer for rent more than one rental unit in the operation in accordance with the definition established in this Schedule, subject to complying with the parking requirements and restricting occupancy to two guests per bedroom including one bonus room (e.g., the living room with pull-out couch). The Development Authority shall not approve any variance to the maximum occupancy standard or the off-street parking standard for a Short-Term Rental / Bed & Breakfast.

(b) for a Tourist Home:

(i) The Developmental Authority shall not approve a development permit for both a Tourist Home and a Short-Term Rental / Bed & Breakfast on the same property.

(ii) In the R-1 to R-5, CSV, CRV, GCR-1 and NUA-1 land use districts, the Development Authority shall not issue a development permit for more than one Tourist Home rental unit as defined in this Bylaw per certificate of title, regardless of the number of approved dwelling units on the parcel (e.g. a Single-Detached Dwelling, a Secondary Suite, a Duplex / Semi-Detached Dwelling, a Multi-unit Residential Building or an Apartment Building).

(iii) On a parcel in any land use district except the C-1 and C-2 districts where a development permit for a Secondary Suite had previously been issued, the Development Authority shall, as conditions of approval:

(A) require that those portions of the building and premises that are not rented as part of the approved Tourist Home rental unit (e.g. either the Single-detached Dwelling or the Secondary Suite), shall remain unoccupied during the rental period of the Tourist Home; and/or

(B) require that the building or portion of the building that is designed as a Secondary Suite shall not be operated as a Secondary Suite unless the development permit for a Tourist Home is surrendered and revoked; and/or;

(C) require that the entire property / building is rented as one Tourist Home rental unit for a single reservation.

(iv) On a parcel in any land use district except the C-1 and C-2 districts where the principal building is a Duplex / Semi-Detached Dwelling owned under a single certificate of title, the Development Authority shall, as a condition of approval, require that both units in the Duplex / Semi-Detached Dwelling are rented as one Tourist Home rental unit for a single reservation pursuant to the Tourist Home maximum occupancy standards established in this Bylaw for the applicable land use district, and that the separate rental of one or both Duplex / Semi-Detached Dwelling units under the *Residential Tenancies Act* shall require that the development permit for a Tourist Home is surrendered and revoked.

(v) A Tourist Home in any land use district where it is listed as a use shall comply with the maximum occupancy standards stated in the **table below**, in addition to the applicable parking standards. The maximum occupancy shown in the table below is the maximum number of guests over the age of two that may be advertised for rental accommodation, subject to the ability to accommodate the off-street parking requirement as stated in Schedule 6 and a maximum of 2 guests per bedroom including one bonus room (e.g., the living room with pull-out couch). The Development Authority shall not approve any variance to the maximum occupancy standard or the off-street parking standard for a Tourist Home.

Land Use District	Maximum Occupancy
Residential R-1 to R-5	6
CSV and CRV	8
Grouped Country Residential – GCR-1 Non-Urban Area – NUA-1 Retail Commercial – C-1 Drive-In Commercial – C-2	Based on the number bedrooms and the site conditions to comply with the off-street parking requirements

(c) **for Short-Term Rental / Bed & Breakfasts and Tourist Homes**

(i) The number of rental unit(s) and bedrooms in and the maximum occupancy of the Short-Term Rental / Bed & Breakfast or the Tourist Home, as provided for in this Schedule, shall be stated on the application form and included as a condition of approval in the development permit. The Development Authority may limit the number of rental units and/or reduce the maximum occupancy of a Short-Term Rental / Bed & Breakfast or a Tourist Home established in the above standards on a case-by-case basis, based on considerations stated in this Schedule.

2.4 **Recreational Vehicles**: A recreational vehicle shall not be used as accommodation for the landowner / operator, other residents of the property or for the guests in a Short-Term Rental / Bed & Breakfast or a Tourist Home.

2.5 **Parking**

(a) The off-street parking standards for a Short-Term Rental / Bed & Breakfast or Tourist Home shall be in accordance with Schedule 6, Section 8 of this Bylaw, and the parking of all vehicles, including recreation vehicles, utility trailers and ATV trailers shall not be allowed on the street, regardless of the provisions in other municipal bylaws (e.g. for landowner on-street parking or the recreational vehicle of the landowner).

(b) The Development Authority shall not approve a variance to the off-street parking standard for a Short-Term Rental / Bed & Breakfast or a Tourist Home in any District that is not within the Historic Commercial Areas Overlay District.

(c) In the R-1 to R-5, CSV and CRV land use districts, the vehicles of guests visiting the renting guests of a Short-Term Rental / Bed & Breakfast or a Tourist Home may be parked on the street for the duration of the visit, subject to other provisions in this Schedule.

2.6 Guests Visiting Renters

(a) In the R-1 to R-5, CSV and CRV land use districts, guests visiting the renting guests of a Short-Term Rental / Bed & Breakfast or a Tourist Home shall not exceed the number of people that can be reasonably accommodated in two passenger vehicles including a mini-van, and such visitors shall not become *de facto* renters or occupants of the Short-Term Rental / Bed & Breakfast or the Tourist Home, i.e. the guests shall not be allowed to stay overnight in the rental unit.

2.7 Work Crews and Home Occupation – Class 2

(a) In the R-1 to R-5, CSV, CRV, GCR-1, and NUA-1 land use districts, a Short-Term Rental / Bed & Breakfast or a Tourist Home shall not be rented for any period of time to or occupied by a person or by a work crew, where such person or work crew:

(i) requires bringing a commercial vehicle (other than a standard passenger vehicle/truck which is the person's employment vehicle) or equipment to the premises; or

(ii) requires using the premises for any portion of an occupation that is reasonably categorized as a business, including a Home Occupation – Class 2 (except the landowner who has complied with the provisions of this Bylaw regarding Home Occupations).

2.8 Advertising and Apprising Renters and Guests of the Applicable Rules

(a) The Short-Term Rental / Bed & Breakfast development permit owner shall provide their personal contact information to the Development Officer. The Tourist Home development permit owner shall provide to the Development Officer the name and phone number of a local person (an adult) who can respond to any complaints in person within a 30-minute contact time), and who is authorized to act as their representative. The owner of the Short-Term Rental / Bed & Breakfast operation or the Tourist Home shall be required as a condition of approval to keep this information up to date throughout the lifetime of the Short-Term Rental / Bed & Breakfast or Tourist Home operation.

(b) The Short-Term Rental / Bed & Breakfast or Tourist Homeowner shall post their development permit number and business license number and the approved number of rental units and the maximum occupancy on all of their advertisements of the rental property as a condition of development permit approval.

(c) The operator of a Short-Term Rental / Bed & Breakfast or a Tourist Home shall make available to their guests a copy of this Schedule, the Community Standards Bylaw, the Fire and Rescue Services Bylaw, and shall ensure that guests are aware of and adhere to the rules established in those bylaws and posted fire bans in the area – albertafirebans.ca.

2.9 **Signage**

(a) The landowner of the property on which a development permit for a Short-Term Rental / Bed & Breakfast or Tourist Home is applied for shall be required as part of submitting a complete development permit application and as a condition of the development permit to provide and maintain:

(i) In a residential district, one Home Occupation, Tourist Home and Short-Term Rental / B&B Sign between 0.18 m^2 (3 ft^2) and 0.72 m^2 (8 ft^2), that shall not extend more than 1.5 metres (5ft) above grade and shall be located in the front yard visible to the public; and

(ii) in a commercial district, a sign to the Development Officer's satisfaction.

2.10 **Compatibility with Neighbouring Parcels of Land**

(a) The operation of a dwelling unit in a residential land use district as a Short-Term Rental / Bed & Breakfast or Tourist Home shall not alter or detract from the appearance or use of the subject property as a residential property, or from the general character of the immediate residential neighbourhood, and shall not unduly interfere with the amenities of the residential neighbourhood or materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land.

(b) In the R-1 to R-5, CSV, CRV, GCR-1 and NUA-1 land use districts, the Development Authority may deny a discretionary use development permit application for a Short-Term Rental / Bed & Breakfast or a Tourist Home, including for, but not limited to, the reason that other Short-Term Rentals / Bed & Breakfasts, Tourist Homes or Home Occupations – Class 2 had previously been approved in the immediate neighbourhood and that the addition of another in the same area will, in the sole discretion of the Development Authority, unduly interfere with the amenities of the neighbourhood or will materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land – for example, as a result of concerns related to expected additional traffic volume, parking of vehicles, late night noise, etc.

3. TEMPORARY NATURE AND EXPIRY OF A SHORT-TERM RENTAL / BED & BREAKFAST AND TOURIST HOME DEVELOPMENT PERMIT

3.1 The development permit for a Short-Term Rental / Bed & Breakfast or Tourist Home shall be temporary, and the period for which it shall be valid and during which the use may be operated shall coincide with the period during which:

(a) the original applicant for and holder of the development permit continues to be the landowner; and

(b) the landowner holds an active Business License; and

(c) the development permit complies with the standards established in this Schedule, as these standards may be amended from time to time.

3.2 For greater clarity:

(a) In the event that the property is transferred to a third party the development permit shall expire, and a new development permit application by the new landowner shall be required to continue the use; and

(b) if the Business License lapses, is transferred to another person, or is revoked for any reason, the development permit shall expire, and a new application shall be required to reinstate the development permit and subsequently the business license; and

(c) at the annual renewal of the business license, if this Bylaw has been amended regarding the standards for Short-Term Rentals / Bed & Breakfast or Tourist Home since the initial issuance of the development permit or since the previous business license was issued, the initial development permit shall expire and the applicant for the business license is required to obtain a new or revised development permit in compliance with the revised standards – i.e. a "non-conforming" Short-Term Rental / Bed & Breakfast or Tourist Home shall not be operated without renewing the development permit to comply with amended standards and conditions.

4. CONTRAVENTIONS, FINES AND PENALTIES

4.1 Contraventions/violations of this or any other municipal bylaw by the operator of a Short-Term Rental / Bed & Breakfast or a Tourist Home or by their guests shall result in the issuing of fines and penalties to the perpetrator (i.e. either the landowner or the guests as may be applicable), pursuant to the Fees Rates and Charges Bylaw. Refer to the Administration part of this Bylaw.

Schedule 18

DEFINITIONS

USE AND ADMINISTRATIVE DEFINITIONS

Terms used in this Bylaw that are not defined in this Schedule shall have the meaning ascribed to them by the Act or, if not defined there, the meaning commonly understood or as determined in an official dictionary.

SCHEDULE 18A - LAND USE DEFINITIONS

Unless the context specifically implies otherwise, the land use definitions shall be interpreted to imply the requirement of the construction of a building as defined in this Bylaw.

A

Accessory Building or Use means:

(a) In the case of a building, any building that is detached from an established principal building on the lot on which both are located and the use of which the Development Officer decides is normally subordinate, ancillary, incidental and directly related to that of the established principal building;

or

(b) In the case of a use, any use that the Development Officer decides is normally subordinate, ancillary, incidental and directly related to the established principal use of the lot on which both are located (for example, accessory retail sales within a fitness centre);

and

(a) In the case of both a building and a use, any building or use that does not substantially add to the patronage, volume of traffic, or intensity of activity on the property;

and

(b) An Accessory Building or Use shall not precede the development of the principal building or use unless it is conditionally approved through a development permit;

and

(c) An Accessory Building includes but is not limited to a deck, a mailbox, a garbage container, a greenhouse, a yard light standard a flagpole, a communication antenna and structure, an outdoor washroom facility, a retaining wall, a shipping container (subject to conditions, e.g. masked as an accessory building), a sign, a fence, a privacy screen, a swimming pool, a carport (even when attached to the principal building), a patio, landing, pergola or similar structure, an uncovered enclosure, a detached garage, a garden shed, and similar structures, but does not include a “Canvas Covered Structure” or “Shipping Container” (when it is not masked as an accessory building);

and

(d) Notwithstanding the above:

(i) subject to provisions in Schedule 4, one Accessory Building or Use per parcel may be conditionally approved prior to the establishment of the principal use; and

(ii) an Accessory Building does not include “Canvas Covered Structure” or “Shipping Container” (i.e. unmasked), but a Canvas Covered Structure or a Shipping Container may be approved as an Accessory Building if it complies with the standards established for Accessory Building and Use (e.g. masking of a shipping container); and

(iii) An Accessory Building does not include a structure under “Agriculture” as defined in this bylaw.

Agriculture means, in the context of the site-specific use of a subject parcel, the principal or secondary use of land and associated buildings and structures specifically for the raising of livestock and/or the commercial cultivation of crops, but does not include a dwelling unit in the various forms allowed under this bylaw, a residential Accessory Building, a recreational vehicle, an Intensive Horticultural Operation as defined in this Bylaw, a confined feeding operation regulated by the Natural Resources Conservation Board (NRCB) under the *Agricultural Operation Practices Act* (AOPA), or a riding arena / rodeo ground.

Agriculture-Related Industry means a use that supports agricultural production or adds value to agricultural products, including but not limited to seed processing facilities, garden markets and feed mills.

Airport means any area of land designed for the landing and taking off of aircraft, including but not limited to airstrips, heliports and helipads. Such an operation may or may not include all the facilities required for the housing, administration, management (i.e. control tower) and maintenance of aircraft.

