

MUNICIPALITY OF CROWSNEST PASS

BYLAW NO. 1209, 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 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, 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 26th day of November 2024.

READ a **second** time in council this 17th day of December 2024.

READ a **third and final** time in council this 17th day of December 2024.


Blair Painter
Mayor


Patrick Thomas
Chief Administrative Officer

**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(s), 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 and/or not more than 10% of the maximum habitable floor area of a Secondary Suite;
 - (vii) the maximum number of sleeping units in a Work Camp;
 - (viii) the maximum lot coverage ratio for Accessory Buildings for the purpose of accommodating a Secondary Suite, Detached;
 - (ix) the maximum height of an Accessory Building containing a Secondary Suite, Detached by more than 10 percent;
 - (x) the minimum habitable floor area of a principal building by more than 20 percent; and
 - (xi) 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 ~~redesignation~~, development permit or subdivision application as provided for in Schedule 4; ~~and~~
- (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

- (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, wetland assessment, geotechnical assessment, groundwater assessment, soil percolation tests, flood risk assessment, slope stability assessment, environmental impact 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; and
- (k) 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 ~~thean~~ 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 ~~development~~ 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 a proposed development or subdivision requires an agreement between the applicant 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 opinion, 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 application; 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 a 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 a 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 ~~of~~, 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 ~~at the time of application~~ (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 ~~as established in Schedule 4 subsection 8.3~~); or
- (k) where ~~athe 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 is required to obtain Historic Resources (HR) clearance from the appropriate provincial government agency, unless the applicant could be required as a condition of approval to provide to the Development Authority or the Subdivision Authority a copy in writing of the Historical Resources Act clearance prior to issuance of a development permit or 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:

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

- 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 ~~and Land Use Redesignations~~

- 28.1 The procedure for amendment or repeal of this Bylaw, including a land use redesignation, is 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 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, or
- (c) at the discretion of the Development Officer having regard for the context of the situation, a portion or the whole of a parcel other than the above,

in the case of (a) or (b) above, 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** [including in the case of (c) above] **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 Rescinding/Repealing of a Bylaw/Land Use Redesignations

- 28.5 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).
- 28.6 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/rezone~~ the lands back to their original designation if:
 - (a) the proposed subdivision has not been applied for, ~~decided upon or extended~~ within twelve (12)~~24~~ months of the redesignation bylaw being given third and final reading; and/or
 - (b) the proposed development has not been applied for, ~~decided upon, commenced or extended~~ within twelve (12)~~24~~ months of the redesignation bylaw being given third and final reading.
- 28.7 The rescinding of ~~the redesignation~~-bylaw shall be undertaken in accordance with the provisions of the Act.

Notification To Adjacent Municipalities

- 28.8 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.

Referral to the Municipal Planning Commission

- 28.9 The Development Officer may, after first reading of and prior to a public hearing for a proposed land use bylaw, amendment bylaw or redistricting bylaw, submit the proposed bylaw to the Municipal Planning Commission, who may provide a recommendation to Council.

Re-application for a Redesignation of Land Use

- 28.10 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

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

Adoption Of Bylaw

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

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

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 m² (784 ft²),
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 m² (784 ft²) 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 m² (784 ft²)
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
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 7.5 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 ₁	–	0.6 m (2 ft)
<ul style="list-style-type: none"> • <u>laned or laneless</u> 	–	0.6 m (2 ft)
Rear Yard, where building contains a Secondary Suite ₁	–	0.6 m (2 ft)
<ul style="list-style-type: none"> • <u>laned</u> 	–	0.6 m (2 ft)
<ul style="list-style-type: none"> • <u>laneless</u> 	–	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.



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.

1. PERMITTED USES

Accessory Building or Use up to 72.8 m² (784 ft²),
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 m² (784 ft²) 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 m² (784 ft²)
Canvas Covered Structure
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.	–	0.6 m (2 ft)
• <u>laned or laneless</u>	–	0.6 m (2 ft)
Rear Yard, where building contains a Secondary Suite.	–	0.6 m (2 ft)
• <u>laned</u>	–	0.6 m (2 ft)
• <u>laneless</u>	–	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 m² (784 ft²),
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
Sign – Types:
Home Occupation
Subdivision Entrance
Subdivision or Development Marketing

DISCRETIONARY USES

Accessory Building or Use up to 72.8 m² (784 ft²) 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 m² (784 ft²)
Canvas Covered Structure
Day Care Facility
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
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)	18.3	60	30.5	100	650.3	6,000
Single-Detached Dwelling	15.2	50	30.5	100	464.5	5,000
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	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	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 ₁	–	0.6 m (2 ft)
• <u>laned or laneless</u>	–	0.6 m (2 ft)
Rear Yard, where building contains a Secondary Suite ₁	–	0.6 m (2 ft)
• <u>laned</u>	–	0.6 m (2 ft)
• <u>laneless</u>	–	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.

