



Municipality of Crowsnest Pass
AGENDA
Regular Council Meeting
Council Chambers at the Municipal Office
8502 - 19 Avenue, Crowsnest Pass, Alberta
Tuesday, November 26, 2024 at 1:00 PM

1. CALL TO ORDER

2. ADOPTION OF AGENDA

3. CONSENT AGENDA

3.a ORRSC Executive Committee Minutes of October 10, 2024

4. ADOPTION OF MINUTES

4.a Minutes of the Council Meeting of November 19, 2024

5. PUBLIC HEARINGS

6. DELEGATIONS

Delegations have 15 minutes to present their information to Council excluding questions. Any extension to the time limit will need to be approved by Council.

7. REQUESTS FOR DECISION

7.a Bylaw 1208, 2024 Road Closure Bylaw - *First Reading*

7.b Bylaw 1209, 2024 - Land Use Bylaw Amendment - Administrative Housekeeping Matters - *First Reading*

7.c Service Areas Update

7.d Discussion on the Results of the 2024 Vote of the Electors on a Question

8. COUNCIL MEMBER REPORTS

9. PUBLIC INPUT PERIOD

Each member of the public has up to 5 minutes to address Council. Council will only ask for clarification if needed, they will not engage in a back and forth dialogue.

10. COUNCILOR INQUIRIES AND NOTICE OF MOTION

11. IN CAMERA

- 11.a Economic Interests of the Public Body - Land Sales Application - FOIP Act Section 25
- 11.b Economic Interests of the Public Body - Land Sales Application - FOIP Act Section 25
- 11.c Local Public Body Confidences - Boards and Committees - FOIP Act Section 23
- 11.d Economic Interests of the Public Body - Legal - FOIP Act Section 25

12. ADJOURNMENT



Municipality of Crowsnest Pass Request for Decision

Meeting Date: November 26, 2024

Agenda #: 3.a

Subject: ORRSC Executive Committee Minutes of October 10, 2024

Recommendation: That Council accept the ORRSC Executive Committee Minutes of October 10, 2024 as information.

Executive Summary:

Minutes of External and Internal Committees are provided to Council at the subsequent meeting for Council's information.

Relevant Council Direction, Policy or Bylaws:

1041, 1020 Procedure Bylaw

Discussion:

The Oldman River Regional Services Commission provides the Executive Committee Meeting Minutes to keep member municipalities apprised of committee activities.

Analysis of Alternatives:

n/a

Financial Impacts:

n/a

Attachments:

[October 10, 2024 Executive Committee Minutes - Approved.pdf](#)



OLDMAN RIVER REGIONAL SERVICES COMMISSION

EXECUTIVE COMMITTEE MEETING MINUTES

October 10, 2024; 6:00 pm

ORRSC Boardroom (3105 - 16 Avenue North, Lethbridge)

The Executive Committee Meeting of the Oldman River Regional Services Commission was held on Thursday, October 10, 2024, at 6:00 pm, in the ORRSC Administration Building, as well as virtually via Zoom.

Attendance

Executive Committee

Gordon Wolstenholme, Chair

Scott Akkermans

Brad Schlossberger

Christopher Northcott, Virtual

Absent

Don Anderberg, Vice Chair

David Cody

Neil Sieben

Staff

Raeanne Keer, Executive Assistant

Stephanie Sayer, Accounting Clerk

Chairman Wolstenholme called the meeting to order at 6:08 pm.

1. Approval of Agenda

Moved by: Christopher Northcott

THAT the Executive Committee adopts the October 10, 2024 Executive Committee Meeting Agenda, as presented.

CARRIED

2. Approval of Minutes

Moved by: Scott Akkermans

THAT the Executive Committee approves the July 11, 2024 Executive Committee Meeting Minutes, as presented.

CARRIED

3. Business Arising from the Minutes

There was no business arising from the minutes.

4. Official Business

a. Chief Administrative Officer Performance Evaluation

R. Keer handed out the Chief Administrative Officer Performance Evaluation form to the Committee and advised that she would send out a digital copy as well.

R. Keer stated that in October & November every year the Committee completes the Performance Evaluation of the Chief Administrative Officer.

b. Organizational Meeting & Elections – December 5, 2024

R. Keer stated that the Organizational Meeting and Elections will be at the Board of Directors meeting scheduled for December 5, 2024. She stated that nomination forms will be going out mid to late November for the Executive Committee.

c. Subdivision Activity – As of September 30, 2024

R. Keer presented Subdivision Activity as of September 30, 2024 to the Committee.

d. 4-Year Rolling Budget Discussion

S. Sayer presented the 4-Year Rolling Budget options that were provided to the Committee following the September Budget Workshop. She requested direction from the group in order to be prepared for the October Budget Workshop on October 17, 2024.

The Committee discussed a 3-year and 4 -year rolling budget options, succession within the organization, membership fee increases, regional opportunities, and future financial planning for the organization.

5. Accounts

a. Office Accounts

R. Keer presented the Monthly Office Accounts for June to August 2024 and the Payments and Credits for June to August 2024 to the Committee.

b. Financial Statements

R. Keer presented the Balance Sheets and Comparative Income Statements for June to August 2024 and the Details of Account as of August 31, 2024 to the Committee.

Moved by: Brad Schlossberger

THAT the Executive Committee approves the Monthly Office Accounts, the Payments and Credits, Balance Sheets and Comparative Income Statements for June to August 2024 and the Details of Account as of August 31, 2024, as presented.

CARRIED

6. New Business

There was no new business for discussion.

7. CAO's Report

R. Keer presented CAO Report to the Committee.

8. Round Table Discussions

Committee members and staff reported on various projects and activities in their respective municipalities.

9. Next Meeting – Board of Directors – December 5, 2024;
Executive Committee – November 14, 2024

10. Adjournment

Following all discussions, Chair Gordon Wolstenholme adjourned the meeting, the time being 7:41 pm.



CHAIR



CHIEF ADMINISTRATIVE OFFICER



Municipality of Crowsnest Pass Request for Decision

Meeting Date: November 26, 2024

Agenda #: 4.a

Subject: Minutes of the Council Meeting of November 19, 2024

Recommendation: That Council adopt the Minutes of the Council Meeting of November 19, 2024 as presented.

Executive Summary:

Minutes of the previous Council meeting are provided to Council for review and adoption.

Relevant Council Direction, Policy or Bylaws:

1041, 2020 Procedure Bylaw

Discussion:

n/a

Analysis of Alternatives:

n/a

Financial Impacts:

n/a

Attachments:

[2024 11 19 - Council Meeting Minutes.docx](#)



Municipality of Crowsnest Pass
Council Meeting Minutes
Tuesday, November 19, 2024

A regular meeting of the Council of the Municipality of Crowsnest Pass was held in Council Chambers on Tuesday, November 19, 2024.

Council Present:

Mayor Blair Painter, Councillors: Vicki Kubik, Dave Filipuzzi, Doreen Glavin, Glen Girhiny, Lisa Sygutek and Dean Ward

Administration Present:

Patrick Thomas, Chief Administrative Officer
Brian McCulloch, Director of Finance
Trent Smith, Manager of Community Services
Jeremy Wickson, Temporary Director of Engineering & Operations
Bonnie Kawasaki, Recording Secretary

CALL TO ORDER

Mayor Painter called the meeting to order at 7:00 pm.