Animal Care Service Facility, Small means development for the on-site treatment or grooming of small animals such as household pets, where on-site accommodation is not normally provided and where all care and confinement facilities are enclosed within a building. This use includes off-site treatment of animals or livestock of any size and the supplementary sale of associated products. Examples include pet grooming salons, pet clinics and veterinary offices.

Animal Care Service Facility, Large means development used for the care, treatment, boarding, breeding or training of animals and livestock within or outside buildings and includes the supplementary sale of associated products. This use includes veterinary offices or hospitals, animal shelters, boarding and breeding kennels, facilities for impounding and quarantining animals and related research facilities.

Apartment Building means a residential building, which contains three or more attached dwelling units and where access to each unit is provided through a shared entryway. This use does not include Multi-Unit Residential Building, Mixed-Use Building, boarding house, Hotel, Motel or Hostel.

Arts and Crafts Studio means development used for the purpose of small scale, on-site production and sale of goods by hand manufacturing primarily involving the use of hand tools. Typical uses include pottery, ceramic, jewellery, toy manufacturing, sculpture, taxidermy and artist studios. This use does not include Workshop.

Auction Market means a use of land or buildings for the auctioning and related temporary storage of household effects, goods and equipment, except livestock.

Auction Market, Livestock means a use of land or buildings for the auctioning and related temporary storage of livestock.

Auto Body and Paint Shop means a premise where the bodies, but not other parts of motor vehicles, are repaired, and where motor vehicle bodies and other metal machines, components or articles may be painted.

Auto Repair Shop means a building or land used for the repair or maintenance of automobiles, motorcycles, trucks, trailers or similar vehicles, including but not limited to muffler shops, auto repair garages, oil change and lubrication, tire service and sales, and similar repair and service activities, but excludes Auto Wreckage and Salvage and Auto Body and Paint Shop.

Auto Sales and Service means an enclosed building within which motor vehicles and parts are displayed for sale, and may include a new or used automobile sales lot, and may also include auto repairs, except for body work and painting.

Auto Wreckage and Salvage means a facility for the dismantling of motor vehicles and sale of parts to the general public. Such a facility may include a central office and work area.

B

Boarding House means a building or use containing accommodation in not more than 15 sleeping rooms, where lodging is provided to five or more persons who are typically unrelated to each other for a period that exceeds 30 days. Where lodging is provided to less than five persons, whether or not the use is advertised as a commercial venture, the activity or the building is not a Boarding House. The sleeping rooms in a Boarding House shall not consist of dwelling units, but a Boarding House may contain one dwelling unit for the operator of the Boarding House. Boarding House does not include an Apartment Building, a Hotel, a Hostel, a Motel, a Multi-unit Residential Building, a Short-Term Rental / Bed & Breakfast or a Tourist Home.

Bottling Plant means an industrial facility where beverages are put in bottles with caps and later transported to various markets for sale. This use does not include a brew pub, which is encompassed by “Food and/or beverage service.”

Building Supply Centre means a commercial retail store where building materials, landscaping, gardening, household accessories and other related goods are stored, offered, or kept for sale and typically includes outdoor storage.

Bulk Fertilizer Storage and Sales means a facility or storage containers used to house and sell fertilizer products to customers.

Bulk Fuel Sales and Storage means a facility for the purpose of storing and/or selling oil and gas products. Such a facility may or may not include an office and convenience retail establishment.

C

Cannabis Production Facility means a building where federally approved cannabis plants, for either medical or recreational use, are grown, processed, packaged, tested, destroyed, stored or loaded for shipping, and that meets all applicable federal and provincial requirements.

Cannabis Retail Sales means a retail store licensed by the Province of Alberta where cannabis and cannabis accessories are sold to individuals who attend the premise and for which any sales are expressly authorized by Alberta Gaming, Liquor and Cannabis (AGLC). This use shall be a stand-alone use and not in conjunction with any other use.

Canvas Covered Structure means a framework structure covered by any fabric or any similar type of non-rigid sheathing and used to provide outdoor storage.

Car Wash means a building designed for the cleansing and vacuuming of automobiles or recreational vehicles.

Cemetery means an area for the entombment or commemoration of the deceased, and may include crematoria, cineraria, columbaria, mausolea and cenotaph.

Community Facility means a facility owned or operated by a government or quasi-government entity established primarily for the benefit and service of residents of the Municipality or the province. Typical examples of a Community Facility include a community centre, a library , a municipal government building, a post office, a public works yard or facility, a public utility and a school.

Compact Home Community means a grouping of twenty or more Single-Detached Dwellings, each with a maximum habitable floor area of 74m² (800 ft²) for a permitted use or 102m² (1,100 ft²) for a discretionary use, with no variances allowed. Each dwelling unit in a Compact Home Community is designed for the occupancy of a single household. A Compact Home Community is comprehensively planned to reduce the impact of development by providing to the Development Authority's satisfaction:

a) reduced impact residential stalls (for rental) or reduced impact bareland condominium units (for rental or purchase) for compact homes;
b) harmonious architectural design;
c) enhanced, homogeneous landscaping and fencing;
d) private community amenities and recreation areas; and
e) reduced impact design standards for private roads (hard-surfaced) and private utilities.

A Single-Detached Dwelling in a Compact Home Community includes a 'Ready-to-Move' home and a home that is built using modular construction practices (CSA-A277) but does not include a Manufactured Home as defined in this Bylaw. A Compact Home Community shall not include Recreational Vehicles for the purpose of either permanent or temporary residential occupancy, including for the purposes of Schedule 4, section 23.

Contractor Services, Limited means a development used for the provision of electrical, plumbing, heating, painting, catering and similar contractor services and the accessory sales of goods normally associated with the contractor services where all materials and equipment are kept within an enclosed building or in a storage yard enclosed with an opaque fence (i.e. no outside storage is allowed except the parking of vehicles), and there are no primary manufacturing (except accessory manufacture) or fleet storage in excess of what the Development Authority deems appropriate in the context of the surrounding area.

Contractor Services, General means development used for industrial service support and construction. Typical uses include cleaning and maintenance contractors, building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, wastewater systems or similar services of a construction or light manufacturing nature which require on-site outside storage space for materials, construction equipment and/or vehicles normally associated with the contractor service. This may include accessory sales, display, office and/or technical support service areas.

Cultural Establishment means a development for the purpose of cultural activity and includes but is not limited to such uses as an art gallery, an auditorium, a private club, a youth centre, a museum, a convention centre, or a visitor information centre.

D

Day Care Facility, commercial means the use of a commercial building, or portion of a commercial building, for the provision of care, instruction, and/or supervision of seven (7) or more children under the age of 13 years, for periods not exceeding 24 consecutive hours.

Day Care Facility means the use of a private dwelling unit, or portion of a private dwelling unit, for the provision of care, instruction, and/or supervision of seven (7) or more children under the age of 13 years, not including children under the age of 13 years who permanently reside in the home, for periods not exceeding 24 consecutive hours.

Day Home means the use of a private dwelling unit, or a portion of a private dwelling unity, for the provision of care, instruction, and/or supervision of a maximum of six (6) children under the age of 13 years, not including children under the age of 13 years who permanently reside in the home, for periods not exceeding 24 consecutive hours.

Drive-In Food Service means a food service facility operated in a manner that allows rapid customer service and includes one or more of the following features: interior or outdoor sit-down facility, car attendant services; drive-through food ordering and pickup services and parking primarily intended for the on-site consumption of food within a motor vehicle and for customers who choose to use the sit-down facility

Drive-In Theatre means a commercial facility on a parcel of land where movies are shown on an outdoor screen to customers who remain in their vehicle. Typically the facility will consist of a large outdoor screen, a projection booth, a concession stand, washroom facilities and a large parking/viewing area.

Duplex / Semi-Detached Dwelling means a residential building containing two attached dwelling units located either above-and-below, side-by-side, or front-to-back, with a separate ground level exterior access to each dwelling unit. The two dwelling units in a Duplex / Semi-Detached Dwelling are connected either by a common floor or ceiling, or by at least one common wall that extends from the foundation to the top of the first storey of both dwelling units.

Dwelling Unit, secondary to an established principal use on the subject parcel means a dwelling unit on property within a non-residential land use district, where a principal building or use has been legally established on the property prior to a development permit being issued in respect of the dwelling unit.

E

Emergency Service means fire protection, police, ambulance, rescue or similar services.

Entertainment Establishment means a facility where entertainment is provided either exclusively or in combination with other activities and may, without restricting the generality of the foregoing, include a live theatre, a cinema, or a convention centre, but does not include a drive-in theatre, a gambling establishment or an adult entertainment establishment. This use may include Food and/or Beverage Service as an accessory use.

Exploratory Excavation / Grade Alteration / Stockpiling means work undertaken in preparation for intended construction and/or for the installation of “Private Utilities” associated with a proposed permitted or discretionary use in the applicable land use district, where a development permit

application has been submitted or is intended to be submitted and arrangements satisfactory to the Development Officer have been agreed to in writing, or where a development permit is not required under the exemption provisions in Schedule 3 of this Bylaw. Exploratory Excavation / Grade Alteration / Stockpiling includes earthworks for the purposes of gaining temporary access to a parcel, removing trees, confirming yard setbacks, locating existing utilities, exploring building foundation options, cutting / filling, ditching, installing sub-grade infrastructure, the temporary accumulation of soil, gravel and/or other natural materials, and/or the confirmation of a suitable building site, subject to the applicable regulations established in Schedule 4 of this Bylaw.

Extended Care Facility means a public or private health facility for the care or supervision of individuals, and containing overnight accommodation.

F

Farm Supplies and Service means the use of land or buildings for the sale, storage and distribution of grain (including grain elevators), livestock feed, fertilizer, chemicals and fuel used in agriculture.

Financial Institution means a development or use primarily for providing the service of banking or lending money, such as a bank, savings and loan institution, or credit union.

Food and/or Beverage Service means a facility where food and/or beverages are prepared and/or served on the premises and includes catering, a restaurant, a delicatessen, a bakery, a cafeteria, a brew pub and a licensed establishment serving alcoholic beverages, but excludes Drive-In Food Service.

Funeral Home means a development used for the arrangement of funerals, the preparation of the dead for burial or cremation, the holding of funeral services and the carrying out of cremations.

G

Gaming or Gambling Establishment means a building, or any portion thereof, which is used for the purpose of dealing, operating, maintaining or conducting any risk game played with cards, dice, or any mechanical device or machine, and may include the accessory sale of food and/or beverages.

Garden Centre means the use of land or buildings for the sale, display, growing and storage of garden, household, and ornamental plants and trees provided that the retail sale and display of plants and trees remains the principal use. This use may include greenhouses as well as the supplementary retail sale of fertilizers, garden chemicals and implements as well as associated products.

H

Health Care Facility means a facility providing room, board, and surgical or other medical treatment for the sick, injured or infirm including outpatient services and may include accessory uses such as staff residences, diagnostic imaging, a medical clinic and/or a pharmacy. Typical examples of a Health Care Facility include a hospital, a sanatorium, a nursing home, a convalescent home, an isolation facility, a psychiatric hospital and an auxiliary hospital.

Historic Auberge means an existing building that is listed within the Municipal Heritage Inventory Project or is located within the federally designated Coleman National Historic Site of Canada, and in both scenarios is designated as either a Provincial Historic Resource or a Municipal Historic Resource. The building is used for short-term (less than 30 days) and/or long-term sleeping accommodations that are provided in rooms or suites, which may contain bar/kitchen facilities, with a maximum of 25 accommodation units. The building may contain one or more communal kitchens, common areas and services, and commercial or other uses that support the occupants and are not open to the public. Historic Auberge does not include Apartment Building, Boarding House, Hostel, Hotel, Motel, Multi-unit Residential Building, Short-Term Rental / Bed & Breakfast, or Tourist Home.

Home Occupation – Class 1 – see Schedule 8.

Home Occupation – Class 2 – see Schedule 8.

Hostel means a facility operated to provide temporary (not exceeding 30 days) dormitory-style accommodation with communal kitchen and sanitary facilities, and may include recreational facilities. This use does not include an Apartment Building, Boarding House, a Hotel, a Motel, a Multi-unit Residential Building, a Short-Term Rental / Bed & Breakfast or a Tourist Home.

Hotel means one or more buildings used primarily for temporary sleeping accommodation and ancillary services provided in rooms or suites of rooms which may contain bar/kitchen facilities. The building(s) may also contain commercial or other uses and may offer such additional services as parking facilities, food and/or beverage service, , room service or public convention facilities. Hotel does not include an Apartment Building, a boarding house, hostel, motel, Multi-unit Residential Building, Short-Term Rental / Bed & Breakfast or Tourist Home, and “Hotel” is not a dwelling unit.

I

Intensive Horticultural Operation means a use of land or buildings for the high yield production and/or sale of specialty crops. This use includes greenhouses, nurseries, hydroponic or market gardens, tree, mushroom and sod farms and such other uses that the Development Authority considers similar in nature and character to any one or all of these uses.

L

Light Manufacturing means development used for manufacturing, fabricating, processing, assembly, production or packaging of goods or products, as well as administrative offices and warehousing and wholesale distribution uses which are accessory uses to the above, provided that the use does not generate any nuisance beyond the boundaries of the parcel.

M

Machinery and Equipment Sales and Repair means the use of land or buildings for the display, sale, service and/or rental of light and/or heavy machinery.