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 m² (784 ft²),
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 m² (784 ft²) 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 m² (784 ft²)
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-	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,		
• <u>laned or laneless</u>	–	0.6 m (2 ft)
Side Rear Yard, where building contains a Secondary Suite,		
• <u>laned</u>	–	<u>0.6 m (2 ft)</u>
• <u>laneless</u>	–	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.

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 m² (784 ft²),
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 m² (784 ft²) 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 m² (784 ft²)
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, <u>where building does not contain a Secondary Suite</u>	–	0.6 m (2 ft)
<u>Side Yard, where building contains a Secondary Suite</u>	–	<u>1.5 m (5 ft)</u>
Rear Yard, <u>where building does not contain a Secondary Suite,</u>		
• <u>laned or laneless</u>	–	0.6 m (2 ft)
<u>Rear Yard, where building contains a Secondary Suite,</u>		
• <u>laned</u>	–	<u>0.6 m (2 ft)</u>
• <u>laneless</u>	–	<u>1.5 m (5 ft)</u>

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)
<u>Secondary Suite, Detached (above garage)</u>	–	<u>7.5 m (24.6 ft)</u>
<u>Secondary Suite, Detached (stand-alone structure)</u>	–	<u>5.0 m (16.4 ft)</u>
<u>Other Accessory buildings</u>	–	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.



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 m² (200 ft²), 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 m² (200 ft²) 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 m² (200 ft²)
 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.



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 3
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 Subdivision Applications	Section 3
Comprehensive Site Development Plan	3.1
Area Structure Plan.....	3.2
Corner Lot Sight Triangle	Section 3
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
Wetlands, Watercourses, Riparian Areas, Regionally Sensitive Areas.....	8.6
Wildlife and 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
Secondary Suites	Section 39
Short-Term Rental / Bed & Breakfast and Tourist Homes.....	Section 40
Show Homes and Real Estate Sales Offices	Section 25
Slope-Adaptive Building and Site Design.....	Section 26
Temporary Auto Sales	Section 41



Tourism Accommodation	Section 42
Tree Felling	Section 43
Work Camps	Section 44
Yard Setbacks, Yard Setback Variances, Front Yard Location, and Secondary Front Yard	Section 27

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 SUBDIVISION APPLICATIONS

3.1 Comprehensive Site Development Plan

- (a) The Development ~~Officer~~Authority or the Subdivision Authority, as the case may be, may require an applicant for a redesignation ~~(rezoning)~~ or, a development permit ~~or a Bare Land Condominium subdivision~~ to prepare a comprehensive site development plan as follows:
 - (i) As provided in sections 12.1, 18.2(a), 21.6, 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 ~~or the Subdivision Authority, as applicable,~~ deems it necessary for the purpose of ~~sound planning practices to ensure~~ comprehensive and coordinated planning of land uses and infrastructure ~~for a complex development permit or a bare land condominium subdivision,~~ the applicant for a redesignation, or a development permit ~~or a bare land condominium subdivision~~ shall, at no cost to the Municipality and to the satisfaction of the Development Authority ~~or the Subdivision Authority,~~ prepare a Comprehensive Site Development Plan as part of the application for the redesignation, or development permit ~~or bare land condominium subdivision.~~
 - (iii) A Comprehensive Site Development Plan must describe the following information:
 - (A) ~~Parcel boundaries and sizes, the layout of the proposed development or bare land condominium subdivision on the parcel,~~ 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, and wastewater, and stormwater infrastructure and servicing connections at the property line, based on the designproposed volumes required and produced by the proposed development-or bare land condominium subdivision-on the parcel.
- (D) The relation of the proposed development to future subdivision and development of adjacent areas.
- (E) The sequence of the proposed development-or bare land condominium subdivision-proposed for the parcel.
- (F) Any other information that the Development OfficerAuthority or Subdivision Authority deems relevant to making an informed decision on the development permit-or bare land condominium subdivision application.
- (iv) The Development OfficerAuthority or the Subdivision Authority, as may be applicable, may require that a Comprehensive Site Development Plan is subject to satisfactory public consultation prior to beingan 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-or the Subdivision Authority, as the case may be, may require an applicant for redesignation or subdivision (excluding a bare land condominium subdivision) to prepare a conceptual scheme or an area structure plan as follows:
 - (i) When the Development Officer-or the Subdivision Authority deems it necessary for the purpose of sound planning practicescomprehensive and coordinated planning of land uses and infrastructure, the applicant for a redesignation or a subdivision application shall, at no cost to the Municipality and to the Development Officer's and/or Subdivision Authority's satisfaction, prepare a conceptual scheme or an area structure plan in accordance with relevant Council policy as part of the application for redesignation or 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~~the Municipal Development Plan.~~

4. ACCESS TO ROADS, DRIVEWAYS AND PARKING PADS

4.1 All Locations

- (a) ~~New Subdivision and~~ development shall provide physical and legal public access to a public roadway ~~or lane 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) ~~New dD~~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~~street 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*

- (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, environmental 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

- (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.