ADOPTION OF AGENDA

Additions:

In Camera

- d. Economic Interests of the Public Body – Golf Course - FOIP Act Section 25 - Councillor Ward

Amendments:

Consent Agenda

- h. AER Proceeding 444 - Location of Limited Participants Hearing - Move to Councillor Inquiries and Notice of Motion 10.c - Councillor Ward
- k. Minutes of the Alberta Southwest Regional Alliance of October 2, 2024 and the November Bulletin - Move to Councillor Inquiries and Notice of Motion - 10.d Councillor Ward

01-2024-11-19: Councillor Girhiny moved to adopt the agenda as amended.

Carried

CONSENT AGENDA

02-2024-11-19: Councillor Filipuzzi moved that Council approve the following Consent Agenda items as amended without debate:

3.a

Correspondence from the Honourable Ric McIver and Ministerial Order No. MSD: 085/2024

THAT Council accept the Correspondence from the Honourable Ric McIver and Ministerial Order No. MSD: 085/2024 as information.

3.b

Minutes of the Crowsnest Pass Senior Housing Board of August 19, 2024

THAT Council accept the Minutes of the Crowsnest Pass Senior Housing Board of August 19, 2024 as information.

3.c

Minutes of the Crowsnest Pass Senior Housing Board of September 23, 2024

THAT Council accept the Minutes of the Crowsnest Pass Senior Housing Board of September 23, 2024 as information.

3.d

Minutes of the Municipal Planning Commission of September 17, 2024

THAT Council accept the Municipal Planning Commission of September 17, 2024 as information.

3.e

Minutes of the Family and Community Support Services Advisory Committee of September 16, 2024

THAT Council accept the Minutes of the Family and Community Support Services Advisory Committee of September 16, 2024 as information.

3.f

Thank You Letter from Horace Allen School of October 17, 2024

THAT Council accept the Thank You Letter from Horace Allen School of October 17, 2024 as information.

3.g

Wheatland County - Letter Concerning Collaborative Stance on FCM Conference Attendance – Invitation for Rural Municipalities to Join of November 1, 2024

THAT Council accept the Wheatland County - Letter Concerning Collaborative Stance on FCM Conference Attendance – Invitation for Rural Municipalities to Join of November 1, 2024 as information.

3.i

Chinook Arch Regional Library System - Board Report of August 1, 2024

THAT Council accept the Chinook Arch Regional Library System - Board Report of August 1, 2024 as information.

3.j

Southern Alberta Recreation Association (SARA) - Media Release for the 2025 Southern Alberta Summer Games to be held in Taber

THAT Council accept the Southern Alberta Recreation Association (SARA) - Media Release for the 2025 Southern Alberta Summer Games to be held in Taber as information.

3.l

STARS Letter of Thank You and Donation Receipt

THAT Council accept the STARS Letter of Thank You and Donation Receipt as information.

Carried

ADOPTION OF MINUTES

03-2024-11-19: Councillor Kubik moved to adopt the Minutes of the Organizational Meeting of Council of October 22, 2024, as presented.

Carried

04-2024-11-19: Councillor Girhiny moved to adopt the Minutes of the Council Meeting of October 22, 2024, as presented.

Carried

PUBLIC HEARINGS

Bylaw 1193, 2024 - Road Closure - Public Hearing

Mayor Painter declared the Public Hearing opened at 7:03 pm for Bylaw No. 1193, 2024.

Patrick Thomas, Chief Administrative Officer provided a brief overview of the bylaw and read into the record that the following written submissions were received prior to the due date and form part of the Council Meeting Package:

- Trevor Hay
- Tyler Folkard
- Salim Shah & Gladys Ondrus
- Andrew & Valerie Saje
- Shannon Anderson

Mayor Painter called for members of the public to speak in favor or opposition to bylaw 1193, 2024.

The following members of the public provided an oral submission:

- Trevor Hay – In Favour
- Robert Salant – In Favour
- Henry Bruns – In Favour

- Terry Hrudey – In Favour
- Andrew Tsang – In Favour
- Thomas Winter – In Favour
- Shelley Much – In Favour
- Jep Banda – In Favour
- Salim Shah - Opposed
- Gladys Ondrus – Opposed
- Peter McKernan – In Favour
- Alistair Des Moulins – In Favour
- Troy Jacobson – In Favour
- Ken Allred – Neutral
- Craig Hay – In Favour
- Shannon Anderson – In Favour
- Peter Dunbar – In Favour

Mayor Painter noted that there were no other members of the public in attendance who wished to speak, and therefore declared the public hearing closed at 7:53 pm.

Bylaw 1201, 2024 - Municipal Reserve Closure and Removal of Municipal Reserve Designation on a portion of Lot 1MR, Block 3, Plan 8311587 - Public Hearing

Mayor Painter declared the Public Hearing opened at 7:55 pm for Bylaw No. 1201, 2024.

Patrick Thomas, Chief Administrative Officer provided a brief overview of the bylaw and read into the record that the following written submissions were received prior to the due date:

- Brian Gallant

Mayor Painter invited members of the public to speak in favor of or in opposition to Bylaw 1201, 2024.

The following members of the public provided an oral submission:

- Stephen C. Mogdan Lawyer on Behalf of Brian Gallant – Opposed
- Shannon Anderson - Opposed
- Brian Gallant – Read a written submission for Judith Ewashen - Opposed
- Sarah Gallant – Read a written submission on behalf of Amy Rienzo - Opposed

Mayor Painter called for any other members of the public to speak in favor of or in opposition to Bylaw 1201, 2024.

Mayor Painter noted that there were no other members of the public in attendance who wished to speak, and therefore declared the public hearing closed at 8:12 pm.

Bylaw 1206, 2024 - Land Use Bylaw Amendment - Public Hearing

Mayor Painter declared the Public Hearing opened at 8:19 pm for Bylaw No. 1206, 2024.

Patrick Thomas, Chief Administrative Officer provided a brief overview of the bylaw and read into the record that there were no written submissions received prior to the due date.

Mayor Painter called for members of the public to speak in favor or opposition to bylaw 1206, 2024.

Mayor Painter noted there were no members of the public present who wished to speak at the hearing and declared the public hearing closed at 8:20 pm.

DELEGATIONS

Dave Baines, NWP Coal - Update on the Engagement Aspect of NWP Coal Canada Ltd

Dave Baines, NWP Coal - was in attendance to present an update on the NWP Crown Mountain Coking Coal Project and the Engagement Aspect for the project.

REQUESTS FOR DECISION

Bylaw 1201, 2024 - Municipal Reserve closure and removal of Municipal Reserve designation on a portion of Lot 1MR, Block 3, Plan 8311587 – Second and Third Reading

05-2024-11-19: Councillor Filipuzzi moved second reading of Bylaw 1201, 2024 - Municipal Reserve closure and removal of Municipal Reserve designation on a portion of Lot 1MR, Block 3, Plan 8311587.

Defeated

Bylaw 1203, 2024 Road Closure Bylaw - First Reading

06-2024-11-19: Councillor Ward moved first reading of Bylaw 1203, 2024 Road Closure Bylaw.

Carried

Bylaw 1206, 2024 - Land Use Bylaw Amendment - Second and Third Readings

07-2024-11-19: Councillor Girhiny moved second reading of Bylaw 1206, 2024 - Land Use Bylaw Amendment.