Manufactured Home means a factory-built self-contained dwelling unit, typically single-wide and measuring approximately 6.7 m (22 ft) by 23.1 m (76 ft), which is certified to the CSA-A277 standard indicating that it has been designed and constructed in compliance with the National Building Code – Alberta Edition. A Manufactured Home constructed to the CSA-Z240 MH standard is not accepted under the National Building Code – Alberta Edition unless it also carries the CSA-A277 label. A Manufactured Home is typically transported to its ultimate site in a single module on its own chassis and wheel system or on a flatbed truck. This use does not include a 'Ready-to-Move' home or a modular home as defined in this Bylaw.

Manufactured Home Community means a comprehensively planned residential development for Manufactured Homes. This use may include shared amenity areas or facilities.

Medical and/or Dental Clinic means development providing medical and/or health care on an outpatient basis. Examples of this use include a medical and dental clinic, a facility providing diagnostic imaging, an occupational health and safety office, counselling services, chiropractic and naturopathic services and similar uses.

Mini Storage Facility means the use of land with compartmentalized buildings or designated sites set up for the storage of equipment, household or business materials, or vehicles, but excludes storage of hazardous goods or materials. Accessory to this use is the exterior screened storage of recreational vehicles, boats, trailers and similar items.

Mixed-Use Building means a building used partly for residential use containing a minimum of three dwelling units (including Apartments and Multi-Unit Residential Buildings) and partly for commercial or office use with the street shopfront on the ground floor typically consisting predominantly of commercial and/or office uses.

Mixed-Use Development means a parcel of land developed for two or more different uses or buildings that may include the uses in separate buildings, such as residential (including Apartments and Multi-Unit Residential Buildings), office, manufacturing, retail, and/or entertainment, and/or those type of uses in two or more Mixed-use Buildings, or a combination of separate buildings and Mixed-use Buildings.

Motel means one or more buildings used primarily for temporary sleeping accommodation in rooms or suites, where each room or suite may contain kitchen facilities. Each room or suite in a motel usually has its own exterior access and is typically provided with an adjoining or conveniently located parking space. A motel may include eating and drinking facilities, entertainment, convention, sports, recreation, personal service and retail facilities as accessory uses. Motel does not include an Apartment Building, a boarding house, hotel, hostel, Mixed-use Building, Multi-unit Residential Building, Short-Term Rental / Bed & Breakfast or Tourist Home, and a "Motel" is not a dwelling unit.

Moved-In Building means a conventional, previously existing, established and occupied non-residential building (e.g. an accessory building), which is removed from one site, transported and re-established on another site. This does not include a Manufactured Home or 'Ready-to-Move' home.

Moved-in Dwelling means a conventional, previously existing, established and occupied dwelling, which is removed from one site, transported, and re-established on another site. This does not include a Manufactured Home or 'Ready-to-Move' home.

Multi-Unit Residential Building means a residential building containing three or more attached dwelling units, each with its own exterior access to grade. This use does not include Apartment Building, Boarding House, Hotel, Motel, Hostel, Mixed-Use Building or Mixed-Use Development. More than one Multi-Unit Residential Building may be developed on a parcel.

O

Office means development to accommodate:

(a) professional, managerial and consulting services;

(b) the administrative centres of businesses, trades, contractors and other organizations; and

(c) service-related businesses such as travel agents, insurance brokers, real estate agents.

Outdoor Storage means the open storage of goods or equipment on a lot.

P

Parking Facility means a principal building designed for parking motor vehicles, or a principal use of an at-grade area of open space designed to accommodate the parking of motor vehicles, and does not refer to parking that is required for the principal use on the subject parcel.

Personal Service means a development providing services for personal care and appearance; services for cleaning, servicing, altering and maintenance of personal effects and accessories. Personal service includes but is not limited to barber shops, beauty salons, tailors, diet centres, shoe repair shops, dry cleaners, upholstery and rug cleaners, laundromats, and such other uses that the Municipal Planning Commission considers similar to any one or all of these uses, and may include accessory sales of associated goods.

Place of Worship means a building dedicated to the undertaking of religious practices and activities and includes churches, chapels, temples, parish halls, synagogues, convents, seminaries, monasteries, rectories, or mosques and may include such accessory uses as offices for administration of the place of worship, parsonages, and parish houses.

Private Utility or Private Utilities means liquid natural gas, propane, geothermal heating, electric power (including solar collector and small wind energy conversion system), telecommunication, a water well (that complies with provincial legislation and regulations), a Private Sewage Disposal System, water and wastewater utilities including service connections to municipal water and wastewater infrastructure, and stormwater management facilities, that are located on private property, that are specifically and only intended for personal / private use by the occupants of the subject property, that may require permits under the *Safety Codes Act,* and that may or may not be connected to “Public Utilities” owned and operated by the municipality or a third-party franchised service provider.

Public Open Space means land that is owned or controlled by a public entity and is predominantly developed and used as a park that is accessible to the public..

R

Recreation Facility, Indoor (Small) means a building with a gross floor area up to 186 m^2 (2000 ft^2) that accommodates recreational activities including but not limited to fitness centres, tennis courts, racquetball, wrestling, dance studios and yoga studios, and may include the accessory sales of associated goods and food and/or beverages.

Recreation Facility, Indoor (Large) means a building with a gross floor area exceeding 186 m^2 (2000 ft^2) that accommodates recreational activities including but not limited to a fitness centre, a gymnasium, an indoor riding arena / rodeo ground, an indoor rink, an indoor sports field, and/or a swimming pool, and may include the accessory sales of associated goods and food and/or beverages.

Recreation Facility, Outdoor means a park, playground, or recreation area, including but not limited to hiking / walking, biking, snow sledding, snowboarding, skiing, all-terrain vehicle (ATV), boating facilities, horse-riding, picnic grounds, golfing, outdoor rink, sports field, historic or archaeological site, an organizational group camp, or any similar facility or use of land or buildings, and may include associated uses incidental to the principal recreational use such as dormitories, cabins, a designated area for camping stalls, and/or dining or eating facilities and/or a concession booth.

Recreational Vehicle and/or Manufactured Home Sales and Rentals means a facility for the retail sale or rental of new or used motorcycles, snowmobiles, tent trailers, boats, travel trailers, similar recreational vehicles, Manufactured Homes, bicycles, and skis and may include incidental maintenance services and sale of parts.

Recreational Vehicle Storage means a fenced compound used for the parking, wintering, or storing of trailers, motor homes, boats, quads, recreational vehicles and/or hauling structures licensed under the *Motor Vehicles Administration Act* for a specified fee paid to the owner or proprietor of the property. Sleeping accommodation (whether temporary, seasonal, long-term, or permanent) is not allowed in "Recreational Vehicle Storage".

Recycling Facility means the use of land or buildings for the purchasing, receiving and/or temporary storage of discarded articles, provided that the use does not generate a detrimental effect or nuisance beyond the boundaries of the lot or site on which it is situated. A recycling facility may involve supplementary production of by-products or materials and includes bottle, can and paper recycling depots.

Renewable Energy Operation means a development that collects or produces energy (and in some cases marketable by-products, depending on the process utilized) from natural renewable resources or from waste, and transmits the energy off-site for distribution in the commercial marketplace. This may include energy collected or derived from the earth, the sun, flowing water, tides, the wind, or incineration of waste and various other materials.

Resource Extraction means those uses of land or buildings which are governed by the location of a natural resource, and which involve the extraction, storage and/or on-site processing of a natural resource, Resource extraction includes, but is not limited to, commercial logging and the extraction of surface materials.

Resource Processing means the use of land and/or buildings for the storage, mixing, refining or other processing of natural resources including cement, gravel, sand, coal and/or other surface minerals or timber that are transported to the subject site from the location where the resources were extracted.

Retail – Accessory means retail sales accessory to an established principal use on the subject parcel and shall not exceed 69.7 m^2 (750 ft^2).

Retail – Store, Small means a singular retail premises up to 464.5 m^2 (5000 ft^2) in size (not including those portions of the premises not used specifically for retail purposes) where goods, wares, merchandise, substances alcoholic beverages or articles are stored, offered or kept for sale at retail, and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things sufficient only to service such a store. Typical examples of this use include but are not limited to a department store, a pharmacy, a business and office supply store and a retailer that primarily sells electronics, appliances, furniture, clothing or sporting goods. This use may include an accessory convenience food and/or beverage serving area. Where a retail store is engaged in the sale of alcoholic beverages, the retail store must be licensed by the Alberta Gaming, Liquor and Cannabis (AGLC). For uses involving the on-site consumption of alcoholic beverages, see "Food and/or beverage service."

Retail – Store, Large means a singular retail premises exceeding 464.5 m^2 (5000 ft^2) in size (not including those portions of the premises not used specifically for retail purposes) where goods, wares, merchandise, substances, alcoholic beverages or articles are stored, offered or kept for sale at retail, and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things sufficient only to service such a store. Typical examples of this use include but are not limited to a department store, a pharmacy, a business and office supply store and a retailer that primarily sells electronics, appliances, furniture, clothing or sporting goods. This use may include an accessory convenience food and/or beverage serving area. Where a retail store is engaged in the sale of alcoholic beverages, the retail store must be licensed by the Alberta Gaming, Liquor and Cannabis (AGLC). For uses involving the on-site consumption of alcoholic beverages, see "Food and/or beverage service."

Retail – Shopping Mall means a unified concentration of retail stores, offices and service establishments of the types listed as permitted or discretionary uses in the applicable land use district.

Riding Arena or Rodeo Grounds means a compound designed for the housing, bedding or confinement of four-legged animals used for riding and/or rodeo purposes, but does not include the structures associated with the raising of livestock under Agriculture as defined in this Bylaw.

S

Secondary Suite (either Attached or Detached) means a second dwelling unit located on the same parcel as that on which a Single-Detached Dwelling, Duplex / Semi Detached Dwelling, or a Multi-Unit Residential Building is the principal use / principal dwelling (exceptions outlined below). The Secondary Suite, regardless of its location on the subject property, is typically sub-ordinate to the principal dwelling in gross floor area. A Secondary Suite may be located inside a principal dwelling (Attached) or inside an Accessory Building that is located on the same property as the principal dwelling (Detached). A Secondary Suite is a self-contained dwelling unit, which means that it provides sleeping, cooking and washroom facilities that are separate from those of the principal dwelling.

Exceptions:

- In the Residential R-1 District a Secondary Suite is not allowed within or on the same property as a Duplex / Semi-Detached Dwelling.

Mandatory compliance with the minimum parking standards:

- Both the Secondary Suite and the principal dwelling shall comply with and satisfy without variances the applicable minimum off-street parking requirements established in Table 1 of the Off-Street Parking and Loading Area Standards Schedule of this Bylaw.

Requirement to subdivide:

- A parcel containing a “Duplex / Semi-Detached Dwelling” or a “Multi-Unit Residential Building” within which a principal dwelling unit is the subject of a development permit application for a secondary suite shall be subdivided (fee simple with a party wall agreement or condominium title) such that the subject principal dwelling unit has a separate certificate of land title.

Security or Operator Dwelling Unit means a dwelling unit that is used in conjunction with and secondary to an established principal use on the subject parcel to accommodate a person or persons whose function is to provide operation, maintenance and/or security for the principal use.

Seniors Supportive Housing Facility means a Multi-Unit Residential Building or group of buildings that emphasizes barrier-free design and integrates some combination of supportive services, personalized assistance and health care services that is responsive to the unique needs of senior residents and facilitates the ability to age in place. The facility shall be predominantly residential in character and may include centralized areas for dining and social activities, along with separate living quarters for staff. A spectrum of different levels of on-site care may be accommodated in a seniors supportive housing facility, ranging from comparatively minimal care where residents are able to retain substantial functional independence over daily activities, to the continuing care required in nursing homes and lodge accommodation as defined under the *Alberta Housing Act*.

Service Station means premises or the portion thereof used for the servicing and minor repairing of motor vehicles and for the sale of gasoline, lubricating oils, minor accessories for motor vehicles and a convenience store.

Shipping Container including “Shipping Container accessory to an established principal use on the subject parcel” means a rectangular steel structure originally used to haul merchandise on a cargo ship to port from where the structure is then transported inland by transport truck and/or rail to its point of destination. Shipping containers may also include box cars and other transport trailers.

Short-Term Rental / Bed & Breakfast means the operation of short-term commercial accommodation within a dwelling unit, including a Secondary Suite or a room(s) in or a portion of a dwelling unit for a period not exceeding 30 days, and the owner of the property is required to occupy the dwelling unit as their primary residence and be present on the premises during the operation of the Short-Term Rental / Bed & Breakfast. Refer to the definition of Primary Residence. Short-Term Rental / Bed & Breakfast does not include a boarding house, hotel, hostel, motel, or Tourist Home.

Single-Detached Dwelling means a freestanding dwelling designed for the occupancy of a single household. A Single-Detached Dwelling includes a ‘Ready-to-Move’ home and a home that is built using modular construction practices but does not include a Manufactured Home as defined in this Bylaw.

Sign has the same meaning as it has in the sign standards in Schedule 11 of this bylaw.

T

Temporary Auto Sales means the temporary use of land for the purpose of the sale of new or used motor vehicles, but does not include auto repairs.

