

**MUNICIPALITY OF CROWSNEST PASS**  
**BYLAW NO. 1206, 2024**  
**LAND USE BYLAW AMENDMENT**

**BEING** a bylaw of the Municipality of Crowsnest Pass in the Province of Alberta, to amend Bylaw No. 1165, 2023, being the municipal Land Use Bylaw, 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 certain provisions, development standards and land use definitions, regarding minimum yard setbacks and maximum building height in the NUA-1 district, the definition of "Urban Area", and provisions in "Schedule 4, section 21 Public Utilities, Infrastructure Mains, and Servicing Connections", it wishes to amend the Land Use Bylaw as identified in Schedule 'A' attached hereto and forming part of this bylaw.

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

**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. 1165, 2023 is hereby amended.
3. This bylaw shall come into effect upon third and final reading hereof.

READ a **first** time in council this 22nd day of October 2024.

READ a **second** time in council this 19th day of November 2024.

READ a **third and final** time in council this 19th day of November 2024.

  
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Blair Painter  
Mayor

  
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Patrick Thomas  
Chief Administrative Officer



## 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<sup>2</sup> (784 ft<sup>2</sup>),  
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<sup>2</sup> (784 ft<sup>2</sup>) prior to  
the establishment of the principal building or use  
Accessory Building or Use over 72.8 m<sup>2</sup> (784 ft<sup>2</sup>)  
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 <del>and including principal</del> 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	In accordance with the above					

### 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)	– <del>6.15-0 m (20.0+6.4 ft)</del>
Other accessory buildings	– 6.1 m (20.0 ft)
<u>Principal</u> Structures under "Agriculture"	– <u>No maximum</u>

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

Single-Detached Dwelling	– 102 m <sup>2</sup> (1,100 ft <sup>2</sup> ) habitable floor area
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### 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.



- (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-off 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 lot shall be independent from the service connections to any other lot. For greater clarity, a unit in a bare land condominium subdivision is not a lot.

*Other Considerations*

21.5 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.



## 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 Development Authority or the Subdivision Authority as may be applicable and subject to those Authorities~~ 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.