Carried

08-2024-11-19: Councillor Ward moved third and final reading of Bylaw 1206, 2024 - Land Use Bylaw Amendment.

Carried

Policy #: 1700-03 - Municipal Reserves

09-2024-11-19: Councillor Filipuzzi moved to adopt Policy #: 1700-03 - Municipal Reserves as presented.

Carried

2025 Municipal Election Considerations

10-2024-11-19: Councillor Sygutek moved that Council accept the report on the 2025 Municipal Election Considerations as information.

Carried

Gymnastics Building

11-2024-11-19: Councillor Sygutek moved that Council terminate the rental of the building located at 2013-129 street in Blairmore, originally used for gymnastics, effective December 31, 2024 and to sell off the gymnastics equipment.

Carried

Crowsnest Pass Subsidized Taxi Program

12-2024-11-19: Councillor Ward moved that Council directs Administration to not renew the Subsidized Taxi Program for 2025 and that the service will end December 31, 2024.

Carried

Rock Box Replacement Purchase for Tandem Truck

13-2024-11-19: Councillor Kubik moved that Council approve a budget of \$35,000 for a new rock box to be funded from the equipment reserve.

Carried

COUNCIL MEMBER REPORTS

- Councillor Filipuzzi
 - Attended the RMA Convention
 - Good convention with excellent networking opportunities
- Councillor Girhiny
 - Attended the RMA Convention
 - Was pleased with Minister interactions and meetings
 - Felt there was work to be done with the Tourism Ministry in terms of promotion of this area

- Councillor Ward
 - Councillors Ward and Filipuzzi met with the Grade 1 class at Horace Allen School
 - Noted that the number of kids has increased and that many of the kids were new to the community, which is encouraging
 - Attended Pumpkins in the Parks - was an excellent event as per usual
 - Attended the Remembrance Day Service at the High School which was very well done

- Councillor Sygutek
 - Met virtually with the Honourable Todd Loewen, Minister of Forestry and Parks to advocated on behalf of the community, topics discussed included:
 - Signage for back country trails
 - Trail Master Plan/Regional Trail Alliance partnership between the community and the province
 - Campgrounds – Infrastructure & Expansion
 - Improvement of roads on Crown Lands including Adanac, Sartoris & Atlas
 - Provincial funding for Search & Rescue
 - Joint funding for cross-country ski trails
 - Improvement of communications for Provincial projects in our area

PUBLIC INPUT PERIOD

- Trevor Hay
 - Requested that communications be open when the Ministry provides it's decision on the road closure

- Alistair Des Moulins
 - Indicated that the CNSC has received \$116,400 in funding from the Province for the cross country ski trails, which will be spent on levelling out some of the trails, improving the access at Tecumseh, and covering all of the grooming this winter. This enabled the club to lessen their ask for funding from the Municipality.

COUNCILLOR INQUIRIES AND NOTICE OF MOTION

EVR Water Quality Open House - Councillor Sygutek

14-2024-11-19: Councillor Sygutek moved that Council attend the EVR Water Quality Open House on November 26, 2024 in Fernie.

Carried

Timed Parking in Business Districts - Mayor Painter

15-2024-11-19: Councillor Sygutek moved that Administration bring an expedited report back on timed parking in business districts.

Carried

AER Proceeding 444 - Location of Limited Participants Hearing – Councillor Ward

16-2024-11-19: Councillor Ward moved that Administration write a letter to the AER voicing our displeasure with the response and to copy the Premier's office and the MLA.

Carried

Minutes of the Alberta Southwest Regional Alliance of October 2, 2024 and the November Bulletin – Councillor Ward

17-2024-11-19: Councillor Ward moved that the Minutes of the Alberta Southwest Regional Alliance of October 2, 2024 and the November Bulletin be accepted for information.

Carried

IN CAMERA

18-2024-11-19: Councillor Sygutek moved that Council go In Camera for the purpose of discussion of the following confidential matters under the Freedom of Information and Protection of Privacy Act and to take a short recess at 10:34 pm:

- a. Economic Interests of the Public Body – Land Sales Application - FOIP Act Section 25
- b. Economic Interests of the Public Body – Land Sales Application - FOIP Act Section 25
- c. Economic Interests of the Public Body – Land Sales Application - FOIP Act Section 25

Carried

Reconvene

Mayor Painter convened the In Camera meeting at 10:46 pm. Patrick Thomas, Chief Administrative Officer in attendance to provide advice to Council.

19-2024-11-19: Councillor Glavin moved that Council come out of In Camera at 12:03 am.

Carried

20-2024-11-19: Councillor Girhiny moved that Council approves purchase of the lane that runs between Plan 8211748, Lot 11, and Plan 0551196, Lots 13, 14, and 15, subject to the following conditions:

1. That the price be equal to each applicant's current land value rate.
2. That the applicants are responsible for all costs associated with the closure of the subject lane to public travel.
3. That the applicants are responsible for all costs associated with redistricting the subject lane to R-1 Residential District.
4. That the applicants are responsible for all subdivision, consolidation and survey costs relating to this transaction.
5. That the applicants are responsible for all legal costs including the legal costs of the Municipality, if any.
6. That this application must be completed by September 30, 2025.

Carried

21-2024-11-19: Councillor Ward moved that Council approves the purchase of a portion of Lot 6, Block 1, Plan 0812536 for parking, subject to the following conditions:

1. That the price per square foot be \$4.00 per square foot.
2. That the applicant is responsible for all costs relating to the re-districting of the subject land to C-1 Commercial.
3. That the applicant is responsible for all costs associated with the consolidation of the subject parcel to the title for the Greenhill Hotel.
4. That the applicant is responsible for all legal costs associated with this transaction, including the legal costs of the Municipality, if any.
5. That a utility easement be registered for the municipal infrastructure.
6. That this transaction be completed by March 1, 2025.

Carried

22-2024-11-19: Councillor Filipuzzi moved that Council accepts the offer to purchase as submitted at the assessed value, subject to the following conditions:

1. That the applicant is responsible for all costs relating to the required Land Use Bylaw amendment for both parcels of land.
2. That the applicants are responsible for all subdivision, easement and survey costs relating to this transaction.
3. That the applicant is responsible for all of the legal costs associated with these transactions.
4. That this transaction be completed by June 30, 2025.

Carried

ADJOURNMENT

23-2024-11-19: Councillor Filipuzzi moved to adjourn the meeting at 12:07 am.
Carried

Blair Painter
Mayor

Patrick Thomas
Chief Administrative Officer



Municipality of Crowsnest Pass Request for Decision

Meeting Date: November 26, 2024

Agenda #: 7.a

Subject: Bylaw 1208, 2024 Road Closure Bylaw - First Reading

Recommendation: That Council give first reading to Bylaw 1208, 2024.

Executive Summary:

Bylaw 1208, 2024 proposes to close a portion of an Unnamed Road (lane), for the purpose of consolidating it with an adjacent property (Plan 708FF, Block B, Lot 3).

Relevant Council Direction, Policy or Bylaws:

Section 22 of the Municipal Government Act
Motion 16-2024-07-16

Discussion:

The purpose of the proposed road closure is to correct an existing fence and yard encroachment that has been in place for many years. The portion of the lane being closed is undeveloped, and would serve only the subject parcel and will not have a negative impact on the surrounding properties.