Temporary Storage Yard means development used exclusively for temporary outdoor storage of goods, materials, vehicles or equipment where such storage does not involve the construction of a permanent building, the establishment of business operations on the same site as the temporary outdoor storage, or the material alteration of the existing state of the land. Typically a temporary storage yard may include the temporary storage of construction vehicles, equipment, materials and/or a maximum of one recreational vehicle which shall not be occupied or otherwise used as temporary sleeping accommodation however, as part of a development permit application the applicant shall identify the scope and nature of the items in a proposed temporary storage yard, the extent of a proposed temporary storage yard, and proposed measures to screen the temporary storage yard from public view; and further, in making a decision the Development Authority shall describe these aspects in a temporary development permit and may impose conditions on a development permit to restrict the scope and nature of the items in and the extent of a proposed temporary storage yard, such that no additional items may be added to the Temporary Storage Yard beyond what is described in the development permit, and may proposed measures to screen the temporary storage yard from public view.

Tourism Accommodation, Small means a development that is comprehensively planned and designed, subject to the standards established in this Bylaw, for the recreational occupancy of a minimum of four units of resort accommodation and/or camping accommodation (both as defined in this Bylaw). Except to the extent that may be approved under provisions in Schedule 4 Standards of Development in this Bylaw, Tourism Accommodation, Small is not typically intended for residential occupancy (as defined in this Bylaw). The use shall not be interpreted to include “Recreational Vehicle Storage” or a “Work Camp”. The subject property shall be held in a single certificate of title and shall not be subdivided in any form (long-term leases are allowed if the Land Titles Office will register such an instrument on the certificate of title).

Tourism Accommodation, Large means a development that is comprehensively planned and designed, subject to the standards established in this Bylaw, for the recreational occupancy of a minimum of four units of resort accommodation and/or camping accommodation (both as defined in this Bylaw). Except to the extent that may be approved under provisions in Schedule 4 Standards of Development in this Bylaw, Tourism Accommodation, Large is not typically intended for residential occupancy (as defined in this Bylaw). The use shall not be interpreted to include “Recreational Vehicle Storage” or a “Work Camp”, but it may include a storage area for ATVs, snowmobiles, boats, and/or other recreational equipment for the sole purpose of storing equipment used by the occupants of the Tourism Accommodation and only if provision for such a storage area has been approved in the Comprehensive Site Development Plan. The subject property may be subdivided as a bareland condominium plan (which may be a requirement under certain provisions in Schedule 4 of this Bylaw), but it shall not be subdivided as fee simple lots (long-term leases are allowed if the Land Titles Office will register such an instrument on the certificate of title).

Tourist Home means the operation of short-term commercial accommodation within a dwelling unit where the entire property is rented to only one reservation at a time for a period not exceeding 30 days and the owner of the property is not required to occupy the dwelling unit as their primary residence. Refer to the definition of Primary Residence. Tourist Home does not include a boarding house, hotel, hostel, motel, or Short-Term Rental / Bed & Breakfast.

Transportation Terminal means a centralized area for the parking, loading, unloading, storage or servicing of large commercial trucks engaged in the business of transporting goods and materials to specified destinations, and may typically include a Warehouse.

Travel Plaza means a development providing fuel-dispensing facilities and/or electric vehicle charging stations to motor vehicles large and small, along with a variety of vehicle-related services and amenities tailored to the travelling public. Travel plazas typically include an accompanying restaurant or cafe along with a convenience store. Car washes, sani-dumps, vehicle towing and car rentals are common ancillary services, while ancillary amenities include retail sales, personal services and visitor information services.

Tree Felling means a development or land use activity that results in the removal of trees on a parcel of private land to the extent of clear cutting one or more portions of the parcel or the entire parcel. This use does not include the thinning out of tree stands, the trimming of branches, or other foliage management practices related to tree maintenance, and it does not include the removal of trees specifically for the construction of a road access, a driveway, or a fence, or for the purpose of fire safety measures or adhering to an easement agreement, provided that the result of tree felling for these purposes does not result in clear cutting.

W

Warehouse means a building used or intended to be used predominantly for the indoor storage of goods and merchandise with the associated loading and unloading of heavy vehicles, but is not a Transportation Terminal.

Warehouse Store means a facility for the wholesale or retail sale of a limited range of bulky goods from within an enclosed building where the warehouse or storage component occupies at least 50 percent of the gross floor area and retail uses occupy 50 percent or less of the gross floor area. Typical uses include furniture, carpet and appliance warehouses.

Work Camp means a temporary residential complex used to house workers for a contracting firm or project on a temporary basis up to four (4) years. The camp is usually made up of a number of modular units, clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities. A work camp may include an area dedicated for the parking of Recreational Vehicles to be used by occupants of the work camp for sleeping accommodations.

Workshop means a small establishment where manufacturing or craftwork is carried on, typically involving the use of power tools, and may include the sales of the associated products. This use does not include Arts and Crafts Studio.

SCHEDULE 18B – ADMINISTRATIVE DEFINITIONS

A

Access, legal, public means an access from a public road or public lane that is shown in a registered plan of subdivision.

Access, legal, private means an access that is surveyed and registered as an easement plan and agreement on the certificates of title of the dominant and servient parcels. Legal private access may be obtained either on foot or by means of a vehicle.

Access, physical means either 1) legal public access as defined in this bylaw that is constructed to the Municipality's "*Engineering and Development Standards*" (March 2005), or alternatively is accepted by the Municipality at a reduced standard, and that is maintained by the Municipality, or 2) legal private access as defined in this bylaw that is constructed to an alternative standard and that is maintained by one or more private landowners.

Access, primary means the location and manner of the principal means of vehicular access and egress from a site or building.

Act or the Act – see *Municipal Government Act.*

Addition means adding onto an existing building, provided that there are no structural changes to the existing building, no removal of the roof structure, and no removal of the exterior walls, other than that required to provide an opening for access from, and integration of, the existing building to the portion added thereto and there is a common structural connection from the existing building to the addition that includes a foundation, constructed to the minimum standards outlined in the National Building Code – Alberta Edition, and a roof.

Adjacent means land that abuts a site and land that would abut if not for a road, lane, walkway, watercourse, utility lot, pipeline right-of-way, power line, railway, or similar feature.

Alberta Environment means Alberta Environment and Protected Areas: a provincial Ministry tasked with ensuring Alberta's natural environment and resources are cared for and managed responsibly and sustainably.

Alberta Gaming, Liquor and Cannabis (AGLC) means the Crown commercial enterprise and agency responsible for overseeing the gaming, liquor and cannabis industries in Alberta.

Alberta Transportation means Alberta Transportation and Economic Corridors: a provincial Ministry tasked with providing a safe and efficient transportation system to support Alberta's economic, social and environmental vitality.

All-weather surfacing – see "**Hard-surfacing**".

Alteration means any structural change to a building that results in an increase or decrease in the area or the volume of the building; any change in the area frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements of this Bylaw; structural change to a sign; and to discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

Amenity area means an area or areas within the boundaries of a parcel intended for recreational purposes by the occupants of the parcel. These may include a landscaped area, a patio, a pergola, a gazebo, a swimming pool and similar uses.

AOPA means the *Agricultural Operation Practices Act*, revised Statutes of Alberta 2000, Chapter A-7, as amended.

Applicant means the registered owner of the land or his or her representative or agent certified as such.

Apron means a flat-surfaced area that surrounds and lies adjacent to a Manufactured Home pad.

Architectural controls means a set of development guidelines or standards that have been established by the developer and registered on a certificate of title for the purpose of creating and maintaining a higher quality of construction than is the norm for a particular subdivision and/or development project. Standards normally address square footage, roof slopes and materials, siding, landscaping, garages, setbacks, driveway materials and other appealing neighbourhood aesthetics.

Area of Potential Environmental Concern (APEC) means any area on, in or under the site and surrounding area where one or more contaminants of potential concern may be present, as identified through an initial Phase 1 Environmental Site Assessment (ESA) or other investigation, and that has not been ruled out through subsequent Phase 2 ESA investigations.

Area redevelopment plan means a statutory plan in accordance with the *Municipal Government Act* and the municipal development plan for the purpose of all or any of the following:

(a) preserving or improving land and buildings in the area;

(b) rehabilitating buildings in the area;

(c) removing buildings from the area;

(d) constructing or replacing buildings in the area;

(e) establishing, improving or relocating public roadways, public utilities or other services in the area;

(f) any other development in the area.

Area structure plan means a statutory plan in accordance with the *Municipal Government Act* and the municipal development plan for the purpose of providing a framework for subsequent subdivision and development of an area of land in the municipality, that will include the construction of Municipal Improvements (i.e. public infrastructure constructed by a developer and owned and operated by the Municipality) and/or the dedication of municipal reserves or environmental reserves (or other forms of public open space). An area structure plan:

(a) must describe

  (i) the sequence of development proposed for the area,

  (ii) the land uses proposed for the area, either generally or with respect to specific parts of the area,

  (iii) the density of population proposed for the area either generally or with respect to specific parts of the area, and

  (iv) the general location of major transportation routes and public utilities, and

(b) may contain any other matters Council considers necessary.

Attach and Attached To means any one or more of the following and similar meanings, in the sole discretion of the Development Officer having regard for the context of the specific circumstances: “fastened to”, “supported by”, “flush with”, “adjacent to” and/or “accessible from”. For greater clarity, a deck may not be structurally fastened to or supported by the wall of a dwelling unit and instead may be installed on its own supports adjacent to the wall of the dwelling unit, but because the deck is accessible from the dwelling unit, for the purposes of this bylaw the deck may be deemed “attached to” the dwelling unit.

Attached garage means a building or portion of a building that is used for the storage of motor vehicles, which is attached to the principal building by sharing a common wall with the dwelling, and usually contains an access doorway into the principal building. For the purposes of calculating lot coverage ratio and minimum yard setback requirements, an attached garage is deemed to be part of the principal building.

B

Balcony means a platform above the first storey, attached to and projecting from the face of a principal building with or without a supporting structure, normally surrounded by a baluster railing, it may be roofed, and it is used as an outdoor space with access only from within the building. For the purpose of determining development standards (e.g. yard setbacks) a balcony shall be considered to be part of the building that it is attached to, and it is subject to the provisions for projections into yard setbacks. Also see “Deck”, “Landing”, “Patio” and “Porch.”

Basement means any storey of a building of which the ceiling level is less than 1.83 metres (6 ft) above the average finished surface level of the surrounding ground.

BearSmart means the Alberta BearSmart Program which provides information on how to reduce human-bear conflicts while achieving the goals of keeping people safe, helping bear populations survive and reducing property damage and costs.

Berm means a dyke-like earthen or rock form used to separate incompatible areas or functions, or constructed to protect the site or district from vehicular road or other noise.

Boulevard means that portion of a public roadway that lies between a curb and the boundary of a lot or parcel.

Brew pub means a licensed “Food and/or Beverage Service” establishment that includes the brewing of malt beverages (beer, ale, etc.) in compliance with applicable provincial laws, for on-site consumption and/or retail or wholesale distribution. The establishment may include live entertainment but does not include a Bottling Plant.

Buffer means a row of trees, hedges, shrubs or landscaped berm planted or constructed to provide visual screening and separation between uses, buildings, sites or districts.

Building has the same meaning as it has in the *Municipal Government Act* and in addition includes a structure but does not include a recreational vehicle or other types of wheeled / mobile units. Also refer to the definition of “use” because “building” implies a “use”.

Building code – see National Building Code.

Building footprint means the shape of the building where it sits on the parcel. If an outline of the building could be drawn on the ground along the exterior of the foundation wall where it sits and then the building is removed, the footprint is the shape that was drawn around the building. Changing the footprint of the building means adding to it or removing from it in such a way that this outline would be altered.

Building footprint area means the greatest above-grade horizontal roofed floor area of a building in plan view, measured from the outside surface of the exterior walls or the centreline of adjoining firewalls as may be applicable.

Building height means the vertical distance measured from the finished grade point(s) located at the base of the tallest exposed wall to the highest point of a building including the top of a pitched roof but excluding an elevator housing, a roof stairway entrance, HVAC equipment, a roof sign, a skylight, a steeple, a chimney, a smoke stack, a fire wall or a parapet wall and a flagpole or similar device not structurally essential to the building.

Building inspector means the person or persons appointed by the municipality to be the building inspector in and for the Municipality of Crowsnest Pass.

Building permit means a certificate or document issued by the Safety Codes Officer pursuant to provincial legislation authorizing commencement of construction.

C

Cabin means an habitable shelter (including a yurt or similar type of structure) for recreational occupancy that is located in an approved “Tourism Accommodation" or in a “Recreation Facility, Outdoor” and, depending on the facilities and services provided in the “Tourism Accommodation” or “Recreation Facility, Outdoor”, either has its own cooking, laundry and washroom facilities or has access to communal cooking, laundry and washroom facilities. Typically a cabin does not have a regular basement and instead is placed or constructed on screw piles or a slab-on-grade. A cabin is not a dwelling unit and is not typically intended for residential occupancy (as defined in this Bylaw).

Camping Accommodation means an area within an approved “Tourism Accommodation” that is developed for the recreational occupancy of cabins (as defined in this Bylaw), dormitories, tenting campsites, and/or Recreational Vehicles (regular model, Park Model Trailer CSA-Z240, and Cottage Model CSA-Z241 as defined in this bylaw), and the associated use of camping-related equipment (e.g. power generators, wood stoves). Camping accommodation may include accessory buildings and uses such as an administrative office, communal washrooms, cooking shelters, laundry, recreation, entertainment and convenience retail facilities for the use of the occupants and day-users of the development, owner/operator accommodation, and sheds and decks. Camping accommodation is not a dwelling unit and is not typically intended for residential occupancy (as defined in this Bylaw).