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 The ~~Development Officer~~Development Authority or the Subdivision Authority may require an applicant to prepare a Comprehensive Site Development Plan, Conceptual Scheme, or an Area Structure Plan, as applicable, to complete a development permit application or a subdivision application prior to approving for infill development or subdivision within a mature neighbourhood. 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 units or to replace one or two existing dwelling units, or for a subdivision application for one or two additional parcels. ~~any block which has been determined to have redevelopment or infill potential. The determination of blocks with~~An application for redevelopment or infill in a mature neighbourhood shall be consistent with the relevant Municipal Development Plan policies.
- 12.2 The Development Authority shall require that a development permit application for infill development in a mature neighbourhood or area of historic significance is compatible with existing mature development, with regard to building height, mass and style, yard setbacks, roof slopes, slope-adaptive building and site design considerations, density, and other

- (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 stamped and permitted by 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~~~~rezone~~ 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~~~~rezoning~~ 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

- 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.

- 21.6 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 a subdivision applicant to prepare subject to the preparation of 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) Development Authority or the Subdivision Authority, 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 units or to replace one or two existing dwelling units, or for a subdivision application for one or two additional parcels.
- 21.7 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

- (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).

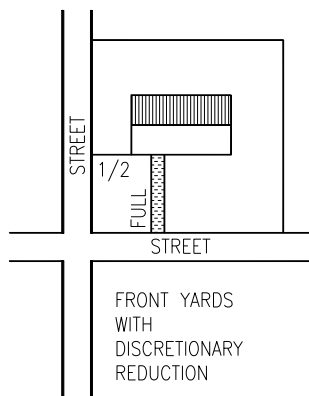


DIAGRAM 4

- 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 thereto 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) 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) 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) when the setback distances in subsections (i) and (ii) cannot be achieved for a dwelling unit without an 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

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 m² (200 ft²) 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.

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 ~~more than 1.5 metres (5 ft)~~ over any public place or extend ~~closer than~~within 0.9 metre (3 ft) of the edge of a curb or a roadway without the approval of the ~~Municipality~~Development Authority.
 - (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 with 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.

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 ~~more than 1.5 metres (5 ft)~~ over any public place or extend ~~closer than~~within 0.9 metre (3 ft) of the edge of a curb or roadway without the approval of the ~~Municipality~~Development Authority.
 - (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 with 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.

Schedule 18

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



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.

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 (i.e. no outside storage except 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 building, or portion of a private dwelling unit building, for the provision of care, instruction, ~~maintenance, 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 portion of a private dwelling unit, for the provision of where temporary care, instruction development, and/or supervision of for periods not exceeding 24 consecutive hours is provided to 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

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.

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.

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.

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.

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 ~~site layout plan for piece of land which~~ 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.~~

~~shows the location of any existing or proposed buildings; and~~

~~describes the potential effect and/or relationship of the proposed development on the surrounding area and the municipality as a whole;~~

~~provides for coordinated planning of access roads, water, wastewater, power and other services to the satisfaction of the Development Authority; and~~

~~is not adopted by municipal bylaw.~~

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.

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.

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 an exterior platform, either covered or uncovered and with or without stairs, of any suitable which the construction material and dimensions comply with the building code, with or without stairs that provides direct access from exterior grade to thea ground floor access of a building, and that, regardless of building code requirements, is not wider or longer 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 to be 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.

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, ~~in a city, town, new town, village or summer village,~~ the right-of-way, including a bridge and any other incidental structures, of all or any of the following, that is developed to Municipal engineering standards and is operated and maintained by the Municipality:

- (a) a local road, collector road, arterial road, or a lane,
- (b) a service road adjacent to a municipal road or a provincial highway, a street, an avenue, or a lane, but does not include a municipal parking lot or other municipal-owned property.

Public thoroughfare means ~~any~~ any public roadway, any undeveloped road allowance, a pathway, a sidewalk, municipal reserve, school reserve, environmental reserve, or conservation reserve ~~bridge, lane, service road, local street, collector street, arterial street, or highway.~~

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.

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~~~~thoroughfare~~ 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~~~~thoroughfare~~, and that is owned by the municipality.

~~**Street, residential** means a street whose primary function is to allow access to residential lots. A collector street may be classified as a residential street, providing the volume of traffic is not detrimental to living conditions.~~

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.