The encroachment of the fence and rear yard extends beyond the lane onto an adjacent Municipal property (Plan 4140JK, Block G, Lot: N/A). Council Motion 16-2024-07-16 to sell land to the applicant did not include this property, and the applicant / landowner is required to remove the fence and rear yard encroachment from the Municipal property (Plan 4140JK, Block G, Lot: N/A).

Once a public hearing has been held, the proposed bylaw will be forwarded to the Minister of Transportation and Economic Corridors for approval, before it comes back to Council for consideration of second and third readings. After the final closure of the road portion, a new certificate of title will be issued by the Land Titles Office, which will include the consolidation with the adjacent property.

Analysis of Alternatives:

1. Council may proceed with first reading of Bylaw 1208, 2024, and schedule a public hearing.

2. Council may defer first reading of Bylaw 1208, 2024 and outline what additional information they would like to see.

Financial Impacts:

If the application proceeds the Municipality would receive approximately \$11,450 plus GST.

Attachments:

[FORMATTED Bylaw 1208, 2024.docx](#)

[Bylaw 1208, 2024 Schedule A.pdf](#)

MUNICIPALITY OF CROWNEST PASS
BYLAW NO. 1208, 2024
ROAD CLOSURE

BEING a bylaw of the Municipality of Crownsnest Pass for the purpose of closing to public travel and creating title to and disposing of portions of a public roadway in accordance with section 22 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended.

WHEREAS the lands hereafter described are no longer required for public travel,

AND WHEREAS application has been made to Council to have the roadway closed,

AND WHEREAS the Council of the Municipality of Crownsnest Pass deems it expedient to provide for a bylaw for the purpose of closing to public travel certain roads or portions thereof, situated in this bylaw, situated in the said municipality and thereafter creating titles to and disposing of same,

AND WHEREAS notice of intention of Council to pass a bylaw has been given in accordance with sections 216.4 and 606 of the Municipal Government Act,

AND WHEREAS Council was not petitioned for an opportunity to be heard by any person claiming to be prejudicially affected by the bylaw,

NOW THEREFORE be it resolved that the Council of the Municipality of Crownsnest Pass in the Province of Alberta does hereby close to public travel and creating titles to and disposing of the following described roadway, subject to rights of access granted by other legislation:

PLAN 708FF

BLOCK B

ALL THAT PORTION OF LANE FORMING PART OF LOT 4, BLOCK B, PLAN _____

Containing 0.028 Hectares (0.07 Acres) More or Less

EXCEPTING THEREOUT ALL MINES AND MINERALS

As illustrated in Schedule 'A', attached to, and forming part of this bylaw.

READ a **first** time in council this _____ day of _____ 2024.

Blair Painter
Mayor

Patrick Thomas
Chief Administrative Officer

PUBLIC HEARING scheduled for the _____ day of _____ and advertised in the Crowsnest Pass Herald on the _____ and _____ day of _____.

APPROVED this ____ day of _____, 20_____.

Minister of Transportation and Economic Corridors

READ a **second** time in council this _____ day of _____ 20_____.

READ a **third and final** time in council this _____ day of _____ 20_____.

Blair Painter
Mayor

Patrick Thomas
Chief Administrative Officer

BYLAW 1208, 2024
SCHEDULE 'A'





Municipality of Crowsnest Pass Request for Decision

Meeting Date: November 26, 2024

Agenda #: 7.b

Subject: Bylaw 1209, 2024 - Land Use Bylaw Amendment - Administrative Housekeeping Matters - First Reading

Recommendation: That Council give first reading to Bylaw 1209, 2024.

Executive Summary:

The proposed land use bylaw amendments are administrative in nature. The need for these amendments were identified from matters that the Development Officer encounters in the process of reviewing various types of applications, including development permits, subdivisions, and encroachment agreements, as well as land use bylaw enforcement through stop orders.

Relevant Council Direction, Policy or Bylaws:

Municipal Government Act s. 692 Planning Bylaws.
Bylaw No. 1165, 2023, as amended.

Discussion:

The general purpose of Bylaw No. 1209, 2024 is to clarify certain provisions:

- development standards regarding rear yard setbacks for a secondary suite in a laned and a laneless subdivision
- the distinction between a Day Care Facility in the C-1 Districts versus the residential districts as well as the distinction between a Day Care Facility and a Day Home in the residential districts
- the distinction between a public road, public thoroughfare and a street or avenue
- administrative provisions and definitions regarding conceptual scheme preparation
- what constitutes a complete application,
- the Municipality's jurisdiction on agreements with development permit and subdivision applicants
- the option for Council to defer third reading of a bylaw when it is deemed necessary to complete a subdivision application or a development permit application
- the option for Council to repeal a land use redesignation bylaw when it has not been implemented within twelve months of third reading

- 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
- the definition of a landing.

The proposed amendments are tracked in the attached Schedule 'A' to Bylaw 1209, 2024. The amendment should be self-explanatory however, if Council has questions a more detailed explanation will be provided.

Analysis of Alternatives:

N/A

Financial Impacts:

N/A

Attachments:

[Bylaw 1209, 2024.docx](#)

[Bylaw 1209, 2024 - Schedule A.pdf](#)

MUNICIPALITY OF CROWNEST 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 _____ day of _____ 2024.

READ a **second** time in council this _____ day of _____ 2024.

READ a **third and final** time in council this _____ day of _____ 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 Assistant Development Officer(s), and their direct supervisor(s), are hereby appointed as the "Development Officer" to fulfil that part of the Development Authority role assigned to the Development Officer in this Bylaw, as further assigned by their supervisor and job descriptions.
- 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 development permit and the conditions imposed thereon; and further, failure to comply with

- (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 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 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.*

Notification To Adjacent Municipalities

- 28.5 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

- 28.6 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

- 28.7 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

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

Deferring or Rescinding Land Use Redesignations

- 28.9 Council may defer third reading of a land use redesignation 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 assessments or studies to be completed prior to land use redesignation).

- 28.10 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.

28.11 The rescinding of the redesignation bylaw shall be undertaken in accordance with the provisions of the Act.

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.		
• <u>laned or laneless</u>	–	0.6 m (2 ft)
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, 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
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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,
 - laned or laneless – 0.6 m (2 ft)
- Rear Yard, where building contains a Secondary Suite,
 - laned – 0.6 m (2 ft)
 - laneless – 1.5 m (5 ft)