Cantilever means a structure that projects into a yard, such as a beam that is supported at one end and carries a load at the other end or along its length.

Carport means a structure enclosed on not more than three sides intended for the shelter of one or more motor vehicles.

Certificate of Compliance means a document signed by the Development Authority certifying that a development complies with this Bylaw with respect to yard requirements and insofar as represented on an Alberta Land Surveyor’s Real Property Report.

Certificate of title means the record of the title to land that is maintained by the Registrar of Titles at a Land Titles Office.

Change of occupancy means that a premises is vacated by the current occupant who occupied the premises as a non-conforming use or as a use that was approved in a development permit, and the premises is being occupied by a new occupant who falls under the same land use that is listed in the district, either within six months of the premises being vacated by a non-conforming use or within twelve months of the premises being vacated by a use that was approved in a development permit and was not a non-conforming use at the time of vacating the premises.

Change of use means that a premises is vacated by the current occupant who occupied the premises as a non-conforming use or as a use that was approved in a development permit, and the premises is being occupied by a new occupant who falls under a different land use that is listed in the district.

Commence means, where construction is involved, to apply for a building permit under the Safety Codes Act, and, where a building permit is not required or where construction is not involved, the meaning of "commence" is at the discretion of the Development Officer. Refer to the definition of "Building Permit" in Schedule 18B and section 22.4 in the Administration part of this bylaw.

Common wall means a vertical separation completely dividing a portion of a building from the remainder of the building and creating in effect a building which, from its roof to its lowest level, is separate and complete unto itself for its intended purpose, such wall being owned by one party or both but jointly used by two parties, one or both of whom is entitled to such use by prior arrangement.

Communication structure means a structure designed to support one or more communication antennae.

Communication antenna means an antenna for the transmission and/or reception of television, radio or cellular phone signals/waves.

Compatible means, in relation to adjacent land uses and development, that a proposed land use or a proposed development incorporates mitigative measures to reduce the impact on an existing adjacent land use or development that is in a different land use district or is of a lesser density, lower building height, or smaller building mass than the proposed land use or development to the extent that the Development Authority is satisfied, in its sole opinion, that the proposed land use or proposed development will not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, or value of adjacent parcels of land. "Compatible" does not mean that only land uses and developments in the same land use district or with the same density, height, and mass can exist adjacent to each other. A proposed land use or development can be made compatible with an adjacent land use or development that is in a different land use district or has a different density, height and mass by means of mitigative measures such as larger yard setbacks, more landscaping, more screening, the gradual stepping of building height, selective roof slopes, the considerate placement of windows, etc.

Comprehensive development means planned residential development having a high standard of design, a variety of accommodation, and adequate amenity provisions.

Comprehensive Site Development Plan means a plan, in a format to be determined for each case based on the requirements established in Schedule 4 of this Bylaw, that provides for the coordinated, comprehensive planning of multi-faceted or otherwise complex development, redevelopment, infill development or bare land condominium subdivision, which is of such a scale or complexity or is located in an area that, in the opinion of the Development Authority or the Subdivision Authority, the proposal requires a coordinated and comprehensive approach to the provision of infrastructure, the design and layout of land uses or buildings, the interrelation of the proposal with adjacent or neighbouring lands, and/or the impact of the proposal on adjacent or neighbouring property owners.

Conceptual scheme means a detailed plan that illustrates:

(a) The layout of a proposed subdivision, with parcel or block boundaries and dimensions.

(b) Municipal Reserve, Environmental Reserve, and Conservation Reserve.

(c) Land uses and density of population.

(d) Public roadways.

(e) The location and capacity and upsizing requirements of existing or required on-site and off-site municipal water, wastewater, and stormwater infrastructure, based on the design volumes required and produced by the proposed subdivision.

(f) The relation of the proposed subdivision to future subdivision and development of adjacent areas.

(g) The sequence of the proposed subdivision.

(h) The additional information provided for in the Subdivision and Development Regulation, that the Development Officer may deem relevant to making an informed decision on the subdivision application.

The purpose of a conceptual scheme is to provide for the coordinated planning of access roads, municipal infrastructure (water, wastewater, stormwater), and other aspects (e.g. reserves and walkways). A conceptual scheme is not adopted by a bylaw however, the Development Officer may require that a public hearing for the conceptual scheme is held before Municipal Council, which is also a requirement under the Act and the Subdivision and Development Regulation for the conceptual scheme to have standing with provincial government agencies.

Condominium means a real property ownership structure where units are owned individually and common property is owned collectively by the unit owners, whose interests in the common property are held as tenants in common in shares proportional to the unit factors for their respective units. Management schemes for condominium property are governed by the *Condominium Property Act*, and a condominium plan is registered in a land titles office.

Condominium plan means a plan of survey registered at Land Titles Offices prepared in accordance with the provisions of the *Condominium Property Act*, Revised Statutes of Alberta 2000, Chapter C-22, as amended.

Corner lot sight triangle means a triangular area formed on a corner lot by the two street property lines and a straight line intersecting no less than 6.1 metres (20 ft) from the corner where the property lines meet.

Council means the elected Council of the Municipality of Crowsnest Pass in the Province of Alberta.

Country residence means a use of land, the primary purpose of which is for a dwelling or the establishment of a dwelling in a rural area, whether the dwelling is occupied seasonally, for vacation purposes or otherwise, or permanently.

Critical wildlife zone means an area which is critical to a number of individuals of a species during at least part of the year. This can include, for example, wintering areas for ungulates, nesting or staging areas for waterfowl, colony sites for colonial nesters, and over wintering areas for upland birds.

CSA means Canadian Standards Association, a not-for-profit organization which exists to develop standards in 57 different areas of specialization including climate change, business management and safety and performance standards, including those for electrical and electronic equipment, industrial equipment, boilers and pressure vessels, compressed gas handling appliances, environmental protection and construction materials.

CSA A277 means the most current edition of the Procedure for Certification of Prefabricated Buildings, Modules, and Panels. CSA A277 is used by accredited certification agencies to indicate that buildings, modules and panels constructed in a factory or other off-site location have been designed and constructed in compliance with the National Building Code – Alberta Edition[NBC(AE)]. Modular components that have been certified to meet CSA A277 do not require an on-site inspection to demonstrate compliance with the NBC(AE). CSA A277 is applicable to all types and sizes of buildings.

Cumulative effect means the resulting combined impacts of past, present and reasonably foreseeable future actions on the landscape. They are the total effect, both direct and indirect impacts, to any resource, ecosystem or human community no matter who has taken the action.

D

Deck means an uncovered (roofless) outdoor space that:

(a) is classified as either:

  (i) a ground level deck – it is always attached to a building and its surface is not higher than 0.6 m above grade and it is deemed to be an Accessory Building; or

  (ii) a raised deck – it is always attached to a building and its surface is higher than 0.6 m above grade and it is deemed to be an Accessory Building.

and

(b) must be accessible from inside the building as well as from the outdoor ground level.

For greater clarity:

(c) consult the definition of “Attached” in this bylaw;

(d) a deck is not a balcony, a landing, a patio or a porch; and

(e) a deck is considered to be an accessory structure; and

(f) a deck is not considered to be part of the gross floor area or habitable floor area of the building that it is attached to (unless it is covered, in which case it is not considered to be a deck);

(g) a deck does not contribute to the lot coverage ratio or to the building footprint area of any building; and

(h) a deck is a type of accessory structure that has special yard setback provisions.

For further clarification, when an outdoor space that could otherwise be deemed to be a deck is proposed to be covered by a roof, it is no longer considered to be a deck as defined herein; for the purpose of determining development standards (eg. yard setbacks) such a covered outdoor space shall be considered to be part of the building that it is attached to (refer to the definitions of “Balcony”, “Landing”, “Patio” and “Porch”).

Demolition means the pulling down, tearing down or razing of a building.

Density means the number of dwelling or accommodation units on a site expressed in units per acre or hectare, or alternatively as the site area required per dwelling unit.

Developable area means that portion of a lot or parcel that can feasibly be developed after all minimum yard setbacks, separation distances, easements and undevelopable areas have been deducted.

Developed parcel means a lot that:

(a) contains a lawful principal dwelling of which the construction is complete, and in the opinion of the Development Authority, is permanent and habitable;

(b) has developed legal access;

(c) has the means to provide electric power to the site; and

(d) is connected to municipal water and wastewater infrastructure, or has a supply of potable water and a functional private sewage disposal system approved under the *Safety Codes Act.*

Developer means an individual, partnership or body corporate that locates and secures control of a parcel, conceives a development proposal that is suitable for the parcel and compatible with existing uses in the vicinity, obtains the necessary regulatory approval for that proposal, and undertakes the proposal in accordance with this Bylaw, the conditions attached to the approval, and any applicable federal and provincial regulations.

Development has the same meaning that it has in the *Municipal Government Act,* and in addition includes Tree Felling in circumstances specified in this Bylaw. In this Bylaw a reference to a building shall be understood to include a "structure", and vice versa.

Development agreement means a contractual agreement completed between the municipality and an applicant for a development permit or subdivision application which specifies the public roadways, utilities and other services to be provided by the permit holder as a condition of development approval or subdivision approval, provided the agreement is in accordance with the relevant provisions of the *Municipal Government Act*, as amended.

Development Authority means the Development Officer and/or the Municipal Planning Commission and/or the Subdivision and Development Appeal Board and/or Council as provided for in this Bylaw.

Development Officer or Development Office means the incumbent(s) in the position(s) of Development Officer(s), and their direct supervisor, with duties assigned by their supervisor in accordance with the applicable job descriptions.

Development permit means a document issued pursuant to this Bylaw authorizing a development.

Direct control means a land use designation attributed to a piece of land for exercising specific land use regulations and uses in accordance with the relevant provisions of the *Municipal Government Act*, as amended.

Discretionary use means the one or more uses of land or buildings that are described in Schedule 2 within the land use classifications that are required to be approved by the Municipal Planning Commission, or by the Development Officer for those discretionary uses as may be provided for in this Bylaw.

District means a district established under Schedule 1 of this Bylaw.

Domestic animal means an animal that is kept by a household for domestic purposes. A domestic animal may include the following: cat, dog, ferret, gerbil, guinea pig, hamster, rabbit, iguana or small non-poisonous amphibians, reptiles, caged birds, and other similar animals typically sold in pet stores and kept as pets. The Development Authority may include other animals as domestic animals on a case-by-case basis after due consideration of the potential impact on neighbouring property and residents.

Drive-in business means an establishment with facilities for on-site service to customers who remain in their motor vehicles.

Dwelling unit means a building or portion of a building consisting of one or more rooms that provide(s) a cohesive self-contained area with sleeping, cooking and sanitary facilities intended to be inhabited and used by a household for residential occupancy as opposed to recreational occupancy (both as defined in this Bylaw). A sleeping room in a Boarding House is not a dwelling unit. Camping Accommodation such as a cabin, a recreational vehicle, and a recreational vehicle "Cottage Model" and some forms of Resort Accommodation are deemed to not be a dwelling unit.

E

Easement means a right held by one party in land owned by another, typically for access or to accommodate a public utility.

Eaveline means the overhanging portion of a roof beyond the exterior walls of a building.

Embankment means an earth bank constructed so that it is raised above the immediately surrounding land, with the specific purpose to redirect water or prevent flooding by a river, lake, canal, or other water body, or to carry a road, railway, or canal across a low-lying area.

Environmental audit means the process of determining the impact of proposed projects on the environment.

Environmental education means field trips related to publicly or privately sponsored educational and interpretive programs.

Environmental impact assessment means a comprehensive report triggered by the magnitude of a development or project that describes the natural features and characteristics of a proposed development site, the changes that will occur as a result of the proposed development activities on the site, the anticipated environment impacts and consequences of the proposed development, and the mitigation measures to be taken to minimize undesirable impacts to the environment.

Environmental reserve means any parcel of land specified as environmental reserve by a subdivision approving authority pursuant to the relevant provisions of the *Municipal Government Act*, as amended.

Environmentally significant areas means:

(a) "hazard" lands and areas which are unsuitable for development in their natural state such as floodplains, permanent wetlands, and steep and unstable slopes; or which pose severe constraints on types of development such as areas of artesian flow and aeolian surficial deposits;

(b) areas which perform a vital environmental, ecological, or hydrological function such as aquifer recharge;

(c) areas which contain unique geological or physiographic features;

(d) areas which contain significant, rare, or endangered species;

(e) areas which are unique habitats with limited representation in the region or are a small remnant of once large habitats which have virtually disappeared;

(f) areas which contain an unusual diversity of plant and/or animal communities due to a variety of geomorphological features and microclimatic effects;

(g) areas which contain large and relatively undisturbed habitats and provide sheltered habitat for species which are intolerant of human disturbance;

(h) areas which contain plants, animals, or landforms which are unusual or of regional, provincial, or national significance;

(i) areas which provide an important linking function and permit the movement of wildlife over considerable distance.

Exotic animals means any species of animals that are not indigenous to the Municipality.

F

Factory-built housing or Modular Construction means homes intended for residential occupancy that are constructed in a factory setting. Includes modular, panelized and pre-engineered homes.

Family means one or more persons occupying a dwelling unit as a single housekeeping unit.

Farming means the use of a parcel of land and/or buildings for the raising of livestock or the production of crops. This type of use does not include a confined feeding operation for which registration and approval is required from the Natural Resources Conservation Board.

Farmstead means a part of a parcel:

(a) that is presently or was formerly used as the site for a dwelling as part of an agricultural operation;

(b) that typically includes agricultural buildings such as quonsets, grain bins, sheds, and ancillary structures such as corrals, dugouts, storage areas for farm machinery, equipment and products;

(c) that is relatively compact and well-defined by topography, shelterbelts or other physical characteristics;

(d) that does not include any cultivated farmland, pasture land or lands unsuitable for agricultural production unless included within the shelter belt and/or physically defined area. Fencing alone shall not constitute a physically defined area if it encompasses agricultural land or other lands that are not necessary for habitation, unless it is proven to be impractical to do so.

Fence means an unoccupied roofless structure, wall or any combination thereof, used as a perimeter enclosure or screening, and typically located on any section of a lot boundary, and may extend from the lot boundary such that it is attached to a building on the lot. A fence does not include a privacy screen.

Fill means the import and placement of natural uncontaminated earth or aggregate materials (e.g. clay, silt, sand, gravel) on a parcel for the purposes of altering/modifying grades, drainage, or building up a site for a proposed building or development, but does not include the import and placement of dry-waste or land fill waste materials.

FireSmart means a program developed by FireSmart Alberta in conjunction with Alberta Municipal Affairs and other municipal, provincial and federal partners relative to reducing the risk that fires in the Wildland-Urban Interface pose to communities. As of 2021, FireSmart is the responsibility of the Canadian Interagency Forest Fire Centre, a non-profit organization operated by the federal, provincial and territorial wildland fire management agencies. Work is progressing towards introducing legislative changes to implement FireSmart principles into community planning and construction standards.

Firewall means a type of fire separation of noncombustible construction that separates adjoining buildings to resist the spread of fire and that has a fire-resistance rating as prescribed in the National Building Code – Alberta Edition.

Flood elevation, 1:100-year means the water level reached during a 1:100-year flood as determined in accordance with the technical criteria established by Alberta Environment.

Flood fringe means that portion of the floodplain that lies outside the designated floodway which is inundated by flood waters characterized by relatively low velocity flows, shallow depths and/or standing water.

Flood-risk area means the area of land bordering a water course or waterbody that would be inundated by a 1:100-year flood (i.e. a flood that has a 1 percent chance of occurring every year) as determined by Alberta Environment in consultation with the municipality and may include both flood fringe and floodway.

Flood-risk lands means areas that may be subject to flooding from time to time.

Floodplain means the areas adjacent to a watercourse that are susceptible to inundation by water as a result of a flood.

Floodway means the channel of a watercourse and those portions of the floodplain joining the channel which are readily required to carry and discharge flood waters or flood flows of a 1:100-year flood with no significant increase in the base flood elevation.

Floor area, gross means the roofed floor area of all storeys of a building, above and below grade, including the floor area of a developable basement, a roofed area (e.g. a porch or balcony), a stairwell, an elevator shaft, a mechanical or utility equipment area, an area used for garbage collection or recycling, a storage area and a roofed enclosed parking or loading area integral to the building, but in the case of a principal building, excludes a detached garage connected to the building by a breezeway or catwalk. Gross floor area is measured from the outside surface of the exterior walls or the centre line of adjoining firewalls as may be applicable.

Floor area, habitable means that portion of a dwelling unit that includes the sum of all above-grade storeys but excludes the floor area of an attached garage, a carport, a basement or a walk-out basement.

Floor area, net means the gross floor area of a building, as defined in this Bylaw, excluding the following areas:

(a) a crawl space and other undevelopable below grade area;

(b) an area that is unenclosed on at least one side;

(c) an unroofed area;

(d) an area that does not meet the minimum ceiling height requirements specified in the National Building Code – Alberta Edition;

(e) a stairwell;

(f) an elevator shaft;

(g) a mechanical or utility equipment area;

(h) an area used for garbage collection or recycling;

(i) a storage area; and

(j) in the case of a principal building, an attached, roofed parking or loading area.

Floor area, room means the area of an individual room within a building, and is measured from paint to paint on the interior walls (i.e. room floor area includes areas covered by cabinets, closets, bathtubs, and appliances.

G

Gazebo means a freestanding roofed, typically unenclosed accessory structure, usually round, octagonal or similarly shaped, which is a common architectural feature in a public park or in an amenity area of a private development and that serves purposes related to relaxation, socialisation and/or nature appreciation.

Geotechnical report means a site analysis and report stamped, and permitted by a registered professional with the Association of Professional Engineers and Geoscientists of Alberta (APEGA) and permitted to practice in Alberta. All geotechnical reports should contain certain basic essential information, including:

(a) summary of all subsurface exploration data, including subsurface soil profile, exploration logs, laboratory or in situ test results, and ground water information;

(b) interpretation and analysis of the subsurface data;

(c) specific engineering recommendations for design;

(d) discussion of conditions for solution of anticipated problems; and

(e) recommended geotechnical special provisions.

Grade means the elevation of the finished ground, sidewalk or street surface. In accordance with the National Building Code – Alberta Edition, the grade around the exterior of a building is determined by the lowest of the average levels of finished ground adjoining each exterior wall.

Grade point means the point(s) on a site which are used to measure the maximum height of a building from grade at the base of the tallest exposed wall. Where grade points have not been established by an approved grading plan, the location of grade points shall be determined by the Development Authority, or an average grade may be calculated.

Grandfathered development means a use of land or buildings that has been in existence and/or operational prior to adoption of the present Land Use Bylaw that is lawfully allowed to exist in its present state even though it may not comply with the uses or standards allowed within the present Land Use Bylaw.

Group camp means a number of individuals taking part in the same educational or extracurricular activities on private lands usually sponsored by an organization or religious group.

Grouped country residential means two or more contiguous country residential parcels or acreages.

Guest means an invited individual who temporarily occupies a dwelling unit other than their own residence.

H

Habitat enhancement means the manipulation of plant, animal and microbe habitat for the purpose of improving the capacity of the habitat as a source of food, shelter, or cover for an identified species or suite of species.

"**Hard-surfacing**" or all-weather surfacing means asphalt, concrete, gravel with soil cement treatment, paving stone, turf pavers, or similar material or treatment, including a variety of dust control measures, ***satisfactory to the Development Authority based on the circumstances in each individual case***, that is used as the all-weather surface finishing layer in the construction of a road, a lane, a driveway, or a parking area.

Hazard lands means areas that may not be suitable for subdivision and/or development due to geographic or locational constraints, or development restrictions due to prior activities or usage.

Heavy industrial means manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials used in the manufacturing or other processes.

Highway means:

(a) a roadway or proposed highway that is designated as a primary highway; or

(b) a road, street or highway formerly designated as a secondary road and numbered between 500 and 999.

Highway commercial is a general term used to describe development, typically along a major roadway or highway that provides goods and services to the travelling public. Typical highway commercial uses include service stations, travel plazas, motels, motor-hotels and Drive-in Food Service establishments.

Historical site means a site or a building or both designated to be of historical significance by the Government of Canada, the Government of Alberta or the Municipality of Crowsnest Pass.

Household means one or more persons who inhabit a dwelling unit.

I

Improvement means any installation or physical change made to a property with a view to increasing its value, utility or beauty.

Infill Development means locating new building(s) within unused and underutilized lands within an existing developed area (e.g. in a mature neighbourhood), typically but not exclusively in an urban area. Infill development is critical to accommodating growth and redesigning communities to be environmentally, financially and socially sustainable. Infill development can consist of demolishing one or more buildings and replacing it with something new. It also includes the development of residential, commercial, mixed-use or institutional uses on vacant lots in existing neighbourhoods. An infill project can range in size from a single lot to the complete redevelopment of a significantly larger area. Many forms of infill development can be more intensive than previous uses, or than the predominant existing development in the mature neighbourhood where it is proposed.

Isolated country residential means a small single-lot parcel of land or acreage created by subdivision for the purpose of accommodating a Single-Detached Dwelling.

L

Land and Property Rights Tribunal means an amalgamation of provincial quasi-judicial boards whose duties include acting as the appeal body for subdivision and development decisions where a provincial interest exists on the land subject to the appeal.

Landing means an exterior platform, either covered or uncovered and with or without stairs, of which the construction material and dimensions comply with the building code, that provides direct access from exterior grade to the ground floor of a building, and that, regardless of building code requirements, is not wider than 1.5 m measured from the building wall to which it is attached. Where a platform does not meet this description, it shall not be deemed to be a landing, and instead may have to be deemed a deck, a patio, or a porch. A “Landing” is not a “Balcony”, “Deck”, “Patio”, or “Porch”.

Land Use – See “Use.”

Landscaped area means that portion of a site which is to be landscaped pursuant to a development permit.

Landscaping means the modification and enhancement of a site or development through the use of the following elements:

(a) natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass and other ground cover; and

(b) hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile and wood.

Lane, public, or **Rear Lane** means a surveyed and registered public thoroughfare of at least 6.0m in width that provides a means of legal access to the rear or side of a lot or lots typically within an urban block. Informal access (i.e. not surveyed and not registered, or the opposite of “legal access” as defined in this bylaw) across private land, Crown land, Municipal land or reserves, or other “public land”, or that is otherwise surveyed and registered public or private access with a width less than 6.0m, is not considered a public lane.

Lease Bay Building means a building designed to accommodate multiple businesses each occupying one or more bays in a condominium or leasehold tenure arrangement. Once a development permit has been issued for a lease bay building, the occupant of each lease bay must apply for an individual development permit to allow their intended use pursuant to the permitted and discretionary uses listed in the applicable land use district.

Loading space means a portion of a lot or parcel that is designated or used by a vehicle while loading or unloading goods or materials to a building or use on that parcel or lot.

Loft means the floor space above the eaveline and within the pitch of the roof of a building.

Lot or Parcel means, for the purposes of this Bylaw, :

(a) a quarter section;

(b) a river lot shown on an official plan referred to in the *Surveys Act* that is filed or lodged in a land titles office;

(c) a settlement lot shown on an official plan referred to in the *Surveys Act* that is filed or lodged in a land titles office;

(d) a part of a parcel where the boundaries of the parcel are separately described in a certificate of title other than by reference to a legal subdivision; or

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

but does not include:

(a) a condominium unit as described in the *Condominium Property Act,* unless the context provides otherwise (instead, a condominium unit is part of the parcel that constitutes the bareland condominium plan of subdivision); or

(b) an area of land that is less than the area of a lot and is the subject of a lease or rental agreement.

Lot area means the area contained within the lot lines of a lot as shown on a plan of subdivision or described in a certificate of title.

Lot coverage ratio means the percentage of lot area covered by the roofed building footprint area as defined in this Bylaw.

Lot frontage means the lineal distance measured along the front legal lot line as shown in Figure 1.

Lot length means the horizontal distance between the shortest or principal front property boundary and the opposite property boundary, measured along the median between the side property boundaries as shown in Figure 2.

Lot line means the property lines bounding the lot or the recorded boundary of a plot of land.

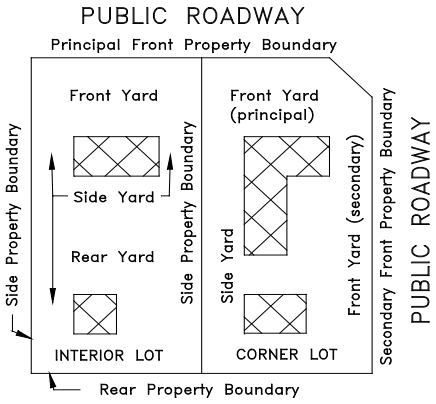


FIGURE 1

Lot line, front yard means the front property boundary as shown in Figure 1.

Lot line, secondary front yard means the side lot or side property line on a corner lot that has road frontage.

Lot width means the horizontal distance between opposite side property boundaries measured at a point 7.6 metres (25 ft) from the shorter or principal front property boundary as shown in Figure 2.

Lot, corner means a lot located at the intersection of two or more streets (not including lanes).

Lot, cut-off means a piece of land that is separated from the major area of the quarter section by:

(a) a permanent irrigation canal,

(b) a water course,

(c) a railway,

(d) a graded public roadway or highway,

(e) an embankment,

such that it is impractical, in the opinion of the Development Authority, to use the piece of land either independently or with adjacent lands, including those under different ownership.

Lot, double fronting means a lot with two front property boundaries, where the front property boundaries are situated at opposite or approximately opposite sides of the lot, as shown in Figure 2.

Lot, existing means a lot for which a certificate of title has been issued.

Lot, interior means a lot other than a corner lot as shown in Figure 2.