5. MAXIMUM LOT COVERAGE RATIO

- Principal building – 35%
- Accessory buildings – 15%

6. MAXIMUM BUILDING HEIGHT

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

7. MINIMUM HABITABLE FLOOR AREA OF PRINCIPAL BUILDING

- Single-Detached Dwelling – 102 m² (1,100 ft²) 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		
• <u>laned or laneless</u>	–	0.6 m (2 ft)
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. 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	2000
– end unit	9.1	30	30.5	100	278.7	3000
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)
SideRear 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	2000
– end unit	9.1	30	30.5	100	278.7	3000
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 4
All Locations	4.1
Urban Locations.....	4.2
Rural / Non-Urban Locations	4.3
Animal Care Service Facilities	Section 29
Apartment, Multi-Unit Residential and Mixed-Use Building.....	Section 30
Cannabis Retail Sales.....	Section 31
Comprehensive Planning for Redesignation, Development Permit or Subdivision Applications	Section 3
Comprehensive Site Development Plan	3.1
Area Structure Plan.....	3.2
Corner Lot Sight Triangle.....	Section 4
Demolition, Removal or Replacement of Buildings	Section 6
Drive-in Commercial.....	Section 32
Easements, Setback Distances and Public Safety.....	Section 7
Easements, Rights-Of-Way and Legislated Setback Distances.....	7.1
Future Highway 3X	7.2
Railway Lines.....	7.3
Setbacks Adjacent to Highway	7.4
TC Energy High Pressure Gas Pipeline.....	7.5
Wildland-Urban Interface	7.6
Environmental Considerations	Section 8
Areas of Potential Environmental Concern (APEC)	8.1
Flood-Risk Lands.....	8.2
Private Sewage Disposal Systems	8.3



Municipal, Environmental and Conservation Reserve, and Conservation Easement	8.4
Tree Felling	8.5
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 design proposed 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 Officer Authority or Subdivision Authority deems relevant to making an informed decision on the development permit or bare land condominium subdivision application.
- (iv) The Development Officer Authority or the Subdivision Authority, as may be applicable, may require that a Comprehensive Site Development Plan is subject to satisfactory public consultation prior to being an 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 practices comprehensive 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 d~~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*

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 Municipal Government Act and Policy 1.2.6 of the Municipal Development Plan, as follows:
 - (i) The land to be dedicated shall not predominantly consist of slopes in excess of 15% and shall not predominantly be susceptible to frequent flooding, and shall be

- (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 reviewing/approving an application for infill development or subdivision within a mature neighbourhood, 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 ~~potential~~ 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 standards as may be deemed applicable. The Development Authority may impose development permit conditions to ensure that an infill development complies with this standard.

13. LANDSCAPING AND SCREENING

- 13.1 The Development Authority shall impose development permit conditions for commercial, industrial, “Tourism Accommodation”, multi-unit residential and apartment development, and

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

- (a) When a lot has an effective grade of greater than 15% a subdivision or development permit application for that lot shall be accompanied by a slope stability assessment and/or a grading plan, as may be applicable, approved by a professional engineer (see definition) demonstrating the viability and safety of the proposed development.

17.3 Urban Driveways

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,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.
- 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

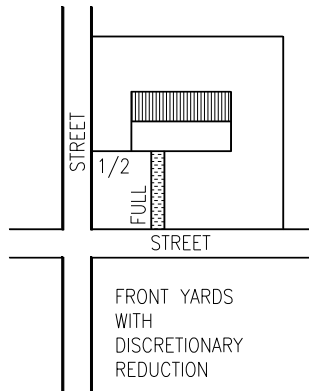


DIAGRAM 4

- 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.

Variations 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

- 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.
- 9.3 No more than one Freestanding Sign per frontage, or where there are two or more frontages, a maximum of two Freestanding Signs shall be located on a single lot or premises.

- 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.

15. SUBDIVISION ENTRANCE SIGN

- 15.1 A Subdivision Entrance Sign may be approved in all land use districts provided it:
 - (a) is freestanding;
 - (b) does not exceed 4.0 metres (13 ft) in sign height;

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



Car Wash means a building designed for the cleansing and vacuuming of automobiles or recreational vehicles.

Cemetery means an area for the entombment or commemoration of the deceased, and may include crematoria, cineraria, columbaria, mausolea and cenotaph.

Community Facility means a facility owned or operated by a government or quasi-government entity established primarily for the benefit and service of residents of the Municipality or the province. Typical examples of a Community Facility include a community centre, a library, a municipal government building, a post office, a public works yard or facility, a public utility and a school.

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 unitbuilding, or portion of a private dwelling unitbuilding, 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, instructiondevelopment, 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

SCHEDULE 18B - ADMINISTRATIVE DEFINITIONS

A

Access, legal, public means an access from a public road or public lane that is shown in a registered plan of subdivision.

Access, legal, private means an access that is surveyed and registered as an easement plan and agreement on the certificates of title of the dominant and servient parcels. Legal private access may be obtained either on foot or by means of a vehicle.

Access, physical means either 1) legal public access as defined in this bylaw that is constructed to the Municipality's "*Engineering and Development Standards*" (March 2005), or alternatively is accepted by the Municipality at a reduced standard, and that is maintained by the Municipality, or 2) legal private access as defined in this bylaw that is constructed to an alternative standard and that is maintained by one or more private landowners.

Access, primary means the location and manner of the principal means of vehicular access and egress from a site or building.

Act or the Act – see *Municipal Government Act*.

Addition means adding onto an existing building, provided that there are no structural changes to the existing building, no removal of the roof structure, and no removal of the exterior walls, other than that required to provide an opening for access from, and integration of, the existing building to the portion added thereto and there is a common structural connection from the existing building to the addition that includes a foundation, constructed to the minimum standards outlined in the National Building Code – Alberta Edition, and a roof.

Adjacent means land that abuts a site and land that would abut if not for a road, lane, walkway, watercourse, utility lot, pipeline right-of-way, power line, railway, or similar feature.

Alberta Environment means Alberta Environment and Protected Areas: a provincial Ministry tasked with ensuring Alberta's natural environment and resources are cared for and managed responsibly and sustainably.

Alberta Gaming, Liquor and Cannabis (AGLC) means the Crown commercial enterprise and agency responsible for overseeing the gaming, liquor and cannabis industries in Alberta.

Alberta Transportation means Alberta Transportation and Economic Corridors: a provincial Ministry tasked with providing a safe and efficient transportation system to support Alberta's economic, social and environmental vitality.

All-weather surfacing – see "**Hard-surfacing**".

Alteration means any structural change to a building that results in an increase or decrease in the area or the volume of the building; any change in the area frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements of this Bylaw; structural change



to a sign; and to discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

Amenity area means an area or areas within the boundaries of a parcel intended for recreational purposes by the occupants of the parcel. These may include a landscaped area, a patio, a pergola, a gazebo, a swimming pool and similar uses.

AOPA means the *Agricultural Operation Practices Act*, revised Statutes of Alberta 2000, Chapter A-7, as amended.

Applicant means the registered owner of the land or his or her representative or agent certified as such.

Apron means a flat-surfaced area that surrounds and lies adjacent to a Manufactured Home pad.

Architectural controls means a set of development guidelines or standards that have been established by the developer and registered on a certificate of title for the purpose of creating and maintaining a higher quality of construction than is the norm for a particular subdivision and/or development project. Standards normally address square footage, roof slopes and materials, siding, landscaping, garages, setbacks, driveway materials and other appealing neighbourhood aesthetics.

Area of Potential Environmental Concern (APEC) means any area on, in or under the site and surrounding area where one or more contaminants of potential concern may be present, as identified through an initial Phase 1 Environmental Site Assessment (ESA) or other investigation, and that has not been ruled out through subsequent Phase 2 ESA investigations.

Area redevelopment plan means a statutory plan in accordance with the *Municipal Government Act* and the municipal development plan for the purpose of all or any of the following:

- (a) preserving or improving land and buildings in the area;
- (b) rehabilitating buildings in the area;
- (c) removing buildings from the area;
- (d) constructing or replacing buildings in the area;
- (e) establishing, improving or relocating public roadways, public utilities or other services in the area;
- (f) any other development in the area.