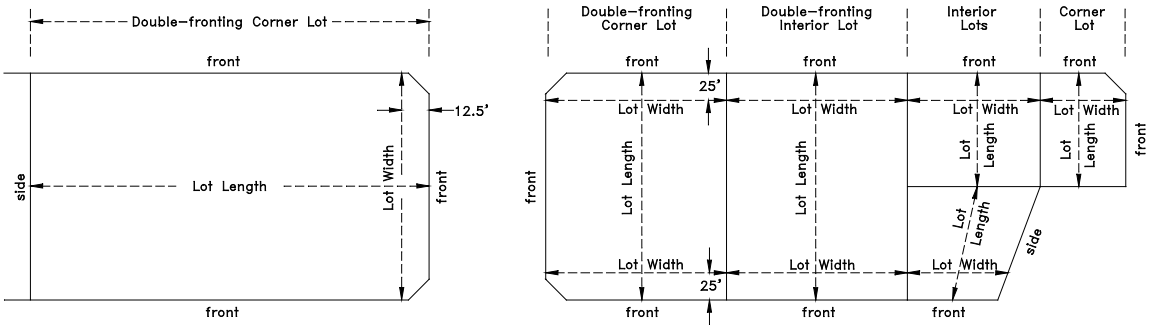


FIGURE 2

Lot, serviced means a lot that is or will be serviced by a municipal water system and by a municipal wastewater system.

Lot, semi-serviced means a lot that is serviced by a municipal water system or by a municipal wastewater system, but not by both.

Lot, unserviced means a lot that is serviced by neither a municipal water system nor a municipal wastewater system.

M

Maintenance means the upkeep of a building or property that does not involve structural change, the change of use, or the change of intensity of use.

Manufactured Home lot means an individually titled lot within a subdivided Manufactured Home Community.

Manufactured Home space means an area within an unsubdivided Manufactured Home Community that is, or is intended to be, subject to a rental agreement allowing the placement of a Manufactured Home.

Masking means to modify the appearance of a shipping container by painting, exterior framing, siding and, if applicable, a pitched roof to resemble the appearance of a typical accessory building in the immediate neighbourhood, to the Development Authority's satisfaction.

May means, within the context of a policy, that an action is discretionary.

Minimum Distance Separation (MDS) means the minimum distance calculated for separation between an intensive livestock operation or confined feeding operation and another use based on criteria established by the Natural Resources Conservation Board, the municipality or provincial regulation, intent on minimizing land use conflicts.

Mobile Home means an antiquated prefabricated dwelling unit that had been:

(a) designed to be transported and, when placed on a foundation and connected to utilities, is ready for occupancy; and

(b) does not meet the current National Building Code – Alberta Edition.

The term does not include motor homes, travel trailers, recreation vehicles and any similar vehicles that are neither intended for permanent residential habitation nor subject to the current National Building Code – Alberta Edition.

Mobile home, double-wide means a mobile home (as defined) that is permanently fixed to two chassis, or is permanently fixed to one chassis and has a section which can be expanded or telescoped from the mobile home for additional floor area. Double-wide mobile homes are typically not less than 6.1 metres (20 ft) in width.

Model Process for PSDS means "*The Model Process for Subdivision Approval and Private Sewage - the Suitability and Viability of Subdivisions Relying on Private Sewage Systems*", prepared by the Alberta Association of Municipal Districts & Counties in partnership with Alberta Municipal Affairs, February 01, 2011

Modular construction (also see "Factory-built housing") means the construction of a building in prefabricated units at a factory or place other than the site of its final assembly and use, which:

(a) are constructed at the factory and certified as compliant with the CSA-A277 certification standard and labelled accordingly pursuant to the National Building Code – Alberta Edition;

(b) are not constructed on a frame capable of being equipped with wheels and thus towed from one point to another;

(c) are equipped at the factory with interior electrical and plumbing utilities and interior walls (if these elements are required in the modular building);

(d) are transported from the factory to the site of its final assembly and use by being carried on a motor vehicle; and

(e) are assembled and placed at the site where the building is to be permanently used.

Any building listed as a use in this Bylaw, including a dwelling unit, may be built using modular construction methods without that building being deemed to be a "Manufactured Home" as defined in this Bylaw.

Modular home means a dwelling unit constructed using modular construction practices but is not a Manufactured Home as defined in this Bylaw.

Module means a 3D-section of a building constructed at a factory or other off-site location and transported to its final location. Modules are constructed off-site to various levels of completion.

Municipal development plan means a statutory plan adopted by bylaw in accordance with the *Municipal Government Act*.

Municipal Government Act (MGA) or the Act means the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended.

Municipal Planning Commission (MPC) means a committee appointed by Council to act as a development authority and/or subdivision authority pursuant to the provisions of the *Municipal Government Act* and in accordance with the relevant municipal bylaw.

Municipal Lands means, collectively or individually, a road, a lane, a Municipal easement and other Municipal property (excluding Municipal Reserve).

Municipal reserve means the land specified to be municipal reserve by a subdivision approving authority pursuant to the provisions of the *Municipal Government Act.*

Municipal/school reserve means the land specified to be municipal and school reserve by a subdivision approving authority pursuant to the provisions of the *Municipal Government Act*.

Municipality means the geographic area of the Municipality of Crowsnest Pass in the Province of Alberta.

N

National Building Code – Alberta Edition [NBC(AE)] or Building Code means the technical requirements governing the design and construction of new buildings, as well as the alteration, demolition or change of use of existing buildings. The current edition of the National Building Code – 2023 Alberta Edition is brought into force as regulation under the *Safety Codes Act*, and is amended from time to time.

National Fire Code – Alberta Edition [NFC(AE)] or Fire Code means the technical requirements predominantly related to the ongoing operation and maintenance of fire safety and fire protection features of existing buildings. The current edition of the National Fire Code – 2023 Alberta Edition is developed in coordination with the National Building Code – Alberta Edition and is brought into force as regulation under the *Safety Codes Act*, and is amended from time to time.

N**atural Resources Conservation Board (NRCB)** means the board established by provincial statute to regulate confined feeding operations and associated uses in the Province of Alberta.

Non-conforming building means, in accordance with the *Municipal Government Act*,a building:

(a) 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

(b) 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.

Noxious industry means an industry which is hazardous, noxious, unsightly or offensive and cannot, therefore, be compatibly located in an urban environment. Examples include, but are not limited to: anhydrous ammonia storage, abattoirs, oil and gas plants, seed cleaning plants, alfalfa depots, livestock sales yards, asphalt plants, alfalfa dehydrating plants, sanitary landfill sites, wastewater treatment plants or lagoons, auto wreckers or other such uses determined by the Municipal Planning Commission to be similar in nature.

Nuisance means any use, prevailing condition or activity which has a detrimental effect on living or working conditions.

O

Off-street parking space means a lot or parcel or portion thereof, excluding a public roadway, which is used or intended to be used as a parking area for motor vehicles.

Orientation means the arranging or facing of a building with respect to the points of the compass.

Owner means the person or persons shown as the owner(s) of land on the assessment roll of a municipality.

P

Parapet means the extension of a false front wall above a roofline.

Parcel – see "Lot".

Patio means an uncovered floor or platform, which is not elevated above the surface of the ground in any manner, and may or may not be attached to a building. Also see "Balcony", "Deck", Landing, and "Porch."

Pergola means an unenclosed accessory structure with an open roof of latticework supported on posts or columns that are placed on a deck, a patio or directly on the ground in an amenity area. As a pergola provides only semi-permeable overhead covering, it does not meet the definition of "Roofed" as defined in this Bylaw (unless its overhead covering is structurally modified to become impermeable, in which case it is not a pergola).

Permanent foundation means a base installed to provide structural support for a building, including concrete slab on grade, concrete strip footings, wood or concrete full basement and pile or pier footings.

Plan of subdivision means a plan of survey prepared in accordance with the relevant provisions of the *Land Titles Act* for the purpose of effecting subdivision.

Planning advisor means the person or organization retained by the Municipality of Crowsnest Pass to provide planning-related advice or services.

Pollution means any non-point source impacts on the environment from substances such as sediments, nutrients, pesticides, bacteria, parasites or toxic chemicals that reach a watercourse by surface or subsurface flow through adjacent land, and the unauthorized release of any "deleterious substance" as defined in the *Fisheries Act* (Canada) or the unauthorized release of any substance whether non-point or otherwise that may cause an adverse effect under provisions of the *Environmental Protection and Enhancement Act.*

Porch means a covered (roofed) platform or an enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building at a ground level entrance to the building. For the purpose of determining development standards (e.g. yard setbacks) a porch shall be considered to be part of the building that it is attached to. Also see "Balcony, "Landing", "Deck" and "Patio".

Portable toilet means a prefabricated, enclosed closet used to provide temporary on-site toilet access that is hauled, by a contractor, to a particular location to accommodate a public assembly, a special event or a construction site where no permanent washroom facilities exist or to augment the limited facilities that are present.

Primary Residence means the residence where a person normally resides and has control and management of the property by a form of ownership.

Principal building means a building which:

(a) is the main building on a lot;

(b) by reason of its use, is the primary purpose for which the lot is used; and

(c) includes any building, including a garage or carport, that is attached to the principal building by a roof or a foundation.

Private means the use of land or buildings intended for or restricted to the use of a particular person or group or class of persons which is not freely available to the general public.

Professional Engineer means a professional engineer as defined in the Engineering and Geoscience Professions Act who has been registered (and, in the case of a partnership or corporation, also permitted to practice) in Alberta by the Association of Professional Engineers and Geoscientists of Alberta (APEGA). Professional engineer does not include a licensee or a technologist. The terms "engineering" and "engineered" shall be understood within this context.

Property line means any legal surveyed boundary of a parcel.

Provincial Land Use Policies means policies established by order of the Lieutenant Governor pursuant to the *Municipal Government Act*.

Public means the use of land or a building which is accessible or visible to all members of the community.

Public roadway or roadway or road allowance means the right-of-way, including a bridge and any other incidental structures, of all or any of the following, that is developed to a Municipal engineering standards and is operated and maintained by the Municipality:

(a) a local road, a collector road, arterial road, or a lane,

(b) a service road adjacent to a municipal road or a provincial highway, or

but does not include a municipal parking lot or other municipal-owned property.

Public thoroughfare means a public roadway, any undeveloped road allowance, a pathway, a sidewalk, municipal reserve, school reserve, environmental reserve, or a conservation reserve.

Public utility means the municipally owned or franchise owned infrastructure, property and / or right-of-way or easement for one or more of the following:

(a) water service;

(b) wastewater service;

(c) stormwater drainage and retention facility;

(d) gas;

(e) electricity;

(f) telecommunication;

(g) any other things prescribed by the Lieutenant Governor in Council by regulation, but does not include those systems or facilities referred to in subclauses (a) to (f) that are exempted by the Lieutenant Governor in Council by regulation.

Q

Quarter section means a titled area of approximately 64.8 hectares (160 acres).

Quarter section, unsubdivided means a titled area of 64.8 hectares (160 acres) more or less, but excluding road widening, previous subdivision for school sites and other public uses.

R

Ready-to-move (RTM) home means a factory-built dwelling unit other than a Manufactured Home.

Real property report (RPR) means a legal document that illustrates in detail the location of all relevant, visible public and private improvements relative to property boundaries.

Rear lane – see "Lane".

Recreational occupancy – means the infrequent, temporary, short-term and/or seasonal occupancy of a dwelling unit, or a resort accommodation unit, or a camping accommodation unit.

Recreational vehicle means a vehicular unit, which is designed for temporary or seasonal occupancy for travel, recreational and vacation use, and which is either self-propelled, or mounted on or pulled by another vehicle. Examples include but are not limited to a motorhome, a fifth-wheel, a travel trailer, a camping trailer, a truck camper, a motorhome, a fifth-wheel trailer, a van, a Recreational Vehicle that conforms to the CSA-Z240 Standard for Recreational Vehicles (i.e. a Recreational Vehicle - Park Model Trailer), a tent trailer, or a boat, but does not include any vehicle or trailer over 2.6 m (8 ft 6 in.) in transit mode width, a Manufactured Home, or a Recreational Vehicle – Park Model Recreational Unit (CSA-Z241). A Recreational Vehicle is not a dwelling unit and is not typically intended for residential occupancy (as defined in this Bylaw).

Recreational Vehicle - Park Model Recreational Unit ("Cottage Model") means a living unit, conforming to the CSA-Z241 standard, built on a single chassis mounted on wheels which may be removed. The unit is designed to facilitate occasional relocation using a special tow vehicle and requiring a highway movement permit to tow the unit. It has living quarters for temporary or seasonal occupancy. It is typically skirted once installed in a location. It is typically connected to those public or private utilities necessary for the operation of installed fixtures and appliances, with a maximum CSA approved 50 Amp interior electric panel. The transit mode width of this unit exceeds 2.6 m (8 ft 6 in). The maximum size of a Recreational Vehicle - Park Model Recreational Unit is 55 m^2 (600 ft^2). A Recreational Vehicle – Park Model Recreational Unit is not allowed to be placed on a basement or other permanent foundation. This definition does not include a "Manufactured Home" or a "Recreational Vehicle". A Recreational Vehicle - Park Model Recreational Unit ("Cottage Model") is not a dwelling unit and is not typically intended for residential occupancy (as defined in this Bylaw).

Regionally sensitive area means lands within the municipality that are or may be environmentally sensitive including, but not limited to:

(a) a swamp;

(b) a gully, ravine or coulee;

(c) an escarpment;

(d) a natural drainage course;

(e) riparian lands adjacent to the beds and shores of rivers, streams, creeks, water bodies, or natural drainage courses;

(f) wetlands;

(g) lands subject to flooding, including flood risk areas, floodways, and flood fringe:

(h) unstable lands;

(i) contaminated lands;

(j) a public park;

(k) a designated historic or archaeological site;

(l) an environmentally significant area; or

(m) a forest reserve.

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 (i), the person registered under the *Land Titles Act* as the owner of the fee simple estate in the land.

Reserve land means environmental reserve, municipal reserve or school reserve or municipal and school reserve.

Residence – see "Dwelling Unit" (also see Residential Occupancy and Residential Use).

Residential occupancy – means the regular, relatively permanent and/or long-term occupancy, control and management of a dwelling unit by a household under a form of ownership of the dwelling unit (also see Residence and Residential Use).

Residential use – for the purpose of determining separation distances from and to a residence in the Subdivision and Development Regulation, and for any other purpose, means the use of land for Residential Occupancy. For a parcel up to 1.5 acres in area the entire Lot Area shall be deemed to constitute the Residential Use. For a parcel larger than 1.5 acres in area, an area of approximately 1.5 acres surrounding the Principal Building that may include the yard site, the access and laneway, the water well or water source point, the Private Sewage Disposal System, and the Accessory Buildings that are directly relevant to the use of the Principal Building, shall be deemed to constitute the Residential Use (also see Residence and Residential Occupancy).

Resort accommodation means buildings within an approved "Tourism Accommodation" for the recreational occupancy of "Apartment Building", "Boarding House", cabins (as defined in this Bylaw), "Duplex / Semi-Detached Dwelling", "Hostel", "Hotel", "Motel", "Multi-Unit Residential Building", or "Single-Detached Dwelling". Resort accommodation may include accessory buildings and uses such as an administrative office, communal washrooms, cooking shelters, laundry, recreation, entertainment and convenience retail facilities for the use of the occupants and day-users of the development, owner/operator accommodation, and sheds and decks. While some forms of Resort Accommodation may be deemed to be a dwelling unit it is not typically intended for residential occupancy (as defined in this Bylaw).

Riparian area means land that is comprised of the vegetative and wildlife areas strongly influenced by water that occur adjacent to streams, shorelines and wetlands which are delineated by the existence of plant species normally found near fresh water.

Roofed or covered means that an area, or a space, or a building or a structure has an impermeable overhead covering.

Roofline means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor similar projections.

S

Safety Codes Officer means a person certified and authorized to perform inspections and enforce the regulations established in the National Building Code – Alberta Edition pursuant to the *Safety Codes Act*, Chapter S-1, RSA 2000, as amended.

Screening means a fence, berm or landscaping, or any combination thereof, used to visually separate areas or functions which detract from the urban street or neighbouring land uses.

Seasonal means a use that coincides with weather-related or cultural times of the year.

Self-contained means a dwelling unit providing sleeping, cooking and washroom facilities.

Service connection means, in respect of a municipal water or wastewater utility, the portion of the public utility running from the main line to a building or other place on a lot for the purpose of providing utility service to the lot. Where the public utility is municipally owned, the responsibility for constructing, maintaining and repairing the portion of the service connection running from the main line to the lot boundary lies with the Municipality. By implication, the landowner is responsible for constructing, maintaining and repairing the portion of the service connection between the lot boundary and the building, including the associated cost. As a term of supplying utility service to a lot, the Municipality may make the owner of the lot bear the costs associated with constructing, maintaining and repairing the portion of the service connection running from the main line to the lot boundary.

Service road means a road located adjacent to a Provincial highway or local road, which is intended to provide access to one or more subdivided parcels.

Serviced, Collectively or Communally means a system of pipes designed, constructed, or installed as a collective or communal means of water supply or sewage disposal, where the water supply source or the final sewage disposal and treatment is either privately-owned on-site or publicly-owned off-site (municipal infrastructure), and to which two or more properties are connected.

Shall means that the action is mandatory.

Should means that the action is recommended.

Shrub means a single or multi-stemmed woody plant under 5.0 metres at maturity.

Site means that part of a parcel or a bare land condominium unit, or a group of parcels or a condominium plan on which a development exists or for which an application for a development permit is being made.

Site plan means a graphic representation of proposed access, utilities, landscaping, buildings and structures, and other features that the Development Authority considers necessary, in relation to existing conditions and property boundaries. A site plan is drawn to scale and includes dimensions for boundaries and improvements, as well as an arrow indicating north. Existing conditions typically included in a site plan include topography, water bodies, high-value environmental features, registered easement and utility rights-of-way, and existing improvements.

Skirt means a vertical adornment usually made of wood, metal or fabric attached to a dwelling unit to hide or screen the underbelly of the development.

Slope adaptive housing means housing which incorporates specific building and site design methods that minimize the impact of site development on the natural environment, ensures slope stability, and responds positively to the aesthetic opportunities presented by construction on sloping lands. Techniques to achieve this normally include: design of rooflines and building massing designs to echo the angles and shapes of the surrounding landscape; breaking up of the building mass to conform to the slope; and the use of indigenous materials and compatible colours.

Solar collector farm means a grouping of multiple devices, panels or structures that are capable of collecting and distributing solar energy for the purpose of transforming the solar energy into thermal, chemical or electrical energy, and typically will tie-in and feed or sell power to the provincial electric grid transmission or distribution system for off-site consumption. This use includes any associated solar panels, solar modules, supports or racks, inverters, electrical transformers or substations required to transform the solar energy.

Stake out of the site means the process of measuring the site and designating the areas on the site where construction will occur.

Statutory plan means a municipal development plan, area structure plan or area redevelopment plan adopted under the *Municipal Government Act*.

Stop order means an order issued by the Development Authority pursuant to the relevant provisions of the Act.

Storage means a space or place where goods, materials, equipment or personal property is placed and kept for more than 24 consecutive hours.

Storey means that portion of a building situated between the top of any floor and the top of the next floor above it or, if there is no floor above it, the ceiling above it. Where the top of a floor directly above a basement is at least 1.83 metres (6 ft) above grade, that basement shall be considered a storey.

Storey, above-grade means a storey of a building that is enclosed by a roof and is at least 1.83 metres (6 ft) above grade.

Storey, below-grade means a storey of a building that is enclosed by a roof and is less than 1.83 metres (6 ft) above grade.

Street or Avenue means a public roadway that affords the primary means of access to abutting parcels, and includes the sidewalks and the land on each side of and contiguous with the prepared surface of the roadway, and that is owned by the municipality.

Structural alteration means a repair or alteration to the supporting members or fabric of a building which tends to either substantially prolong its use or alter its character.

Structure means "building" as defined in this Bylaw.

Subdivision means the division of a parcel by an instrument, and "subdivide" has a corresponding meaning.

Subdivision and Development Appeal Board means the tribunal established, by bylaw, to act as the municipal appeal body for subdivision and development pursuant to the relevant provisions of the Act.

Subdivision and Development Regulation means the *Matters Relating to Subdivision and Development Regulation (Alberta Regulation 84/2022)*, established and amended from time to time by order of the Lieutenant Governor in Council pursuant to the *Municipal Government Act*.

Subdivision approval means the approval of a subdivision by a subdivision approving authority.

Subdivision Authority means the person or body empowered by a bylaw of Council to approve a subdivision, which is the Municipal Planning Commission.

T

Tandem parking space means a parking space that is located behind another parking space and which, if used, prevents the other space from being accessed by a motor vehicle.

Telecommunication means infrastructure required for the distribution or reception of telephone, cable, and internet services, but excludes a Communication Structure and a Communication Antenna as defined in this Bylaw.

Temporary development means a development for which a development permit has been issued for a limited time period.

Tenant means a person who rents, leases or sub-leases, through either a written or oral agreement, real property from another individual or entity.

This Bylaw means the Municipality of Crowsnest Pass Land Use Bylaw No. 1165, 2023 as amended.

Tourist Home Rental Unit means the building or portion thereof and the entire premises contained in a certificate of title that are rented as a single reservation to a party who occupies either the entire building or a portion thereof and the entire premises for the rental period.

Transport trailer means a rectangular steel structure mounted on a series of axles and wheels used to haul merchandise while being towed by a transport truck licensed under the *Motor Vehicles Administration Act* or subsequent provincial legislation.

U

Unenclosed means an area, a space, a building or a structure that is permanently open on at least one side, while it may be roofed.

Urban Area means, regardless of the land use district in which a parcel is located, the communities of Hillcrest, Bellevue, Frank, Blairmore and Coleman where the Municipality in general terms provides, operates, and maintains either or both municipal water and municipal wastewater infrastructure that is either presently available for service connections or could reasonably and feasibly, in the sole discretion of the Municipality having regard for other applicable Municipal bylaws and policies, be brought to a state of readiness and availability for service connections, at no cost to the Municipality. The extent of an urban area generally corresponds with but is not restricted by the delineation of the “built-up areas” identified in the Municipal Development Plan for the five communities, and it will expand as urban subdivisions are extended in growth nodes identified in the Municipal Development Plan or elsewhere adjacent to the five communities; and further, a determination of whether a parcel is located inside or outside of the urban area shall not be based on the fact that access to the parcel is through the urban area.

Use means the purposes for which land or a building is arranged or intended and/or the activity carried out on the land or in the building, or for which either land or a building is, or may be, occupied and maintained. Also refer to the definition of “building” and “structure”.

Use, approved means a use of land and/or building for which a development permit has been issued by the Development Authority.

Use, change of means the conversion of land or building or portion thereof from one land use to another in accordance with the prescribed Permitted or Discretionary Uses in each land use district.

Use, discontinued means a use of land or buildings that has been, for all material purposes and efforts, entirely abandoned or indefinitely interrupted.

Use, discretionary means the one or more uses of land or buildings in a land use district from which a development permit may be approved at the discretion of the Development Authority with or without conditions.

Use, established or "**Established Use**" or "**Established Building**" or "**Established Principal Use or Building**" means that the purpose of or the activity inherent to or the building or structure allowed as part of an *"approved use"* has been implemented or constructed and is being exercised, occupied and maintained on an on-going basis.

Use, non-conforming, in accordance with the *Municipal Government Act,* means a use that has the benefit of a development permit or does not require a development permit:

(a) being made of land or a building or intended to be made of a building lawfully under construction, at the date that a land use bylaw or any amendment thereof, affecting the land or building, becomes effective; and

(b) 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.

Use, permitted means:

(a) the one or more uses of land or buildings that are stated in Schedule 2 as permitted uses; and

(b) uses which, in accordance with and subject to the *Municipal Government Act*, shall be issued a development permit with or without conditions (unless the use is exempted from requiring a development permit) if the proposed development conforms with this Bylaw.

Use, principal means the main purpose or primary activity for which a site or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

Use, similar means a use of land or building(s) for a purpose that is not provided in any district designated in this Bylaw, but is deemed by the Development Authority to be similar in character and purpose to another use of land or buildings that is included within the list of uses prescribed for that district.

V

Variance means the relaxation by the Development Authority of a development standard or regulation established in this Bylaw.

Vegetation management means the manipulation of plant material for purposes such as the spread of wildfires, or the control of plants or diseases.

W

Water body means any location where water flows or is present, whether or not the flow or the presence of water is continuous, intermittent or occurs only during a flood, and includes but is not limited to rivers, creeks, lakes, wetlands and aquifers, as described and limited in the Water Act, Revised Statutes of Alberta 2000 Chapter W-3.

Wildland-Urban Interface (WUI) means an identified area where residential, industrial or agricultural developments are located within or near wildland settings with natural vegetation, that puts the development at risk from wildfire.

Wildlife corridor means an area which provides or is designed to provide connectivity between patches of wildlife habitat. Wildlife corridors generally do not fulfil the requirements of wildlife habitat patches except for the physical security provided by vegetative cover or other buffers from development.

Y

Yard means the undeveloped space, on a lot, that lies between the wall of a building and the nearest section of a lot line. The yard may exceed the minimum yard setback.

Yard setback means that portion of the yard that constitutes the minimum distance required between a property line and the nearest part of a building wall or post, or edge of development, excavation or extent of use on a lot, and is measured at a right angle to the lot line.

Yard, front means a yard extending across the full width of the site and measured, as to depth, at the least horizontal distance between the front lot line and the nearest projection of the principal building as shown in Figure 3. Where this distance exceeds the minimum yard setback standard as established in the applicable land use district, the minimum yard setback shall determine the distance of the front yard.

Yard, rear means a yard which extends the full width of a lot and measured, as to depth, at the least horizontal distance between the rear property line and the nearest projection of any building as shown in Figure 3.

Yard, secondary front means the side yard on a corner lot that has road frontage.

Yard, side means a yard extending from the front yard to the rear yard, and measured as to width at the least horizontal distance between the side property line or side street line and the nearest projection of any building as shown in Figure 3.

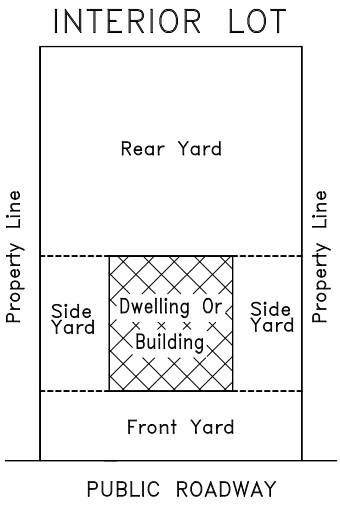


FIGURE 3