Area structure plan means a statutory plan in accordance with the *Municipal Government Act* and the municipal development plan for the purpose of providing a framework for subsequent subdivision and development of an area of land in the municipality, that will include the construction of Municipal Improvements (i.e. public infrastructure constructed by a developer and owned and operated by the Municipality) and/or the dedication of municipal reserves or environmental reserves (or other forms of public open space). An area structure plan:

- (a) must describe
 - (i) the sequence of development proposed for the area,
 - (ii) the land uses proposed for the area, either generally or with respect to specific parts of the area,
 - (iii) the density of population proposed for the area either generally or with respect to specific parts of the area, and
 - (iv) the general location of major transportation routes and public utilities, and
- (b) may contain any other matters Council considers necessary.

Attach and Attached To means any one or more of the following and similar meanings, in the sole discretion of the Development Officer having regard for the context of the specific circumstances: “fastened to”, “supported by”, “flush with”, “adjacent to” and/or “accessible from”. For greater clarity, a deck may not be structurally fastened to or supported by the wall of a dwelling unit and instead may be installed on its own supports adjacent to the wall of the dwelling unit, but because the deck is accessible from the dwelling unit, for the purposes of this bylaw the deck may be deemed “attached to” the dwelling unit.

Attached garage means a building or portion of a building that is used for the storage of motor vehicles, which is attached to the principal building by sharing a common wall with the dwelling, and usually contains an access doorway into the principal building. For the purposes of calculating lot coverage ratio and minimum yard setback requirements, an attached garage is deemed to be part of the principal building.

B

Balcony means a platform above the first storey, attached to and projecting from the face of a principal building with or without a supporting structure, normally surrounded by a baluster railing, it may be roofed, and it is used as an outdoor space with access only from within the building. For the purpose of determining development standards (e.g. yard setbacks) a balcony shall be considered to be part of the building that it is attached to, and it is subject to the provisions for projections into yard setbacks. Also see “Deck”, “Landing”, “Patio” and “Porch.”

Basement means any storey of a building of which the ceiling level is less than 1.83 metres (6 ft) above the average finished surface level of the surrounding ground.

BearSmart means the Alberta BearSmart Program which provides information on how to reduce human-bear conflicts while achieving the goals of keeping people safe, helping bear populations survive and reducing property damage and costs.

Berm means a dyke-like earthen or rock form used to separate incompatible areas or functions, or constructed to protect the site or district from vehicular road or other noise.

Boulevard means that portion of a public roadway that lies between a curb and the boundary of a lot or parcel.

Brew pub means a licensed “Food and/or Beverage Service” establishment that includes the brewing of malt beverages (beer, ale, etc.) in compliance with applicable provincial laws, for on-site consumption and/or retail or wholesale distribution. The establishment may include live entertainment but does not include a Bottling Plant.

Buffer means a row of trees, hedges, shrubs or landscaped berm planted or constructed to provide visual screening and separation between uses, buildings, sites or districts.

Building has the same meaning as it has in the *Municipal Government Act* and in addition includes a structure but does not include a recreational vehicle or other types of wheeled / mobile units. Also refer to the definition of “use” because “building” implies a “use”.

[Building code](#) – see [National Building Code](#).

Building footprint means the shape of the building where it sits on the parcel. If an outline of the building could be drawn on the ground along the exterior of the foundation wall where it sits and then the building is removed, the footprint is the shape that was drawn around the building. Changing the

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.

- (f) a deck is not considered to be part of the gross floor area or habitable floor area of the building that it is attached to (unless it is covered, in which case it is not considered to be a deck);
- (g) a deck does not contribute to the lot coverage ratio or to the building footprint area of any building; and
- (h) a deck is a type of accessory structure that has special yard setback provisions.

For further clarification, when an outdoor space that could otherwise be deemed to be a deck is proposed to be covered by a roof, it is no longer considered to be a deck as defined herein; for the purpose of determining development standards (eg. yard setbacks) such a covered outdoor space shall be considered to be part of the building that it is attached to (refer to the definitions of “Balcony”, “Landing”, “Patio” and “Porch”).

Demolition means the pulling down, tearing down or razing of a building.

Density means the number of dwelling or accommodation units on a site expressed in units per acre or hectare, or alternatively as the site area required per dwelling unit.

Developable area means that portion of a lot or parcel that can feasibly be developed after all minimum yard setbacks, separation distances, easements and undevelopable areas have been deducted.

Developed parcel means a lot that:

- (a) contains a lawful principal dwelling of which the construction is complete, and in the opinion of the Development Authority, is permanent and habitable;
- (b) has developed legal access;
- (c) has the means to provide electric power to the site; and
- (d) is connected to municipal water and wastewater infrastructure, or has a supply of potable water and a functional private sewage disposal system approved under the *Safety Codes Act*.

Developer means an individual, partnership or body corporate that locates and secures control of a parcel, conceives a development proposal that is suitable for the parcel and compatible with existing uses in the vicinity, obtains the necessary regulatory approval for that proposal, and undertakes the proposal in accordance with this Bylaw, the conditions attached to the approval, and any applicable federal and provincial regulations.

Development has the same meaning that it has in the *Municipal Government Act*, and in addition includes Tree Felling in circumstances specified in this Bylaw. In this Bylaw a reference to a building shall be understood to include a “structure”, and vice versa.

Development agreement means a contractual agreement completed between the municipality and an applicant for a development permit or subdivision application which specifies the public roadways, utilities and other services to be provided by the permit holder as a condition of development approval or subdivision approval, provided the agreement is in accordance with the relevant provisions of the *Municipal Government Act*, as amended.

Development Authority means the Development Officer and/or the Municipal Planning Commission and/or the Subdivision and Development Appeal Board and/or Council as provided for in this Bylaw.

Development Officer or Development Office means the incumbent(s) in the position(s) of Development Officer(s) and Assistant Development Officer(s), and their direct supervisor, with duties assigned by their supervisor and job descriptions.

Development permit means a document issued pursuant to this Bylaw authorizing a development.

Isolated country residential means a small single-lot parcel of land or acreage created by subdivision for the purpose of accommodating a Single-Detached Dwelling.

L

Land and Property Rights Tribunal means an amalgamation of provincial quasi-judicial boards whose duties include acting as the appeal body for subdivision and development decisions where a provincial interest exists on the land subject to the appeal.

Landing – means an exterior platform, either covered or uncovered and with or without stairs, of 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.

Lot or Parcel means, for the purposes of this Bylaw, :

- (a) a quarter section;
- (b) a river lot shown on an official plan referred to in the *Surveys Act* that is filed or lodged in a land titles office;
- (c) a settlement lot shown on an official plan referred to in the *Surveys Act* that is filed or lodged in a land titles office;



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~~ ~~a~~ 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.

Q

Quarter section means a titled area of approximately 64.8 hectares (160 acres).

Quarter section, unsubdivided means a titled area of 64.8 hectares (160 acres) more or less, but excluding road widening, previous subdivision for school sites and other public uses.

R

Ready-to-move (RTM) home means a factory-built dwelling unit other than a Manufactured Home.

Real property report (RPR) means a legal document that illustrates in detail the location of all relevant, visible public and private improvements relative to property boundaries.

Rear lane – see “Lane”.

Recreational occupancy – means the infrequent, temporary, short-term and/or seasonal occupancy of a dwelling unit, or a resort accommodation unit, or a camping accommodation unit.

Skirt means a vertical adornment usually made of wood, metal or fabric attached to a dwelling unit to hide or screen the underbelly of the development.

Slope adaptive housing means housing which incorporates specific building and site design methods that minimize the impact of site development on the natural environment, ensures slope stability, and responds positively to the aesthetic opportunities presented by construction on sloping lands. Techniques to achieve this normally include: design of rooflines and building massing designs to echo the angles and shapes of the surrounding landscape; breaking up of the building mass to conform to the slope; and the use of indigenous materials and compatible colours.

Solar collector farm means a grouping of multiple devices, panels or structures that are capable of collecting and distributing solar energy for the purpose of transforming the solar energy into thermal, chemical or electrical energy, and typically will tie-in and feed or sell power to the provincial electric grid transmission or distribution system for off-site consumption. This use includes any associated solar panels, solar modules, supports or racks, inverters, electrical transformers or substations required to transform the solar energy.

Stake out of the site means the process of measuring the site and designating the areas on the site where construction will occur.

Statutory plan means a municipal development plan, area structure plan or area redevelopment plan adopted under the *Municipal Government Act*.

Stop order means an order issued by the Development Authority pursuant to the relevant provisions of the Act.

Storage means a space or place where goods, materials, equipment or personal property is placed and kept for more than 24 consecutive hours.

Storey means that portion of a building situated between the top of any floor and the top of the next floor above it or, if there is no floor above it, the ceiling above it. Where the top of a floor directly above a basement is at least 1.83 metres (6 ft) above grade, that basement shall be considered a storey.

Storey, above-grade means a storey of a building that is enclosed by a roof and is at least 1.83 metres (6 ft) above grade.

Storey, below-grade means a storey of a building that is enclosed by a roof and is less than 1.83 metres (6 ft) above grade.

Street or Avenue means a public ~~roadway~~~~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.



Municipality of Crowsnest Pass Request for Decision

Meeting Date: November 26, 2024

Agenda #: 7.c

Subject: Service Areas Update

Recommendation: That Council receives the service area update as information.

Executive Summary:

Each month the CAO provides Council with a summary of some of the highlights of work completed by the various departments over the last month.

Relevant Council Direction, Policy or Bylaws:

N/A

Discussion:

N/A

Analysis of Alternatives:

N/A

Financial Impacts:

N/A

Attachments:

[Service_Areas_Update_-_November_22__2024.docx](#)



Service Areas Update – November 22, 2024

CAO Office

- Meeting with Alberta Forestry & Parks about projects and initiatives within the region
- Attended East Kootenay/SW Alberta Elected Officials meeting
- Meeting with Alberta Transportation & Economic Corridors regarding Hwy 3X
- Attended RMA Fall Convention
- Meeting with Travel Alberta working groups – Strategy & Governance and Infrastructure & Accessibility
- Panelist on Predictive Index CAO Panel Discussion on Talent Strategy for Municipal Government
- Meeting with South Region AHS on healthcare recruitment
- Meeting with Minister Loewen on needed improvements within the forestry area for tourism
- Participated in Alberta Municipal Working Group on recycling program transition
- Preparing for budget
- Continuing Downtown Bellevue Revitalization project oversight
- Continuing Bellevue High Flow Pump and Water Main project oversight
- Continuing Southmore Phase 2 ASP project oversight

Finance

- Tax Desk received 55 requests for Tax Searches in October 2024; YTD 440 (compared to 42 in October 2023 YTD 425, and 51 in October 2022 YTD 530. An additional 25 tax searches were received up to November 20, 2024.
- Accounts Payable in October did two check runs, processed 307 invoices, and paid 183 vendors; YTD processed 3971 Invoices and paid 1968 vendors. October 2023 processed 264 invoices and paid 144 vendors with two check runs, YTD processed 4643 Invoices and paid 2441 vendors).
- The one outstanding assessment complainant was a virtual session held in Lethbridge as person has properties in other municipalities being addressed as well. The meeting was held October 22, 2024 and the decision upheld Benchmark's original assessed value.
- One Commercial assessment complaint (Servus Credit Union) was received and hearing was to be held in November (virtual). A settlement was reach between Benchmark and the complainant.
- Working on review of the following Bylaws and Policies:
 - Tangible Capital Assets Policy
- Budget 2025 has officially started. Next meeting is November 28 covering base budget and proposed initiatives.
- Finance Manager Position closed with a person hired to start December 2.

- The number of people who pay property taxes (TIPP) and Utilities (PAD) has increased over the last couple of years and Finance will be doing a push in late November early December to encourage people to sign up for taxes.
- The utility bills the Municipality send out each month can be broken down into Commercial Bills of which 119 are emailed and 96 are a paper bill (Total 215) and Residential Bills of which 1563 are emailed and 1734 are paper bills (total 3297) for the October invoicing. Total bills issued is 3512.

Corporate Services

- The Municipality has 148 employees across the organization. (57 Permanent, 34 Fire Rescue, 27 Election Workers, 11 Casual/Temporary, 4 Instructors, 15 Seasonal Ski Hill)
- The Municipality has 3 open posting online (1 Pass Powderkeg, 2 Unionized positions- Utilities/Taxation Clerk and Development Officer.
- 15 FOIP requests have been received, 15 complete.
- 13 Complaint Forms have been completed .
- Advanced Poll was very busy, we saw over 1000 electors, which is approximately 20% of the electorate.
- New Manager of Finance to start on December 1
- Internal CUPE movement includes Assistant Development Officer to Communications Coordinator and Tax and Utility Clerk into Executive Assistant
- Will be recruiting for a Tax and Utilities Clerk to cross train before current Executive Assistant retirement January 31, 2025

Development, Engineering & Operations

Utilities Department

- Utility projects – 47 TOTAL to November 21
 - Sewer main line and service connection repairs (6)
 - Curb stop repair (8)
 - Hydrant install (4)
 - New water (7) and sewer (9) installs
 - Valve repair (3)
 - Miscellaneous repair (10)
- Sewer plant – warranty and service work ongoing
- Budget Initiative: Design finalization for River Bottom PRV (2024 Capital)
- Frank Waterline Capital Project – Completion Date 11/29/2024
- Bellevue High Flow Pump and Water Main Project – Substantially Completed

Transportation Department

- Winter road operations – snow event activity (November 18-22)
- Sand supply for winter established with Volker Stevin (Coleman)
- Grading 3 rounds completed in 2024 season, gravel applied as required
- Cemetery sites (November YTD 20 sites – cremation and burials)

- **Development & Trades Department**
 - **Facility Maintenance**
 - Regular maintenance activities.
 - Budget Initiatives 2024 status: Library painting completed; Blairmore Pump House #2 fencing completed; Fire Station No. 1 windows completed (except for exterior trim that is pending delivery).
 - Elks Hall warranty roof replacement completed (new torch-on roof).
 - **Planning, Development & Safety Codes**
 - Municipal Planning Commission – one meeting in October (2 Subdivisions; 9 DPs).
 - Municipal Historic Resources Advisory Committee – one meeting in October.
 - Appeals – one hearing in October (Land & Property Rights Tribunal).

Key Performance Indicators (KPIs) - August 2024:

Key Performance Indicator (KPI)	Activity Volume Previous Month	Activity Volume YTD
Facility Maintenance – Plumbing, Construction, Electrical		
Work Orders – issued / closed	36 / 27	373 / 337
Planning & Development		
Compliance Certificate requests - received / processed	8 / 7	41 / 42
Development permit applications - received / processed	16 / 48	341 / 267
Business Licences - received / processed	9 / 7	62 / 53
LUB Complaints – new / closed	1 / 2	39 / 36
LUB Complaints – Monthly Volume	53	51.3
Notice of Intent / Stop Orders - issued	0 / 0	21 / 4
Bylaws (MR / Road Closures, LUB)	6	23
Appeal Hearings	1	3
Subdivision applications	0	15
Safety Codes		
New Housing Starts	6	44
Building permits - issued / inspected / closed	18 / 35 / 27	128 / 288 / 215
Electrical permits - issued / inspected / closed	15 / 28 / 23	144 / 196 / 137
Gas permits - issued / inspected / closed	7 / 14 / 10	72 / 135 / 108
Plumbing permits - issued / inspected / closed	3 / 8 / 4	47 / 92 / 60
PSDS permits - issued / inspected / closed	0 / 0 / 0	3 / 6 / 5
Orders Issued / closed	0 / 0	2 / 1
Variances Issued	0	1
Safety Codes Council Appeals	0	1

Protective Services

- **Fire**
 - Onboarded 7 recruits in Oct and Nov-Membership @ 36
 - 11 members attended the Southern Alberta Fire Training Conference
 - 2 members commenced Instructor certification training
 - 3 members completed NFPA 1033-Fire Investigation Level I

- 9 members have completed NFPA 1001 Level I (end Nov)
- 7 members will complete NFPA 1001 Level II (end Nov)
- AFRRCS implementation nearing completion

Call Response	
Category	Month (October)
Medical Response	1
Alarms	7
Mutual Aid - RCMP	2
Motor Vehicle Collision	1
Back Country Rescue	1
Total	12

Community Involvement	
Fire Permits	3
Fire Inspections	3
Fire Drills	1
Spooktacular	1
Halloween Night	1
Fire Station Tour	1
Total	10

- **Peace Officer**
 - November enforcement focus:
 - Abandoned vehicles
 - Unregistered vehicles

Category	Month (Oct)	Year to Date
Number of Charges Laid	48	531
Cases Generated (Incident Count)	38	449
Cases: Requests for Service	30	367
Cases: Officer Observed	4	57
Cases: Received from outside Department/Agency (i.e. RCMP)	4	45
Vehicle Removal Notices	16	34
Vehicles Towed	2	15
Positive Ticketing	0	0
Projected Fine Revenue **	\$10,421	\$140,060

Note** Fine revenue is subject to change through court process

- **Environmental Services**
 - Map preparation for 2025 vegetation management
 - Created a pamphlet on soil conservation and weed control
 - 2024 vegetation management program completed

- Environmental Coordinator position concluded for 2024 season (will resume spring of 2025)

Field Work	October	TO DATE
Vegetation Inspections	3	145
Inspector's Notices	0	21
Inspector's Notices (Open/Closed)	0	22
# of bags pulled	0	238
Weight of destroyed weeds	0	2316 kg
Acres Inspected	64	2130
Soil Inspections	3	145
Pest Inspections	7	15
Trap Rentals	2	7
# of burrows treated	0	107
EDDMapS Entries	0	178
Revisits	0	32
EDRR	0	8
Education and Awareness Events	0	3
Public Weed Pulls	0	13

Pass Powderkeg Community Resort

- We are making snow and getting ready to open for the season. The weather looks great for snow making over the next two weeks.
- The new snow guns are working very nicely.
- Planning to open Nov. 30 & Dec. 1 for the weekend then early season training starts with Sunshine Race Club on Dec. 5. Will operate weekends for public until Dec. 21, when we will operate the regular holiday season schedule.
- The new grooming cat arrived Nov. 8. It is a very impressive machine and will help keep the slopes in the best shape possible.
- Staffing levels are almost full. All key Supervisory positions are filled and working full or part-time as needed.
- Ski Swap was very well attended on Friday Nov. 1 and was a little slower on Saturday Nov. 2
- Season passes can be printed for residents prior to opening. Dates and times have been circulated to all social media

Community Services

- Budgets
- Special events
- Policy reviews
- Staff training
- **Facilities and Events**
 - Crowsnest Community Hall
 - October 3 Community Garage Sale
 - Cadet's
 - CN Community Market
 - MCNP Non-Binding Vote – Northback – Advanced Poll and poll
 - Birthday party
 - Complex
 - Regular bookings
 - CCHS school Bookings
 - CNPMH u9 hockey Tournament.
 - MDM
 - Gala
 - Youth and Adult Volleyball
 - GLC gold booking
 - Spooktacular
 - PPK ski swap
 - EVR Christmas parties- 7 of them
 - Clothing fest
 - Parks
 - Christmas Lighting displays
 - Clean-up of Remembrance Day outdoor areas
 - Dock removal
- **FCSS**
 - 2025 Community Calendar
 - Spooktakular
 - Home Alone Course – 14 kids
 - Seniors Christmas Lunch – December 11
 - Christmas Food Hamper Applications – Hampers are getting delivered on December 20
 - Coordination of Lions Holiday Meals on wheels
 - 2024 FCSS Conference
 - 2024 Christmas Tree Lighting – December 28
 - Santa Skate – December 22
 - Meals on Wheels – business as usual
 - Seniors on the Go Newsletter
 - Subsidized taxi program

- **Recreation Programming**
 - Fall programs – Public Skate Schedule,
 - Recreation Programs in MDM Gym,
 - Kickboxing Fitness and Drums Alive Corner Hub,
 - Recreation Badminton start up
 - Assist with set up for Christmas Party bookings
 - Self Defense Course
 - Spooktacular
 - Assisted with Christmas decoration of facilities.
 - Santa Skate prep.



Municipality of Crowsnest Pass Request for Decision

Meeting Date: November 26, 2024

Agenda #: 7.d

Subject: Discussion on the Results of the 2024 Vote of the Electors on a Question

Recommendation: That Council have discussion on the 2024 Vote of the Electors on a Question.

Executive Summary:

The results of the 2024 Vote of the Electors on a Question will be completed on November 25, 2024. Results were not available at the time of preparing the package. This item was placed on the agenda so Council can have a discussion on the results and determine how they wish to proceed going forward.

Relevant Council Direction, Policy or Bylaws:

13-2024-09-10: Councillor Ward moved that Council directs Administration to hold a vote of the electors of the Crowsnest Pass within ninety days (using the same criteria as a municipal election for eligibility and process) with the following question "Do you support the development and operations of the metallurgical coal mine at Grassy Mountain?"

Discussion:

The Vote on a Question was conducted in accordance with the Local Authorities Election Act. Polls were held via Special Ballot (absentee or persons with physical disabilities), institutional poll, Advanced Poll, and on Election Day in Bellevue, Blairmore and Coleman.

Analysis of Alternatives:

n/a

Financial Impacts:

Unknown at this time.

Attachments: