

TOWN OF FORT MACLEOD
IN THE PROVINCE OF ALBERTA

LAND USE BYLAW
NO. 1600

Prepared by the



OLDMAN RIVER INTERMUNICIPAL SERVICE AGENCY

June 1999
(with revisions to Bylaw No. 1642, April 2003)

TABLE OF CONTENTS

	Page
DEFINITIONS.....	1
DESIGNATED OFFICER / DEVELOPMENT OFFICER.....	1
MUNICIPAL PLANNING COMMISSION	1
LAND USE DISTRICTS	2
DEVELOPMENT PERMIT APPLICATIONS	2
PERMITTED USE APPLICATIONS.....	2
DISCRETIONARY USE APPLICATIONS.....	2
NOTIFICATION.....	3
VALIDITY OF A DEVELOPMENT PERMIT	4
DEVELOPMENT AGREEMENTS	4
REAPPLICATION	4
APPEALS.....	4
COMMENCEMENT OF DEVELOPMENT	5
TRANSFER OF DEVELOPMENT PERMIT	5
APPLICATION DEEMED REFUSED.....	5
NON-COMPLIANCE WITH LAND USE BYLAW.....	5
SUSPENSION OF A DEVELOPMENT PERMIT	5
STOP ORDERS.....	6
SIMILAR USES.....	6
TEMPORARY PERMITS.....	6
NUMBER OF DWELLING UNITS ON A PARCEL	7
DEVELOPMENT AGREEMENTS	7
ADDITIONAL INFORMATION REQUIREMENTS	7
DEVELOPMENT IN MUNICIPALITY GENERALLY.....	7
DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT	7
PENALTIES.....	7
MEASUREMENTS AND STANDARDS	7
 Schedule 1 – LAND USE DISTRICTS	 9
Schedule 2 – LAND USE DISTRICT REGULATIONS	
RESIDENTIAL – R1	11
MOBILE HOME – R2.....	13
MULTIPLE RESIDENTIAL – R3.....	15
MANUFACTURED HOME COMMUNITY – R4.....	17

	Page
COUNTRY RESIDENTIAL – CR1	19
RETAIL COMMERCIAL – C1	21
RETAIL TRANSITIONAL – C2.....	23
HIGHWAY COMMERCIAL – C3.....	25
FORT MACLEOD PROVINCIAL HISTORIC AREA – C4.....	27
RETAIL HIGHWAY COMMERCIAL – C5.....	29
PUBLIC – P.....	31
RAILWAY – Ry.....	33
INDUSTRIAL – I.....	35
RIVER VALLEY LANDS – RVL.....	37
AGRICULTURE – A	39
AIRPORT – Ap	41
Schedule 3 – DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT	43
Schedule 4 – STANDARDS OF DEVELOPMENT	45
Schedule 5 – HOME OCCUPATIONS	55
Schedule 6 – FORT MACLEOD PROVINCIAL HISTORIC AREA PROVISIONS	57
Schedule 7 – WIND ENERGY CONVERSION SYSTEMS	59
Schedule 8 – GUIDELINES FOR WIND AND SOLAR PROTECTION SCREENS	61
Schedule 9 – MOBILE HOME STANDARDS	63
Schedule 10 – OFF-STREET PARKING AND LOADING REQUIREMENTS	65
Schedule 11 – MOVED-IN BUILDINGS	69
Schedule 12 – FORMS AND APPLICATIONS	
FORM A – Application for a Development Permit	71
FORM B – Notice of Decision.....	73
FORM C – Development Permit	75
Schedule 13 – DEFINITIONS	77

SIGNATURE PAGE

APPENDIX 1 – TOWN OF FORT MACLEOD POLICY ON DEVELOPMENT IN THE RIVER VALLEY

SUBDIVISION AND DEVELOPMENT AUTHORITY BYLAW NO. 1556

SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW NO. 1557

TOWN OF FORT MACLEOD
IN THE PROVINCE OF ALBERTA
LAND USE BYLAW NO. 1600

BEING A BYLAW OF THE TOWN OF FORT MACLEOD, IN THE PROVINCE OF ALBERTA, TO REGULATE AND CONTROL LAND USE AND DEVELOPMENT OF LAND AND BUILDINGS IN THE TOWN OF FORT MACLEOD.

THIS BYLAW MAY BE CITED AS THE TOWN OF FORT MACLEOD LAND USE BYLAW.

DEFINITIONS

1. See Schedule 13.

DESIGNATED OFFICER / DEVELOPMENT OFFICER

2. The office of "designated officer" is established.
3. The council shall, by resolution, appoint a person to the office of designated officer. For the purpose of this bylaw the designated officer shall be the development officer.
4. The Municipal Planning Commission is additionally authorized to act as a development officer in accordance with the Act and this bylaw.
5. The development officer is an authorized person in accordance with section 624 of the Act.
6. The development officer may exercise only such powers and perform duties as are specified in the Act, this bylaw or by resolution of council.
7. The development officer is responsible for processing and deciding upon applications for a development permit in accordance with this bylaw.
8. The development officer shall establish and maintain a register in which shall be recorded the applications for a development permit and the decision made on the application, and contain such other information as the Municipal Planning Commission considers necessary.
9. The development officer shall notify any persons who, in his opinion, are likely to be affected by a proposed development for a discretionary use as specified in sections 24 to 27 of this bylaw.

MUNICIPAL PLANNING COMMISSION

10. The Municipal Planning Commission may exercise only such powers and perform duties as are specified:
 - (a) in the Act; or
 - (b) in the Town of Fort Macleod Subdivision and Development Authority Bylaw;

- (c) in this bylaw; or
- (d) by resolution of council.

LAND USE DISTRICTS

11. The Town of Fort Macleod is divided into those land use districts specified in Schedule 1 and shown on the Land Use District Map.
12. The one or more uses of land or buildings that are:
 - (a) permitted and discretionary uses in each district, with or without conditions; or
 - (b) prohibited uses in each district;are described in Schedule 2.
13. A land use not listed as permitted, discretionary or similar in nature to a use listed in a district may be considered to be a prohibited use.

DEVELOPMENT PERMIT APPLICATIONS

14. Except as provided in Schedule 3, no person shall commence a development unless he has been issued a development permit in respect of the development.
15. An application for a development permit must be made to the development officer by sending to him:
 - (a) a completed development permit application;
 - (b) such other information as may be required by the development officer; and
 - (c) the prescribed fee.
16. An application for a development permit must be made by the owner of the land on which the development is proposed or, with the written consent of the owner by any other person.

PERMITTED USE APPLICATIONS

17. Upon receipt of a completed application for a development permit for a permitted use, the development officer may, if the application conforms with this bylaw, issue a development permit with or without conditions, including the provision of a development agreement pursuant to the Act.
18. The development officer may refer any application for a permitted use to the Municipal Planning Commission for a decision.
19. All development approvals granted by the development officer in accordance with section 17 above may be summarized and filed with the Municipal Planning Commission at their next regularly scheduled meeting.

DISCRETIONARY USE APPLICATIONS

20. Upon receipt of a completed application for a development permit for a discretionary use, the development officer shall send the application to the Municipal Planning Commission.

21. Upon receipt of an application under section 20, the Municipal Planning Commission or the development officer may notify, or cause to be notified the owners of land likely to be affected by the issue of a development permit in accordance with sections 24 to 26.
22. Upon receipt of a completed application for a development permit for a development that does not comply with the development standards in this bylaw, but in respect of which the Municipal Planning Commission is requested by the applicant to exercise discretion under sections 40 and 41, the development officer shall send the application to the Municipal Planning Commission.
23. Upon receipt of an application under section 22, and if the Municipal Planning Commission is prepared to exercise its discretion under sections 40 and 41, it may notify, or cause to be notified, the owners of land likely to be affected by the issue of a development permit in accordance with sections 24 to 26.

NOTIFICATION

24. Upon receipt of an application under sections 20 to 23 or 40 to 41, the development officer may notify or cause to be notified any persons likely to be affected by the issue of a discretionary development permit as follows:
 - (a) a notice in writing may be mailed immediately by the development officer to any person who may be affected; or
 - (b) the development officer may immediately post a notice of application conspicuously on the property for which the application has been made; or
 - (c) the development officer may ensure that a notice is immediately published in a newspaper circulating in the municipality; or
 - (d) the development officer may hand deliver a notice of application to any persons affected by the proposal; or
 - (e) any combination of (a), (b) (c) and (d).
25. Any person notified in accordance with section 24 and who wishes to comment on the application must submit comments to the Municipal Planning Commission within five days of the mailing, posting or publication or a notice of application, if said comments are to be considered.
26. Not before five consecutive days after notification of an application and upon considering any response to the notification by persons likely to be affected by the development, the Municipal Planning Commission may refuse the application or may issue a development permit with or without conditions, including the provision of a development agreement pursuant to the Act.
27. Upon the issuance of a development permit for a discretionary use, the development officer shall immediately notify by mail or by posting conspicuously on the property, or by publishing in a newspaper circulating in the municipality, or by hand delivering notices, or any combination of these:
 - (a) those persons notified under sections 24 to 26; and
 - (b) any other person likely to be affected by the development.

VALIDITY OF A DEVELOPMENT PERMIT

28. A development permit remains in effect for 12 months from the date of its approval unless the development permit is suspended or cancelled.
29. An application to extend the validity of a development permit may be made at any time prior to the expiration of said permit.
30. The validity of a development permit may be extended:
 - (a) by the development officer or the Municipal Planning Commission, if the development officer issued it; or
 - (b) by the Municipal Planning Commission, if the Municipal Planning Commission issued it; for up to 18 months from the date of its approval.
31. When any use has been discontinued for a period of 24 months or more, any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued.

DEVELOPMENT AGREEMENTS

32. The provision of a development agreement pursuant to the Act may be required as a condition of a development permit.

REAPPLICATION

33. If an application for a development permit is refused by the development officer, the Municipal Planning Commission, or on appeal by the Subdivision and Development Appeal Board, another application for a development on the same lot, and for the same or similar use, may not be considered for at least six months after the date of refusal.

APPEALS

34. Any person affected by a decision of the Municipal Planning Commission or the development officer has the right pursuant to the Act, to appeal said decision to the Subdivision and Development Appeal Board.
35. An appeal to the Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal to the Subdivision and Development Appeal Board within 14 days after:
 - (a) a person is notified of a order or decision or the issuance of a development permit; or
 - (b) the date on which the notice of the issuance of a development permit was given in accordance with section 27 of this bylaw; or
 - (c) the expiration of the 40-day period for a decision to be made and any extension of that period, in accordance with section 39 of this bylaw, has expired.

COMMENCEMENT OF DEVELOPMENT

36. Notwithstanding the issue of a development permit, no development authorized by the issue of a permit shall commence:
- (a) until at least 17 days after the date of notification of the issuance of the permit; or
 - (b) if an appeal is made, until the appeal is decided upon.

TRANSFER OF DEVELOPMENT PERMIT

37. A valid development permit is transferable where the use remains unchanged and the development is affected only by a change in ownership or tenancy.
38. When any use has been discontinued for a period of 24 months or more, any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued.

APPLICATION DEEMED REFUSED

39. In accordance with section 684 of the Act, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the development officer or the Municipal Planning Commission, as the case may be, is not made within 40 days of receipt of the completed application by the development officer, unless the applicant has entered into an agreement with the development officer to extend the 40-day period.

NON-COMPLIANCE WITH LAND USE BYLAW

40. The Municipal Planning Commission is authorized and, subject to section 41, the development officer is also authorized, to decide upon an application for a development permit notwithstanding that the proposed development does not comply with this bylaw if, in the opinion of the Municipal Planning Commission or the development officer:
- (a) the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use or enjoyment or value of neighbouring properties; and
 - (b) the proposed development conforms with the use prescribed for the land or building in Schedule 2.
41. The development officer may only exercise a discretion under section 40 in respect of the following matters:
- (a) granting of minor setback waivers or any other matters as authorized by resolution of council;
 - (b) approval of minor deviations from approved site plans;
 - (c) imposing conditions on permitted uses in order to ensure a proposed use will comply with provisions of the bylaw, the general municipal plan or any other statutory plan.

SUSPENSION OF A DEVELOPMENT PERMIT

42. If, after a development permit has been issued, the development officer or Municipal Planning Commission becomes aware that:
- (a) the application for the development permit contained misrepresentations; or

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

(c) a development permit was issued in error;

the development officer or the Municipal Planning Commission may suspend or cancel the development permit by notice in writing to the holder of it stating the reasons for any suspension or cancellation.

43. If a development permit is suspended, the Subdivision and Development Appeal Board shall review the application if requested by the applicant and either:

(a) reinstate the development permit; or

(b) cancel the development permit if the development officer or the Municipal Planning Commission, as the case may be, would not have issued the development permit if the facts subsequently disclosed had been known during consideration of the application.

44. In addition to the conditions that a development officer or Municipal Planning Commission may impose on a development permit issued under Schedule 2, the development officer or Municipal Planning Commission may impose such other conditions as are considered necessary to ensure that this bylaw or any statutory plan is complied with.

STOP ORDERS

45. The development officer is authorized to issue a stop order pursuant to the Act whenever he considers it necessary to do so.

SIMILAR USES

46. Where a use is applied for which is not specifically considered in a land use district but, in the opinion of the Municipal Planning Commission, is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the Municipal Planning Commission may:

(a) rule that the proposed use is either a permitted or discretionary use in the land use district in which it is proposed; and

(b) direct that a development permit be issued in accordance with sections 24 to 26 of this bylaw.

TEMPORARY PERMITS

47. When, in the opinion of the Municipal Planning Commission, a proposed use is of a temporary or discretionary nature, it may issue a temporary development permit valid for such a period as it considers appropriate. It shall be a condition of every temporary development permit that the Town of Fort Macleod shall not be liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period. The Municipal Planning Commission may require the applicant to post a guarantee for the cessation or removal of the use and any associated development.

NUMBER OF DWELLING UNITS ON A PARCEL

48. No person shall construct or locate or cause to be constructed or located more than one dwelling unit on a parcel unless authorized by the Municipal Planning Commission through the issuance of a development permit.

DEVELOPMENT AGREEMENTS

49. The Municipal Planning Commission may require with respect to a development that as a condition of issuing a development permit, the applicant enter into an agreement to:
- (a) construct or pay for the construction of public roadways or parking areas;
 - (b) install or pay for the installation of utilities, and/or any municipal service mutually agreed upon;
 - (c) pay for an off-site levy or redevelopment levy imposed by bylaw.

ADDITIONAL INFORMATION REQUIREMENTS

50. The development officer may require proof of ownership or right to land in question and may require a surveyor's certificate as proof of location of development on said land.

DEVELOPMENT IN MUNICIPALITY GENERALLY

51. A person who develops land or a building in the municipality shall:
- (a) comply with the applicable standards and requirements of development specified in all schedules of this bylaw, in addition to complying with the use or uses prescribed in Schedule 2 and any conditions attached to a development permit if one is required;
 - (b) notify the development officer following the preliminary layout of the site, but prior to the commencement of development thereon.

DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

52. Development that does not require a development permit is specified in Schedule 3.

PENALTIES

53. Every person who contravenes any provision of this bylaw is guilty of an offence pursuant to the Act and is liable to a fine of not more than \$10,000 or to imprisonment for not more than one year, or to both fine and imprisonment.

MEASUREMENTS AND STANDARDS

54. Imperial measurements and standards in this bylaw are applicable. Metric measurements and standards are provided only for convenience.

Schedule 1

LAND USE DISTRICTS

LAND USE DISTRICTS

1. The Town of Fort Macleod is divided into those districts illustrated on the Land Use District Map.

2. Each district shown on the map referred to in section 1 above shall be known by the following identifying letters and numbers:

RESIDENTIAL	– R1
MOBILE HOME	– R2
MULTIPLE RESIDENTIAL	– R3
COUNTRY RESIDENTIAL	– CR1
RETAIL COMMERCIAL	– C1
RETAIL TRANSITIONAL	– C2
HIGHWAY COMMERCIAL	– C3
FORT MACLEOD PROVINCIAL HISTORIC AREA	– C4
RETAIL HIGHWAY COMMERCIAL	– C5
PUBLIC	– P
RAILWAY	– Ry
INDUSTRIAL	– I
RIVER VALLEY LANDS	– RVL
AGRICULTURE	– A
AIRPORT	– Ap

3. Land Use District Map (following this page).

Schedule 2

LAND USE DISTRICT REGULATIONS

RESIDENTIAL – R1

1. PERMITTED USES

Accessory buildings and uses
One-family dwellings

DISCRETIONARY USES

Bed and breakfast establishments
Dwellings:
 Group homes
 Lodging and boarding houses
 Modular homes
 Two-family dwellings
 Three-family dwellings
Home occupations
Medical clinics
Parks and playgrounds
Places of worship
Public and private schools
Public utility structures
Signs
Similar uses

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	ft.	(m)	ft.	(m)	sq. ft.	(m ²)
One-family dwellings	44	(13.4)	99	(30.2)	6,534	(607.0)
Two-family dwellings	50	(13.4)	99	(30.2)	6,534	(607.0)
All other uses	As required by the Municipal Planning Commission					

3. MINIMUM BUILDING SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	ft.	(m)	ft.	(m)	ft.	(m)
One-family dwellings	20	(6.1)	5	(1.5)	30	(9.1)
Two-family dwellings	20	(6.1)	5	(1.5)	30	(9.1)
Accessory buildings						
– without lane	20	(6.1)	2	(0.6)	2	(0.6)
– with lane	20	(6.1)	2	(0.6)	5	(1.5)
All other uses	As required by the Municipal Planning Commission					

4. MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED BY ALL USES

Principal building – 35%
Accessory buildings – 15% (includes carports and garages)

5. MINIMUM FLOOR AREA

Dwellings – 800 square feet (74.3 m²) per unit
All other uses – As required by the Municipal Planning Commission

6. MAXIMUM HEIGHT OF BUILDINGS

Dwellings – 28 feet (8.5 m)

Accessory buildings – 15 feet (4.6 m)

All other uses – As required by the Municipal Planning Commission

7. MINIMUM OFF-STREET PARKING SPACE

Dwellings – 2 parking spaces per dwelling unit

All other uses – As required by the Municipal Planning Commission

8. STANDARDS OF DEVELOPMENT – See Schedule 4.

9. HOME OCCUPATIONS – See Schedule 5.

10. MOVED-IN DWELLINGS – See Schedule 11.

11. SIGNS – See Town of Fort Macleod Municipal Signage Bylaw.

MOBILE HOME – R2

1. PERMITTED USES

Accessory buildings and uses
Mobile homes

DISCRETIONARY USES

Bed and breakfast establishments
Dwellings:
 Group homes
 Lodging or boarding houses
 One-family dwellings
 Two-family dwellings
Home occupations
Mobile home parks
Parks and playgrounds
Places of worship
Public utility structures
Public and institutional
Signs
Similar uses

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	ft.	(m)	ft.	(m)	sq. ft.	(m ²)
Mobile homes, one-family dwellings	44	(13.4)	99	(30.2)	6,534	(607.0)
Two-family dwellings	50	(15.2)	99	(30.2)	6,534	(607.0)
All other uses	As required by the Municipal Planning Commission					

3. MINIMUM BUILDING SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	ft.	(m)	ft.	(m)	ft.	(m)
Mobile homes	12.5	(3.8)	5	(1.5)	10	(3.0)
One-family dwellings	20	(6.1)	5	(1.5)	30	(9.1)
Two-family dwellings	20	(6.1)	5	(1.5)	30	(9.1)
Accessory buildings						
– without lane	20	(6.1)	2	(0.6)	5	(1.5)
– with lane	20	(6.1)	2	(0.6)	5	(1.5)
All other uses	As required by the Municipal Planning Commission					

4. MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED BY ALL USES

Principal building – 35%
Accessory buildings – 15%

5. MINIMUM FLOOR AREA

Mobile homes – 700 square feet (65.0 m²)

Dwellings – 800 square feet (74.3 m²)

All other uses – As required by the Municipal Planning Commission

6. MAXIMUM HEIGHT OF BUILDINGS

Mobile homes, dwellings – 28 feet (8.5 m)

Accessory buildings – 15 feet (4.6 m)

All other uses – As required by the Municipal Planning Commission

7. MINIMUM OFF-STREET PARKING

2 parking spaces per dwelling unit.

8. MOBILE HOME STANDARDS – See Schedule 9.

9. STANDARDS OF DEVELOPMENT – See Schedule 4.

10. HOME OCCUPATIONS – See Schedule 5.

11. MOVED-IN BUILDINGS – See Schedule 11.

12. SIGNS – See Town of Fort Macleod Municipal Signage Bylaw.

MULTIPLE RESIDENTIAL – R3

1. PERMITTED USES

Accessory buildings and uses
Two-family dwellings
Three-family dwellings

DISCRETIONARY USES

Bed and breakfast establishments
Dwellings:
 Apartments (1-3 storeys)
 Dwellings (of 4 units or greater)
 Group homes
 Lodging or boarding houses
Home occupations
Signs
Similar uses

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	ft.	(m)	ft.	(m)	sq. ft.	(m ²)
Two-family dwellings	66	(20.1)	99	(30.2)	6,534	(607.0)
Row dwellings	As required by the Municipal Planning Commission					
Apartments	80	(24.4)	99	(30.2)	7,920	(735.8)
All other uses	As required by the Municipal Planning Commission					

3. MINIMUM BUILDING SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	ft.	(m)	ft.	(m)	ft.	(m)
Two-family dwellings	20	(6.1)	5	(1.5)	30	(9.1)
Row dwellings	20	(6.1)	10	(3.0)	30	(9.1)
Apartment buildings	20	(6.1)	As required by the MPC with a minimum of 10 ft. (3.0 m)		30	(9.1)
Accessory buildings						
– without lane	20	(6.1)	2	(0.6)	2	(0.6)
– with lane	20	(6.1)	2	(0.6)	5	(1.5)
All other uses	As required by the Municipal Planning Commission					

4. MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED BY ALL USES

Principal building – 35%
Accessory buildings – 15%

5. MINIMUM FLOOR AREA

Two-family dwellings – 800 square feet (74.3 m²)
All other dwellings – 600 square feet (55.7 m²)

6. MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES

- Two-family dwellings – 28 feet (8.5 m)
- Row dwellings – 28 feet (8.5 m)
- Apartment buildings – 35 feet (10.7 m)
- Accessory buildings – 15 feet (4.6 m)
- All other uses – As required by the Municipal Planning Commission

7. STANDARDS OF DEVELOPMENT – See Schedule 4.

8. HOME OCCUPATIONS – See Schedule 5.

9. MINIMUM OFF-STREET PARKING AND LOADING SPACE – See Schedule 10.

10. SIGNS – See Town of Fort Macleod Municipal Signage Bylaw.

MANUFACTURED HOME COMMUNITY – R4

The purpose of this land zone is to establish an area where a privately owned parcel of land can be developed for use as a manufactured home community with a mix of mobile home units and other manufactured types of residential dwelling units in a planned community setting. All zones shall be established by way of a development agreement with the Town. Any costs which may be payable by the owner to the Town pursuant to such a Development Agreement shall be costs payable pursuant to this Bylaw, and enforceable by the Town accordingly.

1. PERMITTED USES

- Manufactured home community
- Manufactured homes
- Modular homes
- Site built one-family residence
- Accessory buildings and uses

DISCRETIONARY USES

- Recreation facilities
- Mobile homes
- Home occupations
- Community centers
- Parks & open space
- Signs
- Similar uses

2. MINIMUM PARCEL SIZE

4000 sq. ft. (371.6 m²)

Following the Town’s approval for a lay-out design for a development in this land zone, changes may only be made with the approval of the designated officer and may only be minor design changes in order to facilitate infrastructure installation. The owner shall not make any other changes to the design without the approval of the Development Authority.

3. MINIMUM BUILDING SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	ft.	(m)	ft.	(m)	ft.	(m)
Manufactured homes	10	(3)	5	(1.5)	5	(1.5)
One-family dwellings	10	(3)	5	(1.5)	5	(1.5)
Accessory buildings	10	(3)	2	(0.6)	5	(1.5)

Note: All dwelling units shall be separated by a minimum distance of 15 ft. (4.5 m)

4. MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED BY ALL USES

Principal building – 40%

Accessory buildings – 15%

The aggregate of both building areas shall not exceed 55% of the lot size.

5. MINIMUM FLOOR AREA

Manufactured homes – 700 sq. ft. (65 m²)

Dwelling units – 800 sq. ft. (74.3 m²)

6. MAXIMUM HEIGHT OF BUILDINGS

- Manufactured homes, dwellings – 18 feet (5.49 m)
- Accessory buildings – 15 feet (4.57 m)
- All other uses – As per Municipal Planning Commission

7. MINIMUM OFF-STREET PARKING

- 2 parking spaces per dwelling unit
- Community center – as required by Municipal Planning Commission

8. MOBILE HOME STANDARDS – See Schedule 9.

9. STANDARDS OF DEVELOPMENT – See Schedule 4.

10. HOME OCCUPATIONS – See Schedule 5.

11. MOVED-IN BUILDINGS – See Schedule 11.

12. SIGNS – See Town of Fort Macleod Municipal Signage Bylaw.

COUNTRY RESIDENTIAL – CR1

- | | |
|--|--|
| <p>1. PERMITTED USES</p> <p>Buildings accessory to a residential use
 Garage accessory to a single-family dwelling
 Single-family dwellings</p> | <p>DISCRETIONARY USES</p> <p>Home occupations
 Similar uses</p> |
|--|--|

- 2. MINIMUM PARCEL SIZE**
 2 acres (0.8 ha) or existing titles.

3. BUILDING SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	ft.	(m)	ft.	(m)	ft.	(m)
Principal use	50	(15.2)	50	(15.2)	50	(15.2)
Accessory buildings	As required by the Municipal Planning Commission					

- 4. STANDARDS OF DEVELOPMENT** – See Schedule 4.
- 5. LANDSCAPING AND SCREENING** – See Schedule 4.
- 6. HOME OCCUPATIONS** – See Schedule 5.
- 7. MOVED-IN BUILDINGS** – See Schedule 11.
- 8. SIGNS** – See Town of Fort Macleod Municipal Signage Bylaw.

RETAIL COMMERCIAL – C1

1. PERMITTED USES

Financial institutions
Hotels
Motels
Offices
Restaurants
Retail stores
Theatres

DISCRETIONARY USES

Auto sales and service
Bus depots
Commercial recreation facility
Dwelling units accessory to an approved use
Licensed premises
Liquor sales
Outdoor storage
Parking lots
Personal service use
Places of worship
Printing and publishing establishments
Public and semi-public buildings
Satellite dishes
Signs
Similar indoor retail uses

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	ft.	(m)	ft.	(m)	sq. ft.	(m ²)
All uses	15	(4.6)	As required by the MPC		1,500	(139.4)

3. MINIMUM BUILDING SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	ft.	(m)	ft.	(m)	ft.	(m)
All uses	None		None,		25	(7.6)
	construction of a concrete block firewall, 5 feet (1.5 m) minimum next to residential districts					

4. MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED BY ALL USES

Principal building and accessory building – 80%.

5. MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES

All buildings west of 4th Avenue – 35 feet (10.7 m)
All other uses – As required by the Municipal Planning Commission

6. STANDARDS OF DEVELOPMENT – See Schedule 4.

7. OFF-STREET PARKING AND LOADING SPACE – See Schedule 10.

8. **SIGNS** – See Town of Fort Macleod Municipal Signage Bylaw.

RETAIL TRANSITIONAL – C2

1. PERMITTED USES

Offices
Retail stores
Restaurants

DISCRETIONARY USES

Apartments
Auto sales and service
Bed and breakfast establishments
Clubs or lodges
Condominiums
Dwelling units accessory to an approved use
Liquor sales
Motels
Parking lots
Personal service use
Public and semi-public buildings
Residential additions and renovations
Satellite dishes
Shopping plazas
Signs
Similar uses

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	ft.	(m)	ft.	(m)	sq. ft.	(m ²)
All uses	66	(20.1)	99	(30.2)	6,534	(607.0)

3. MINIMUM BUILDING SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	ft.	(m)	ft.	(m)	ft.	(m)
All uses	None		None,		25	(7.6)
subject to the construction of a concrete block firewall						

4. MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED BY ALL USES

Principal building and accessory buildings – 80%.

5. MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES

All buildings west of 4th Avenue – 35 feet (10.7 m)
All other uses – As required by the Municipal Planning Commission

6. STANDARDS OF DEVELOPMENT – See Schedule 4.

7. SIGNS – See Town of Fort Macleod Municipal Signage Bylaw.

HIGHWAY COMMERCIAL – C3

1. PERMITTED USES

Drive-in restaurants
Motels
Service stations

DISCRETIONARY USES

Auto sales and service
Dwelling units accessory to an approved use
Liquor sales
Public utility structures
Recreational vehicle sales and service
Satellite dishes
Signs
Similar uses
Truck stop services

2. MINIMUM LOT SIZE

6,500 square feet (603.9 m²).

3. MINIMUM BUILDING SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	ft.	(m)	ft.	(m)	ft.	(m)
All uses	20	(6.1)	5	(1.5)	25	(7.6)

or as required by the Municipal Planning Commission

4. MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED BY ALL USES

Principal building and accessory buildings – 60%.

5. MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES

As required by the Municipal Planning Commission.

6. MINIMUM GREEN SPACE

10% or as required by the Municipal Planning Commission.

7. STANDARDS OF DEVELOPMENT – See Schedule 4.

8. MINIMUM OFF-STREET PARKING AND LOADING SPACE – See Schedule 10.

9. SIGNS – See Town of Fort Macleod Municipal Signage Bylaw.

FORT MACLEOD PROVINCIAL HISTORIC AREA – C4

1. PERMITTED USES

Financial institutions
Hotels
Licensed premises
Motels
Offices
Retail stores
Restaurants
Theatres

DISCRETIONARY USES

Bus depots
Commercial recreation facility
Dwelling units as per section 6 of this district
Liquor sales
Metal fabrication
Parking lots
Personal service use
Places of worship
Printing and publishing establishments
Public and semi-public buildings
Signs
Similar indoor retail uses

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	ft.	(m)	ft.	(m)	sq. ft.	(m ²)
All uses	15	(4.6)	As required by the MPC		1,500	(139.4)

3. MINIMUM BUILDING SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	ft.	(m)	ft.	(m)	ft.	(m)
All uses	None		None,		25	(7.6)
	construction of a concrete block firewall, 5 feet (1.5 m) minimum next to residential districts					

4. MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED BY ALL USES

Principal building and accessory buildings – 80%.

5. MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES

All buildings – 35 feet (10.7 m).

6. DWELLING UNITS – APPROVED LOCATIONS

Approved locations for dwelling units include the following:

- (a) second floor locations in commercial buildings;
- (b) motel owners' accommodations;
- (c) other locations that, at the discretion of the Municipal Planning Commission, do not jeopardize the commercial business nature of the Provincial Historic Area.

7. **STANDARDS OF DEVELOPMENT** – See Schedule 4.
8. **FORT MACLEOD HISTORIC AREA PROVISIONS** – See Schedule 6.
9. **OFF-STREET PARKING AND LOADING SPACE** – See Schedule 10.
10. **SIGNS** – See Town of Fort Macleod Municipal Signage Bylaw.

RETAIL HIGHWAY COMMERCIAL – C5

1. PERMITTED USES

Motor hotels
Restaurants

DISCRETIONARY USES

Auto sales and service
Bingo halls
Confectioneries
Drive-in restaurants
Dwelling units accessory to an approved use
Manufacturing outlets
Personal service use
Public utility structures
Recreational vehicle sales and service
Service centres - auto oriented
Signs
Similar indoor retail uses
Similar uses
Strip malls - retail stores

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	ft.	(m)	ft.	(m)	sq. ft.	(m ²)
All uses	100	(30.5)	200	(61.0)	20,000	(1,858)

3. MINIMUM BUILDING SETBACKS

As required by the Municipal Planning Commission.

4. MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED BY ALL USES

Principal building and accessory buildings – 60%.

5. MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES

As required by the Municipal Planning Commission.

6. STANDARDS OF DEVELOPMENT – See Schedule 4.

7. OFF-STREET PARKING AND LOADING SPACE – See Schedule 10.

8. SIGNS – See Town of Fort Macleod Municipal Signage Bylaw.

PUBLIC – P

1. PERMITTED USES

Parks
Playgrounds
Sportsfields

DISCRETIONARY USES

Accessory buildings
Cemeteries
Commercial recreation facilities
Cultural facilities
Government services
Nursing homes
Parking facilities
Places of worship
Public recreation areas or buildings
Public utility structures
Schools
Signs
Similar uses

2. MINIMUM LOT SIZE

As required by the Municipal Planning Commission.

3. MINIMUM BUILDING SETBACKS

As required by the Municipal Planning Commission.

4. MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES

All buildings – 35 feet (10.7 m)

All other – As required by the Municipal Planning Commission

5. STANDARDS OF DEVELOPMENT – See Schedule 4.

6. GREEN SPACE AND BUFFER STRIPS – See Schedule 4.

7. OFF-STREET PARKING AND LOADING SPACE – See Schedule 10.

8. SIGNS – See Town of Fort Macleod Municipal Signage Bylaw.

RAILWAY – Ry

- | | |
|---|---|
| <p>1. PERMITTED USES
Such uses and buildings as are required
in the operation of a railway</p> | <p>DISCRETIONARY USES
Grain elevators
Signs
Similar uses</p> |
|---|---|
-
- 2. MINIMUM LOT SIZE**
As required by the Municipal Planning Commission.
- 3. MINIMUM BUILDING SETBACKS**
As required by the Municipal Planning Commission.
- 4. MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED BY ALL USES**
As required by the Municipal Planning Commission.
- 5. MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES**
All buildings except grain elevators – 35 feet (10.7 m)
All other – As required by the Municipal Planning Commission
- 6. STANDARDS OF DEVELOPMENT** – See Schedule 4.
- 7. OFF-STREET PARKING AND LOADING SPACE** – See Schedule 10.
- 8. SIGNS** – See Town of Fort Macleod Municipal Signage Bylaw.

INDUSTRIAL – I

1. PERMITTED USES

Accessory buildings and uses
 Body shops
 Bottle depots
 Building trade contractors
 Farm machinery sales and service
 Lumber yards
 Warehouses

DISCRETIONARY USES

Auction marts
 Auto sales and service
 Bulk fertilizer storage
 Bulk fuel stations
 Day care
 Feed or flour mills
 Grain elevators
 Manufacturing plants
 Offices accessory to industrial uses
 Oil and gas service yards
 Outdoor storage
 Public utility structures
 Residential accessory to an approved industrial use*
 Scrap yards
 Similar uses
 Veterinary clinics

2. MINIMUM LOT SIZE

6,500 square feet (603.9 m²).

3. MINIMUM BUILDING SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	ft.	(m)	ft.	(m)	ft.	(m)
All uses	20	(6.1)	5	(1.5)	25	(7.6)

4. MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED BY ALL USES

Principal building and accessory buildings – 60%.

5. MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES

All buildings except grain elevators – 35 feet (10.7 m)
 All other – As required by the Municipal Planning Commission

6. MINIMUM GREEN SPACE

10% or as required by the Municipal Planning Commission.

7. STANDARDS OF DEVELOPMENT – See Schedule 4.

8. OFF-STREET PARKING AND LOADING SPACE – See Schedule 10.

9. SIGNS – See Town of Fort Macleod Municipal Signage Bylaw.

* Subject to the rules in Schedule 4, section 19(b).

RIVER VALLEY LANDS – RVL

1. PERMITTED USES

Agricultural cropping and grazing
Golf courses
Parks
Playgrounds
Sportsfields

PROHIBITED USES

Country residences
Gravel extraction operations
Livestock feeding lots

DISCRETIONARY USES

Campgrounds
Driving ranges
Dwelling units accessory to an approved use
Farm buildings
Farm dwellings
Greenhouses
Mobile home as first or second farm dwelling
Moved-in buildings
Public utility structures
Riding stables
Signs
Similar uses

2. MINIMUM LOT SIZE

As required by the Municipal Planning Commission.

3. OTHER CONSTRAINTS

The development officer shall refer all applications to Alberta Environmental protection for comment. Development that may be adversely affected by flooding shall comply with the Town of Fort Macleod's policy on Development in the River Valley (see Appendix 1).

4. STANDARDS OF DEVELOPMENT – See Schedule 4.

5. MOBILE HOME STANDARDS – See Schedule 9.

6. MOVED-IN BUILDINGS – See Schedule 11.

7. SIGNS – See Town of Fort Macleod Municipal Signage Bylaw.

AGRICULTURE – A

1. PERMITTED USES

Agricultural cropping and grazing

PROHIBITED USES

Livestock feeding lots
Stripping and sale of topsoil

DISCRETIONARY USES

Commercial recreation
Country residences
Farm buildings
Farm dwellings
Green houses
Home occupations
Market gardens and accessory nurseries
Mobile home as first or second farm dwelling
Moved-in buildings
Public utilities
Signs
Similar uses

*NOTE: The spreading of animal manures may occur on lands in the Agricultural land use district provided it is done in accordance with guidelines established in the *Code of Practice for the Safe and Economic Handling of Animal Manures*, or a successor document.

2. MINIMUM LOT SIZE

160 acres (64.8 ha) or existing titles.

3. OTHER CONSTRAINTS

All development applications for country residences shall be referred to council for comment.

4. STANDARDS OF DEVELOPMENT – See Schedule 4.

5. HOME OCCUPATIONS – See Schedule 5.

6. MOBILE HOME STANDARDS – See Schedule 9.

7. MOVED-IN BUILDINGS – See Schedule 11.

8. SIGNS – See Town of Fort Macleod Municipal Signage Bylaw.

AIRPORT – Ap

1. PERMITTED USES

Agricultural cropping and grazing
Air navigation aids
Air terminal facilities
Fuel pumps
Hangars

DISCRETIONARY USES

Uses directly related to the operation of the
airport
Similar uses

PROHIBITED USES

Gravel extraction operations
Landfill sites
Other uses which may cause a visual
obstacle, a bird hazard, or emit vapour,
smoke or dust which are detrimental to
airport operation

2. MINIMUM LOT SIZE

As required by the Municipal Planning Commission.

3. MINIMUM BUILDING SETBACKS

As required by the Municipal Planning Commission.

4. MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED BY ALL USES

As required by the Municipal Planning Commission.

5. MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES

All buildings and structures – 35 feet (10.7 m).

6. OFF-STREET PARKING SPACE

As required by the Municipal Planning Commission.

7. OTHER CONSTRAINTS

- (a) The development officer shall refer all applications to Transport Canada, the Aviation Branch of Alberta Transportation and Utilities and the Fort Macleod Airport Commission, wherever the operation of the airport might be adversely affected.
- (b) The development officer may refer an application to the Building Standards Branch of Alberta Labour for comments.

Schedule 3

**DEVELOPMENT NOT REQUIRING
A DEVELOPMENT PERMIT**

DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

1. (a) No development permit is required for any development exempted by the Lieutenant Governor in Council pursuant to section 618(4) of the Act.
- (b) The completion of any development which was lawfully commenced on or before the date of the first publication of the official notice required pursuant to the Act of this bylaw or any applicable amendment thereto, and provided that the development is completed:
 - (i) in accordance with the terms of any permit granted in respect of it, and
 - (ii) within twelve months of the first publication of the official notice.
2. No development permit is required for any of the following, provided all applicable provisions of this bylaw are complied with:
 - (a) The repair, maintenance, improvement or renovation of any building that does not include alterations or additions subject to the Provincial Historic Area Provisions in Schedule 6. All development within the Fort Macleod Provincial Historic Area requires a development permit.
 - (b) Any landscaping or related improvements including the construction of driveways, patios, gates, walls and other hard surfaces or enclosures which do not involve roofs.
 - (c) The erection of any accessory building, such as a garden shed, which is not more than 115 square feet (10.7 m²) in area, not over 10 feet (3.0 m) in height, has no permanent foundations and no utility connections subject to the Provincial Historic Area Provision in Schedule 6.
 - (d) The installation, maintenance, alteration and/or repair of any public works, service or utility on land which is publicly owned or controlled.
 - (e) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building for which a permit has been issued in accordance with the provincial building requirements, and further provided the building is not used for living purposes.
 - (f) The erection or construction of gates, fences, walls, or other means of enclosure (other than on corner lot or where abutting on a road used by vehicular traffic) less than 4 feet (1.2 m) in the front yard and 6 feet (1.8 m) in the rear yard in height, and the maintenance, improvement or other alterations of any gates, fences, walls or other means of enclosure subject to the provisions of the Standards of Development in Schedule 4.
3. Where there is any question as to whether a development is exempted under this schedule from requiring a development permit, the matter shall be referred to the development officer or the Municipal Planning Commission.

Schedule 4

STANDARDS OF DEVELOPMENT

STANDARDS OF DEVELOPMENT

PURPOSE: To ensure that proposed developments do not unduly interfere with the visual aesthetics or amenities of a neighbourhood, or affect the use, enjoyment or value of neighbouring properties.

1. QUALITY OF DEVELOPMENT

The Municipal Planning Commission may impose reasonable conditions on a development permit if doing so will serve to improve the quality of any proposed development within a land use district.

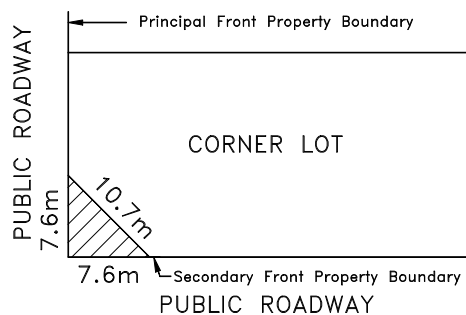
2. REDUCED LOT AREA AND DIMENSION

The Municipal Planning Commission may approve a development on an existing registered lot, the minimum dimensions or area of which are less than those specified in Schedule 2, provided that the minimum area allowed is not less than 2,500 square feet (232.3 m²), or as established by the Subdivision and Development Regulation.

3. STREET CORNER VISIBILITY

- (a) On a corner lot in a residential land use district, nothing shall be erected, placed, planted, or allowed to grow in a manner which may restrict traffic visibility at street intersections.
- (b) This restriction applies to any development which would materially impede vision in excess of a height of 2.5 feet (0.8 m) above the centre line grades of the intersecting streets in the area, bounded by the property lines of such corner lots and a line joining points along the said property line 25 feet (7.6 m) from the point of intersection (see Diagram 1).

DIAGRAM 1



4. MULTIPLE FRONT YARD PROVISIONS (Corner Lots)

Where any lot has more than one front yard, the front yard requirement of 20 feet (6.1 m) shall apply to one yard and, at the discretion of the Municipal Planning Commission only one-half the front yard requirement of 10 feet (3.0 m) may apply to the other front yard, and that yard shall be considered a side yard.

5. RETAINING WALLS AND GRADING

- (a) As a condition of development approval, the Municipal Planning Commission may require the construction of a retaining wall as a condition of development if, in its opinion, significant differences in grade exist or will exist between the parcel being developed and adjacent parcels.
- (b) As a condition of a development permit, the Municipal Planning Commission may require a grading plan and special grading and/or paving to prevent surface drainage onto neighbouring lots.
- (c) The final grades of the development must be approved by the development officer before the issuance of a building permit.

6. REFUSE COLLECTION AND STORAGE

- (a) Refuse and garbage shall be kept in a suitably sized enclosure for each use within each land use district.
- (b) Refuse and garbage storage areas shall be effectively screened until such time as collection and disposal is possible.
- (c) Refuse and garbage containers shall be located on each property and be accessible for disposal from a public roadway.

7. PROJECTIONS OVER YARDS

In a residential district the only portions of or attachments to a building which may project over a yard are: a cornice, a belt course, a sill, a canopy or eaves. In no case shall the projection exceed 50% of the minimum side yard width allowed in the applicable land use district.

8. DRIVEWAYS AND ACCESS

- (a) Every parcel shall have at least one designated vehicular access onto a public roadway with the location of each access being approved by the Municipal Planning Commission.
- (b) Vehicular access to corner lots shall be located along the minor street or cul-de-sac, where possible.
- (c) Driveways within front yards may be used for the parking of vehicles.
- (d) Shared driveways and as few access points as necessary shall be encouraged. Applications for access points onto 23rd and 25th Streets should be referred by the development officer to Alberta Transportation and Utilities for comment.

9. QUALITY OF DEVELOPMENT

- (a) Where the requirements of this bylaw are at variance with the requirements of any other lawfully adopted rules, regulations, bylaws, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.
- (b) The erection of a building on any site may be prohibited where it would otherwise be permitted when, in the opinion of the development officer, satisfactory arrangements have not been made for the supply to such building of water, electric power, sewage, street access or other services or facilities, or any of them, including the payment of the costs of installing any such service or facility.

10. BUILDING SETBACKS

- (a) The Municipal Planning Commission may waive the building setback requirement in a well established residential area if, in its opinion, the setback is in accordance with the prevailing yard pattern.
- (b) If, in the opinion of the development officer or the Municipal Planning Commission, an application for a renovation or a new residence in any area would adversely affect the use and enjoyment of neighbouring residents, the development officer may notify those residents affected by the development. The Municipal Planning Commission would decide upon the development after consultation with those residents affected by the proposed development. The Municipal Planning Commission could then increase the setback requirements for the proposed development to enhance the appearance of the area or to allow the development to appropriately fit with the current development of the area.

11. OUTDOOR STORAGE AND SCREENING

- (a) No outdoor storage shall be permitted in the required residential front yard setback, and may be restricted in any other required yard setback area of a land use district by resolution of the Municipal Planning Commission.
- (b) The Municipal Planning Commission may require that the outdoor storage of certain goods, machinery, vehicles, building or waste materials be effectively screened from view by buildings, solid fences, trees, hedges, earth berms and other landscaped features, or combinations thereof.

12. FENCES

Unless specifically approved by the Municipal Planning Commission, no fence, wall or other enclosure shall extend more than 4 feet (1.2 m) above grade in any front yard, and no more than 6 feet (1.8 m) above grade in any rear or side yard (see Schedule 3 for corner lots. Refer also to Schedule 8).

13. SERVICING

All development proposed for unserviced areas, parcels and lots must be tied into municipal servicing lines. Where no municipal servicing is available, development shall be approved in accordance with the Regional Health Authority and Alberta Labour standards and the Subdivision and Development Regulation.

14. SATELLITE DISH ANTENNAE IN RESIDENTIAL AREAS

- (a) A satellite dish antenna shall only be located in a rear yard or a side yard which does not abut on a street.
- (b) On an interior lot, a satellite dish antenna shall be situated so that no part of it is less than 3 feet (0.9 m) from the side boundaries of the parcel.
- (c) On a corner parcel, a satellite dish antenna shall be situated so that no part of it is closer to the street than the main building, or less than 3 feet (0.9 m) from any other lot boundary.

* An increased setback requirement may be a condition of development approval for any proposed residential development, whether it be a permitted or discretionary use.

- (d) Where any part of a satellite dish antenna is more than 10 feet (3.0 m) above grade level, or when it is located other than described in subsection (a) above, it shall be both screened and located to the satisfaction of the Municipal Planning Commission.

15. SATELLITE DISH ANTENNAE IN COMMERCIAL AREAS

- (a) A satellite dish antenna shall, wherever possible, only be located in a rear yard or side yard which does not abut on a street.
- (b) On an interior lot, a satellite dish antenna shall be situated so that no part of it is closer than 3 feet (0.9 m) from the side boundaries of the parcel.
- (c) On a corner parcel, a satellite dish antenna shall be situated so that no part of it is closer to the street than the main building or closer than 3 feet (0.9 m) from any boundary of the parcel.
- (d) In those cases where there exists yard limitations due to site coverage or reception restrictions due to prevailing building heights in the immediate area, a satellite dish antenna may be located above grade level.
- (e) Where any part of a satellite dish antenna is more than 10 feet (3.0 m) above grade level, or when it is located other than described in subsection (a), it shall be both screened and located to the satisfaction of the Municipal Planning Commission or development officer.
- (f) No advertising shall be allowed on a satellite dish antenna without permission from the Municipal Planning Commission or development officer.
- (g) The illumination of a satellite dish antenna is prohibited.
- (h) Satellite dishes located above grade level shall be securely anchored in accordance with all provincial and federal regulations regarding wind loads.
- (i) Satellite dish antennae shall not be allowed to locate in the Fort Macleod Provincial Historic Area – C4 district.

16. COMPREHENSIVE DEVELOPMENT

Where a preplanned co-ordinated development is proposed for a site greater than 1 acre (0.4 ha), the standards in these bylaw schedules may be relaxed by the Municipal Planning Commission to an amount necessary (in accordance with other pertinent regulations) to enable the area to be developed to the highest standards of use and amenity, provided that the development proposed is completed in one continuous operation on the basis of a Municipal Planning Commission approved comprehensive development plan (see definition).

17. COMPREHENSIVE DEVELOPMENT PLAN

- (a) All Development – All proposed development on undeveloped land shall be accompanied by a comprehensive development plan. This is a detailed site layout plan which provides for the development of a parcel, or group of parcels, and which has taken into account the effects and relationships of such development on the immediate and surrounding area, as well as on future development of the municipality as a whole.
- (b) Residential Development – All new residential developments shall clearly set forth at the design stage the types of housing units to be accommodated in the subdivision.

18. LANDSCAPING

Where landscaping is required in a land use district, it shall be completed in a manner satisfactory to the development officer or the Municipal Planning Commission, as the case may be, and should be done with "soft landscaping" which may include trees, shrubs, hedges, grass and other ground cover, and "hard landscaping" which may include brick, stone, tile and wood.

19. INDUSTRIAL USE STANDARDS

- (a) The Municipal Planning Commission may require special standards to improve the quality or compatibility of any proposed industrial development. These may include, but are not limited to, production features such as the control of noise, smoke, dust and ash, smell, toxic gases, glare or heat, or industrial waste. They may also include site development features such as architectural design, proposed exterior building finishes, landscaping, structural siting, setback variations, paved parking areas, or any other items deemed by the Municipal Planning Commission to affect the quality of development in the industrial area.
- (b) Residential occupancy regulations in an industrial area shall be as follows:
 - (i) only one residential occupancy will be allowed per title;
 - (ii) rental occupancy is prohibited – the occupant must be directly involved with the approved industrial use;
 - (iii) the residential occupancy must be contained within the primary industrial building – separate residential construction is prohibited;
 - (iv) the industrial floor space must be at least equal to the residential floor space;
 - (v) the external appearance of the building must be commercial/industrial in nature as opposed to residential;
 - (vi) residents must recognize the nature of the area is industrial – accordingly, there is implied absolute acceptance of the hazards and nuisances of an industrial area.

20. DRIVE-IN COMMERCIAL DEVELOPMENT STANDARDS

- (a) Areas required for parking and circulation shall be clearly identified on the site plans accompanying the development application and, upon approval, shall be hard surfaced to the satisfaction of the Municipal Planning Commission.
- (b) Drainage from the lot shall be to the satisfaction of the Municipal Planning Commission.
- (c) Exits and entrances onto Highway 3 shall be onto a service road, unless otherwise approved by the Municipal Planning Commission and Alberta Transportation and Utilities. All other exits and entrances shall be as approved by the Municipal Planning Commission.
- (d) Internal traffic circulation patterns shall be approved by the Municipal Planning Commission, and shall be adequately signed and indicated.
- (e) When drive-in service is provided, a minimum 100 foot (30.5 m) waiting bay shall be provided before the service point and within the lot.
- (f) Side and rear boundaries abutting on parking or circulation areas shall be adequately screened by a fence, wall or hedge, to the satisfaction of the Municipal Planning Commission.

21. MULTIPLE FAMILY HOUSING REQUIREMENTS

1. APPLICATION

The requirements of this part shall apply to all proposed multiple-dwelling units in the municipality, regardless of the land use district in which such dwelling units are proposed and regardless of the type of tenure. Without limiting the generality of the preceding, this section shall apply to all proposed semi-detached, duplex, fourplex, apartment, rowhouse and townhouse dwelling units regardless of whether they are intended to be owner-occupied, rental or condominium dwelling units.

2. MAXIMUM PERMITTED DENSITY

The maximum permitted density in dwelling units per acre (ha) shall not exceed the following:

Use	Units Per Acre	Units Per Ha
Apartment	32	80
Fourplex	26	66
Rowhouse	18	46
Semi-detached	16	40

3. YARD DIMENSIONS, SETBACKS AND SEPARATION SPACE

(a) Interior Lot Minimum Building Setback

Use	Front Yard		Side Yard		Rear Yard	
	feet	(m)	feet	(m)	feet	(m)
Apartment	–	–	10	(3.0)	–	–
Fourplex	20	(6.1)	5	(1.5)	25	(7.6)
Rowhouse or Townhouse						
- interior unit	20	(6.1)	–	–	25	(7.6)
- end unit	20	(6.1)	10	(3.0)	25	(7.6)
Semi-detached dwelling	20	(6.1)	5	(1.5)	25	(7.6)

*See Separation Requirements below

(b) Corner Lot Minimum Building Setback

Notwithstanding Section 4 of this Schedule, where a building exceeds two storeys or 22 feet (6.7 m) in height, the side yard setback shall be 10 feet (3.0 m) or one-half the height of the building, whichever is greater, to a maximum of 15 feet (4.6 m).

(c) Separation Space

- (i) Separation space is the open space around dwellings which separates them from adjacent buildings or activities. Separation space shall be provided for multi-family dwellings in accordance with provisions 3(c)(ii) to 3(c)(vii) inclusive.
- (ii) Where two dwelling units face each other on the same lot, the minimum required separation space between the two dwelling unit shall be equal to the sum of the minimum separation spaces calculated separately for opposing windows or openings.

- (iii) Separation spaces shall be free of buildings, walkways, roadways, parking or circulation areas, and any communal amenity areas.
- (iv) Separation spaces shall be calculated from the property line to the nearest residential building on a lot, but may be calculated from one-multi-family building to another where the residential buildings are all on one unsubdivided lot and there is no property line between the residential buildings.
- (v) A principal living room window shall have a minimum horizontal separation space of 25 feet (7.6 m) except that this distance may be reduced:
 - to 20 feet (6.1 m) where the window faces a public roadway other than a lane; or
 - to 15 feet (4.6 m) where the window faces on-site parking or circulation space or a natural or man-made visual barrier or an obstruction at least 6 feet (1.8 m) above or below the grade of the building.
- (vi) A habitable room window (excluding bathrooms, corridors and entry ways) shall have a minimum separation space of 16 feet (4.9 m) except this may be reduced to 10 feet (3.0 m) in a wall of two storeys or less where the window faces a blank wall, on-site parking or circulation space, a public roadway other than a lane, or a natural or man-made visual barrier or obstruction at least 6 feet (1.8 m) above or below the grade of the building.
- (vii) A non-habitable room window, an entrance or a blank wall shall provide a 5 feet (1.5 m) separation space in the case of a residential building two storeys or less in height and 5 feet (1.5 m) for each additional storey, except that this additional separation space shall not be required where the non-habitable room window faces onto a walkway or on-site parking or circulation space.

4. AMENITY AREAS

- (a) Dwelling units at grade shall provide a minimum private outdoor amenity area so that:
 - (i) the amenity area contains a minimum of 54 square feet (5.0 m²) for each dwelling unit at grade, except that this may be reduced to 18 square feet (1.7 m²) for each apartment dwelling unit or horizontally stacked rowhouse at grade;
 - (ii) the amenity area is directly accessible to the unit it is intended to serve; and
 - (iii) the amenity area is screened in a manner which affords privacy to its users.
- (b) Dwelling units above the first floor shall provide a minimum outdoor amenity area in the form of a balcony so that:
 - (i) the balcony contains a minimum area of 60 square feet (5.6 m²) and a minimum depth of 5 feet (1.5 m);
 - (ii) the balcony is constructed in a manner which affords maximum privacy, safety and shelter to its users, in the opinion of the Municipal Planning Commission.
- (c) A private outdoor amenity area may extend into a minimum required separation space provided that:
 - (i) a private outdoor amenity area shall not extend more than 5 feet (1.2 m) into a minimum front yard setback requirement;
 - (ii) a private outdoor amenity area shall not extend more than 5 feet (1.2 m) into the separation space between a public roadway other than a lane and a principal living room window or a habitable room;

- (iii) a private outdoor amenity area or up to 14.8 feet (4.5 m) above grade shall not extend more than 5 feet (1.5 m) into a minimum side yard setback where the side yard abuts a roadway other than a lane;
- (iv) a private outdoor amenity area more than 14.8 feet (4.5 m) above grade shall not extend more than 5 feet (1.5 m) into a minimum side yard setback where the side yard abuts a roadway other than a lane;
- (v) a private outdoor amenity area more than 5 feet (1.5 m) above grade shall not extend into a minimum side yard setback where the side yard abuts residential development or proposed residential development on an adjoining lot.

5. GARBAGE CONTAINERS

Garbage containers for multi-family dwellings containing four dwelling units or more shall be screened with 6 feet (1.8 m) high solid fence, fitted with gates to allow convenient removal of garbage. The materials used in constructing the fence shall be compatible with or identical to the materials used for the fascia of the multi-family dwelling to the satisfaction of the Municipal Planning Commission.

6. GREEN SPACE AND BUFFER STRIPS

The Municipal Planning Commission may impose landscaping or buffer strip requirements as a condition of approval for a permitted or discretionary use if, in its opinion, these would serve to improve the quality or compatibility of the proposed development.

22. FORT MACLEOD PROVINCIAL HISTORIC AREA – C4

GENERAL STANDARDS

1. (a) A street development should provide historically appropriate settings, facade restorations, cleaning, uses and interpretations on, at, or in association with, existing historic structures in such a way as to make explicit the historic appearance, environment and uses of those structures and their relationship one to another.
- (b) There should be no misrepresentation of the historic character of the historic area and in particular no alteration to it which seeks to re-create or represent a period earlier than the historic period in the absence of a supporting historical basis.
- (c) New construction should be compatible with the historic character of the historic area, and should not imitate a style earlier than one relevant to the historic period unless an authentic reconstruction of a facade once part of the historic area is planned.
- (d) Every reasonable effort should be made:
 - (i) to provide for a building surviving from the historic period a compatible use that requires minimal alteration of the structure, or
 - (ii) to use the structure for its originally intended purpose.

BUILDING ALTERATIONS, MAINTENANCE, REPAIRS, REHABILITATION AND ADDITIONS

2. Where a development involves the alteration, repair or rehabilitation of or an addition to an existing building, the development should be designed:
 - (a) whenever possible, to retain the existing masonry and mortar;

- (b) where the retention of the existing mortar is not possible, to duplicate the original mortar, as far as practicable, in composition, colour and texture;
 - (c) whenever possible, to retain the original colour and texture of masonry surfaces and of signs belonging to the historic period;
 - (d) so as to stabilize and repair weakened structural members and systems and generally to make the building structurally sound;
 - (e) to repair or replace visible deteriorated material with new material that duplicates the old as closely as possible;
 - (f) to retain and clean by appropriate methods all architectural details;
 - (g) to preserve or replace all architectural features, including dormer windows, cornices, brackets and chimneys, that give a roof its distinctive character;
 - (h) to preserve the original roof shape, when roofing is done;
 - (i) if possible, to retain and repair original window and door openings, frames, sash, glass, door lintels, pediments and hardware;
 - (j) if possible, to ensure that all repair work improves the thermal performance of each building;
 - (k) if possible, to reuse the original wall and floor materials and coverings inside a building;
 - (l) to introduce new mechanical systems inside a building in as unobtrusive a manner as possible.
3. Where a development involves the alteration of or an addition to an existing building, the development should be designed to ensure that architectural details are not obscured by awnings, billboards, signboards or other advertising devices not having a historic character.

NEW CONSTRUCTION

4. Where a development involves new construction, it should be designed to ensure that:
- (a) colours that are not known to have been in common use in the historic area in the historic period are not displayed;
 - (b) the colours of the building materials and signs are compatible with the historic character of the historic area;
 - (c) the design of entrances, windows, ornaments, awnings, canopies, marquees and pedestrian facilities is historically appropriate and compatible with existing buildings in terms of scale and detail;
 - (d) setbacks and entrances are in keeping with the rest of the street;
 - (e) historically appropriate materials in historically appropriate shapes and sizes are selected for surface treatment;
 - (f) synthetic materials that seek to imitate the textures or details of natural surfaces or particular building methods are avoided unless there is historical precedent in the historic area for the material proposed;
 - (g) modern mechanical systems are inconspicuous and placed so as not to intrude on the street.

SCREENING

5. Where a development involves a vehicle storage area or a parking area for a number of vehicles, the area must be effectively screened from areas of public use unless precedent for such use can be shown to date from the historic period.
6. Where a provision of this schedule requires the screening of something, the screening may be by way of plants that will obscure the thing to be screened on a year-round basis.

STREETS

7. In selecting street furniture for a development, including, without limitation, seating, displays, waste disposal receptacles and clocks located in the street:
 - (a) there should, if possible, be consistency of style and colour with historical precedent or, where no precedent exists, with standard designs approved by the Minister for use in the area;
 - (b) recreations of past styles should be selected only if high quality and authentic reproductions or rehabilitated pieces are available;
 - (c) if possible, historically appropriate materials should be selected; and
 - (d) the scale and detail of the furniture should be designed for the use and appreciation of the pedestrian rather than the motorist, and details and materials should be compatible with the historic character of the historic area.
8. Supplementary lighting in a street should be carefully selected for both its style and its ability to enhance the pedestrian environment.
9. In a development involving a street, all reasonable attempts should be made:
 - (a) to create attractive pathways and a visually attractive pedestrian environment, and
 - (b) to ensure consistency in screening treatment.

PAVED SURFACES

10. In a development involving paved surfaces in areas accessible to or visible by members of the public:
 - (a) the treatment of the surfaces should be in keeping with the historic character of the district,
 - (b) excessive or elaborate detailing should not be used, and
 - (c) historically inappropriate materials should be avoided.

OPEN AREAS

11. The development of large open parking lots should be avoided, but reasonable attempts should be made to break up large open spaces with plant material, paths and lighting.

Schedule 5

HOME OCCUPATIONS

HOME OCCUPATIONS

1. A home occupation means a profession, occupation or trade related to or involving a professional, commercial, trade or casual service activity which is carried out by an occupant of a residential parcel or building in a residential district as a use secondary to the residential use of the building or parcel.
2. An approved development permit for a home occupation shall only be valid for the address identified on the development permit at the time of initial approval. If a home occupation is to be relocated to a different residence, a new application for a development permit shall be required.
3. An approved development permit for a home occupation shall only be valid for the period of time the premises are occupied by the applicant.
4. All development permits issued for a home occupation shall contain an informative indicating that any additions or alterations to an approved home occupation will require approval by the Municipal Planning Commission.
5. An approved development permit for a home occupation may be revoked at any time if:
 - (a) in the opinion of the Municipal Planning Commission the use has become detrimental to the amenities of the neighbourhood, or the use detrimentally interferes with or affects the use, enjoyment or value of neighbouring properties; or
 - (b) the use has contravened any of the conditions of approval of the home occupation.
6. A home occupation shall not involve any variation to the external appearance and residential character of land or buildings, including accessory buildings, except for an advertisement sign which may be approved in accordance with the provisions of this land use bylaw.
7. A home occupation shall not be permitted if, in the opinion of the Municipal Planning Commission, it may significantly increase traffic or generate traffic problems, including parking, within the immediate vicinity or within a residential district.
8. A home occupation or its operation shall not be approved if the Municipal Planning Commission is of the opinion the use will produce any offensive noise, vibration, smoke, dust, odour, heat or glare.
9. Notwithstanding section 20 of this bylaw, an application for a home occupation which involves an office in the home and telephone only, may be approved by the development officer; but all other applications shall be referred to the Municipal Planning Commission for a decision.

Schedule 6

**FORT MACLEOD PROVINCIAL
HISTORIC AREA PROVISIONS**

FORT MACLEOD PROVINCIAL HISTORIC AREA PROVISIONS

1. The development officer shall require a development application for any development to be located in or adjacent to the Fort Macleod Provincial Historic Area as delineated on the Land Use District Map that may affect the design, character or appearance of the Historic Area. This shall include developments that change the design, character or appearance of buildings, and alter, repair, remove or relocate buildings and placement or erection of signs.
2. All applications for developments required in section 1 above shall be referred to the Fort Macleod Provincial Historic Area Design Review Committee for comments before the application is dealt with. The Committee shall respond within 28 days.
3. The development officer or Municipal Planning Commission, when deciding upon a development application, shall have regard to comments made by the Fort Macleod Provincial Historic Area Design Review Committee.

Schedule 7

WIND ENERGY CONVERSION SYSTEMS

WIND ENERGY CONVERSION SYSTEMS

INTENT: To encourage the introduction of alternate energy sources such as wind energy conversion systems while having regard to the potential effects such experimental systems may have on the health, safety, aesthetics and welfare of residents.

1. DEFINITIONS

In this schedule:

Blade means an element of a WECS rotor which forms an aerodynamic surface to extract energy from the wind.

Blade entrance means the minimum distance from the bottom of the rotor arc to the grade.

Grade means the elevation of finished ground surface at the completion of a building or structure, excluding an embankment, at any point immediately adjoining a building or structure.

Horizontal axis means the axis of the blade rotation is parallel to the horizon.

Rotor arc means the total path the blade travels through.

Setback means the distance from the base of the tower at grade to the nearest point on the lot line or to an overhead utility.

Total height means the height of the tower and the furthest vertical extension of the WECS to grade.

Tower means the structure that supports the rotor or other collection device of the WECS above the ground.

Vertical axis means a turbine with an axis of rotation perpendicular to the horizon.

Wind energy conversion system (WECS) means an aggregation of parts, including the base, supporting structure, tower, generator, rotor, blades, etc. in such configuration as necessary to convert the power of wind into mechanical or electrical energy.

2. MINIMUM SETBACKS

- (a) All setbacks of structures from lot lines to be at least 1.25 times the total height of a WECS.
- (b) Overhead utilities to be 1.25 times the total height of a WECS to the utility.
- (c) Nearest building to be one-half rotor diameter + 5 feet (1.5 m).

3. MINIMUM BLADE CLEARANCE

As required by the Municipal Planning Commission

4. TOWER ACCESS PROTECTION

Tower access shall be limited to:

- (a) a locked protective fence at least 6 feet (1.8 m) in height; or
- (b) no permanent tower climbing access less than 12 feet (3.7 m) from grade; or
- (c) a locked anti-climb device installed on the tower; or
- (d) such other means as the Municipal Planning Commission considers appropriate to ensure public safety.

5. COLOUR

- (a) Where required, shall be to the satisfaction of Civil Aviation Branch of Transport Canada.
- (b) All others to be a non-reflective, matte finish, galvanized, unobtrusive colour.

6. DEVELOPMENT APPLICATIONS FOR WECS

- (a) Each application will be considered on its merits having regard to the lot, its size and location and existing or proposed land uses in the vicinity.
- (b) An application for a WECS shall be accompanied by:
 - (i) a surveyor's sketch prepared by an Alberta land surveyor indicating lot lines, existing improvements on the site, proposed locations of the WECS, as well as locations of overhead utility lines; and
 - (ii) certification by an engineer licensed to practice in the Province of Alberta as to the safety and integrity of the various components of the WECS.
- (c) An application for a WECS shall be referred for comments to the:
 - (i) Civil Aviation Branch of Transport Canada;
 - (ii) Aviation Branch of Alberta Transportation and Utilities;
 - (iii) Alberta Labour;
 - (iv) electrical utility companies including the Town of Fort Macleod and TransAlta Utilities;
 - (v) any other agency or department which the Municipal Planning Commission deems appropriate.

Schedule 8

**GUIDELINES FOR WIND AND
SOLAR PROTECTION SCREENS**

GUIDELINES FOR WIND AND SOLAR PROTECTION SCREENS

BACKGROUND

The council of the municipality of the Town of Fort Macleod is concerned with the potential effects that wind and solar protection screens may have on the aesthetics of the community. The municipality encourages any devices which will maintain or improve the quality of the physical and natural environment within the Town of Fort Macleod.

However, as wind and solar protection screens are a relatively new phenomenon in Fort Macleod, it is desirable to enact guidelines for them under the land use bylaw, having regard to the effect they may have on the aesthetics of the community.

1. DEFINITIONS

In this schedule:

Grade means the elevation of finished ground surface at the completion of a building or structure excluding an embankment, at any point immediately adjoining a building or structure.

Setback means the distance from the device and support structures at grade to the nearest point on the lot line or to an overhead utility.

Total height means the height to grade of the support structure to which the screen is attached and includes the heights of retaining walls, footings and existing fences.

Wind and solar protection screens means a knitted or woven high density manufactured netting or lattice that provides wind and shade protection but does not include a fence.

2. TOTAL HEIGHT

(a) Interior Lots

Less than 6 feet (1.8 m), no development permit required in any yard.

(b) Corner Lots

Wind screens shall not be erected in such a manner as to materially impede vision above a height of 2.5 feet (0.8 m) measured from the centre line grades of the intersecting streets.

(c) Residential Land Use Districts

All proposed wind screens 6 feet (1.8 m) or over require a development permit; in no case shall the total height exceed 12 feet (3.7 m).

(d) Land Use Districts other than Residential

The total height will be considered by the Municipal Planning Commission on its merits having regard to the lot, its size and location and existing or proposed land uses in the vicinity.

3. SETBACKS

- (a) Wind screens with a total height greater than 6 feet (1.8 m) will normally only be considered on the south and west property lines having regard to the corner lot restriction indicated in 2(b) above.
- (b) Wind screens shall not protrude beyond the front of the principal building or less than the required front yard setbacks, whichever is the lesser distance.
- (c) The Municipal Planning Commission may waive the yard setbacks for screens over 6 feet (1.8 m) in land use districts other than residential.

4. GENERAL REQUIREMENTS

- (a) The Municipal Planning Commission may require that an engineer's certificate for the support structure and footing be prepared and received by the development officer prior to a decision being rendered by the Municipal Planning Commission.
- (b) Wind and solar protection screens without guy wires will be considered on property line, however, if guy wires are to be used then only the guy wire anchor is to be on property line.
- (c) As a general rule, wind and solar protection screens over 6 feet (1.8 m) high will be discouraged on frontages facing onto Jerry Potts Blvd., Colonel Macleod Blvd. and Chief Red Crow Blvd.
- (d) Advertising devices either affixed to or painted onto wind screens are prohibited in all land use districts.
- (e) Wind screens shall be kept in a neat and orderly manner.
- (f) The colour of the wind screen support structures shall either match the colour of the screen or be of a colour compatible with the principal building or its trim.
- (g) As a general rule, the planting of trees along wind screens shall be encouraged as this vegetation will eventually provide wind protection when the life expectancy of the wind screen has expired.

5. FINISH ELEVATION

The proposed elevation of the land surface of a site after completion of all site preparation work. See GRADE, Finished.

6. GRADE, NATURAL

The elevation of the ground surface in its natural state, before man-made alterations. See Natural, Ground Surface.

At the discretion of the Municipal Planning Commission it may be required that guy wires be suitably shielded (with a slip on) and of a colour that is highly visible.

Schedule 9

MOBILE HOME STANDARDS

MOBILE HOME STANDARDS

1. GENERAL STANDARDS

The design criteria and development requirements for mobile homes located on lots in the municipality shall comply with the following standards:

(a) **Minimum Floor Area**

700 square feet (65.0 m²) measured along outside walls.

(b) **Minimum Off-street Parking**

2 spaces per unit.

(c) **Minimum Lot Area**

As required for the land use district.

2. ELIGIBLE MOBILE HOMES

(a) New factory-built units.

(b) Used factory built units in a good state of repair (to the satisfaction of the development officer).

(c) Canadian Standards Association (CSA) certified units.

(d) Any application for a development permit to locate a used mobile home:

(i) shall include recent colour photographs of all elevations (i.e. front, side and rear views) including additions; and

(ii) may require a personal inspection by the development officer to determine the unit's suitability.

3. ADDITIONS TO MOBILE HOME UNITS

(a) Any additions, such as enclosed patios, entrance porches, carports, storage areas, additional rooms, or any other wholly or partially roofed structure, shall require a development permit. In dealing with an application, the development officer shall be guided by the provincial building requirements, and all additions shall comply with these standards.

(b) The materials and colours used in the construction of additions shall be of a quality, style and design which will match or complement the mobile home.

(c) Materials used shall be those commonly used for exterior finishing of residences.

4. FOUNDATIONS

To be in accordance with National Building Code of Canada.

5. UTILITIES AND FUEL STORAGE

- (a) Utility connections shall be installed by qualified tradesmen only, and at the expense of the mobile home owner. Electrical and natural gas hook-ups must be done by licensed journeymen.
- (b) Where heating fuel is used, storage shall be screened with a suitable material, and must comply with provincial regulations regarding fire prevention.

Schedule 10

**OFF-STREET PARKING AND
LOADING REQUIREMENTS**

OFF-STREET PARKING AND LOADING AREA REQUIREMENTS

A. OFF-STREET PARKING

1. GENERAL REQUIREMENTS

- (a) In residential areas, recreational vehicles and boats may be parked in driveways in the front yards of lots.
- (b) Non-residential parking areas shall be laid out and clearly marked in a manner which will provide for orderly parking.
- (c) Parking areas shall be constructed in a manner which will permit adequate drainage, snow removal and maintenance.
- (d) The Municipal Planning Commission may require that parking areas or portions thereof be hard surfaced (e.g. asphalt).
- (e) Vehicular access to and from corner lots generally shall be limited to locations along the minor street or cul-de-sac.
- (f) Parking stalls are to be a minimum of 9 x 20 feet (2.7 x 6.1 m) in area.
- (g) All parking space provided shall be on the same lot as the building or use, except where the Municipal Planning Commission may permit parking space to be on a lot within 492 feet (150 m) of the building or use if, in their opinion, it is impractical to provide parking on the same lot with the building or use. Where such other parking space is provided, a caveat to the approval of the Municipal Planning Commission shall be registered against the lot. This provision does not apply to residential areas.

2. SPECIFIC REQUIREMENTS

Use	Number of Stall Required GFA = gross floor area
Minimum requirement - all uses	1 space - unless otherwise specified below
RESIDENTIAL	
Lodging or boarding houses	As required by the MPC
Mobile homes	2 spaces per mobile home
Multiple dwellings	1.5 spaces per dwelling unit
Single-family dwellings	2 spaces per dwelling unit
Special residential	As required by the MPC

Use	Number of Stall Required GFA = gross floor area
RETAIL	
Barbers, beauty shops and liquor stores	1 space per 200 sq. ft. (18.6 m ²) of GFA
Food take-out service	10 spaces minimum, with additional space as required by the MPC
Restaurants and cafes (exclusive of take-out service)	1 space for every 4 seats in the facility
Shopping centres	As required by the MPC
Other uses	1 space per 300 sq. ft. (27.9 m ²) of gross ground floor area; and 1 space per 500 sq. ft. (46.5 m ²) of gross floor area on all other floors
OFFICES	
Banks, trust companies and post offices	1 space per 600 sq. ft. (55.7 m ²) of GFA
Others - including dental offices, medical clinics	1 space per employee, plus 1 space per 200 sq. ft. (18.6 m ²) of GFA
PUBLIC ASSEMBLY	
Buildings with fixed seats	1 space per 10 seats
Other uses	As required by the MPC
HOTELS & LICENSED PREMISES	
Hotels	1 space per 3 guest rooms
Hotels with bars, cocktail lounges, beer parlours, restaurant space and convention rooms or ballrooms	1 space per 3 guest rooms, plus 1 space for every 4 seats in the facility
SERVICE STATIONS	
	1 space per 400 sq. ft. (37.2 m ²) of GFA
AUTOMOTIVE	
	1 space per 500 sq. ft. (46.5 m ²) of GFA
HIGHWAY	
Drive-in establishments	Minimum of 10 spaces, or greater as required by the MPC
Motels and motor hotels	1 space per guest room or unit
Motels and motor hotels with bars, cocktail lounges, beer parlours, restaurant space and convention rooms or ballrooms	1 space per guest room or unit, plus 1 space per 100 sq. ft. (9.3 m ²) of such other space
Other uses	As required by the MPC

Use	Number of Stall Required GFA = gross floor area
WAREHOUSING & STORAGE	As required by the MPC, with a minimum of 2 spaces to be provided
INDUSTRIAL	1 space per 600 sq. ft. (55.7 m ²) of GFA; or 1 for every 3 employees - whichever is greater
EDUCATION	As required by the MPC
HOSPITALS	1 space per 3 beds
RECREATIONAL BUILDINGS OR AREA	As required by the MPC
UTILITIES	As required by the MPC
PUBLIC SERVICES	As required by the MPC
COMMERCIAL AGRICULTURE	As required by the MPC with a minimum of 2 spaces to be provided
ALL OTHER USES	As required by the MPC

3. PAYMENT IN LIEU OF PROVIDING OFF-STREET PARKING

- (a) The option of payment in lieu of providing off-street parking spaces shall apply to the following land use district only: Retail Commercial – C1.
- (b) At the option of the Municipal Planning Commission a developer may, subject to the approval of council, pay the town such amount of money on such terms as the council considers reasonable in return for the equivalent public parking space to be provided by the town elsewhere in the land use district.
- (c) A fund to be known as the "Off-Street Parking Fund" is hereby established.
- (d) Any money received by the town in lieu of providing off-street parking spaces shall be paid into the "Off-Street Parking Fund", and such money shall be used for the development of off-street parking facilities in the land use district from which the funds are derived.
- (e) The amount of money to be paid into the "Off-Street Parking Fund" shall be a per stall charge, based on the costs involved in the land acquisition, facility construction and facility maintenance. The number of stalls to be used in the calculation of the per stall charge shall be based on the parking requirements in this schedule.

B. LOADING AREA REQUIREMENTS

- 1. There shall be a minimum of one off-street loading area per building in the Retail Commercial – C1, Retail Transitional – C2 and Fort Macleod Provincial Historic Area – C4 land use districts.

2. There shall be a minimum of two off-street loading areas per building in the Industrial – I, Highway Commercial – C3 and Railway – Ry land use districts.
3. All loading areas shall be provided with a doorway into the building sufficient to meet the needs of the use within the building.
4. The Municipal Planning Commission may require additional loading areas or doors if necessary.
5. Each loading area shall be a minimum of 10 x 33 feet (3 x 10 m).
6. Each loading area shall be designed in such a manner that the traffic it generates will not interfere with convenient and safe pedestrian movement, traffic flow, or parking.

Schedule 11

MOVED-IN BUILDINGS

MOVED-IN BUILDINGS

1. No building shall be moved onto a different lot or parcel unless a development permit approving the proposed relocation has been issued by the Municipal Planning Commission and any conditions of approval have been met.
2. Any application to relocate a moved-in building, as defined, shall be accompanied by:
 - (a) recent colour photographs depicting all sides of the building;
 - (b) details of the building's size, age and structural condition;
 - (c) details of any proposed improvements, alterations or renovations;
 - (d) the purpose for which the building is to be used;
 - (e) an accurate plot or site plan of the site to which the building is to be moved;
 - (f) the name of a registered owner of the site upon which the building is located and of the site to which it is to be moved; and
 - (g) in the case of a residential building, written confirmation from a building inspector that the building meets, or can be made to meet the provincial building requirements.
3. The Municipal Planning Commission may attach any or all of the following conditions to a development permit to relocate a building:
 - (a) improvements, alterations or renovations required to meet other provisions of this bylaw, or to make the building compatible with surrounding uses and developments;
 - (b) that specified improvements or alterations to the building or its new site be completed by a certain date;
 - (c) submission of an irrevocable letter of credit of not less than 10% of the value or \$500.00, whichever is greater, to ensure that any conditions of approval are met.
4. No building shall be relocated until at least 14 days after a development permit has been issued or, in the event of an appeal, until the appeal is decided.
5. All structural and exterior renovation to a moved-in building shall be completed within 12 months of the issuance of a development permit.
6. This schedule does not apply to mobile homes or new sectional housing.

Schedule 12

FORMS AND APPLICATIONS

**TOWN OF FORT MACLEOD
APPLICATION FOR A DEVELOPMENT PERMIT**

Schedule 12

LAND USE BYLAW NO. 1600

FORM A

DEVELOPMENT APPLICATION NO. _____

I/We hereby make an application for a development permit under the provisions of Land Use Bylaw No. 1600 in accordance with the plans and supporting information submitted herewith and which forms part of this application.

APPLICANT: (please print) _____

ADDRESS: _____ TELEPHONE NO. _____

REGISTERED OWNER OF LAND CONCERNED: (please print) _____

ADDRESS: _____ TELEPHONE NO. _____

PROPERTY LEGAL DESCRIPTION: Lot _____ Block _____ Plan _____

Quarter _____ Section _____ Township _____ Range _____

EXISTING USE: _____

PROPOSED USE: _____

PROPOSED YARDS: Front _____ Rear _____ Side _____ and _____

OFF-STREET PARKING SPACES: Size _____ Number _____

Where on parcel located / or to be located _____

LOADING AND UNLOADING SPACES:: Size _____ Number _____

Where on parcel located / or to be located _____

Indicate Proposed Materials for the following:

Footings _____ Interior Finish _____ Plumbing _____

Foundation _____ Roofing Material _____ Floor Area _____

Structure _____ Lighting _____ Labour Cost _____

Exterior Finish _____ Heating _____ Material Cost _____

TOTAL COST _____

Estimated **commencement** date: _____ Estimated **completion** date: _____

Applicant's interest if not the registered owner: _____

DATE: _____

SIGNED: _____

Applicant

SIGNED: _____

Registered Owner

NOTES:

1. Every application for a permit shall be submitted in duplicate and be accompanied by the following information:
 - (a) a site plan, in duplicate, showing the registered legal boundaries, the location of any proposed development and any existing development, and provisions for off-street loading and vehicle parking facilities;
 - (b) floor plans and elevations and sections;
 - (c) a statement indicating the manner in which the applicant intends to conform to the conditions and standards applicable to the development proposed.
2. All contractors shall ensure that a development permit has been obtained before starting development.
3. Every application for a permit shall be accompanied by a non-refundable processing fee, with a minimum fee of \$5.00 and a maximum fee of \$25.00.
4. All plans submitted for the erection, enlargement or alteration of a building as specified under section 20 of the Architects Act, shall be signed by a registered architect or professional engineer.
5. Failure to complete the application fully and/or to supply the required information and/or plans may cause delays in the processing of the application.
6. An application for a permit shall, at the opinion of the applicant, be deemed to be refused when a decision thereon is not made within 40 days after receipt of the application in its complete and final form by the development officer, and the applicant may appeal as provided for in section 686 of the Municipal Government Act, Chapter M-26.1, 1994, as amended.
7. The person to whom a development permit has been issued shall notify the development officer:
 - (a) following the preliminary layout of the site, but prior to the commencement of the actual development thereon; and
 - (b) upon completion of the development.

**TOWN OF FORT MACLEOD
NOTICE OF DECISION**

Schedule 12

LAND USE BYLAW NO. 1600

FORM B

DEVELOPMENT APPLICATION NO. _____

NAME: (please print) _____

ADDRESS: _____

In the matter of development of property located at _____

_____ ,

the development as specified in Application No. _____ has been:

APPROVED

APPROVED subject to the following conditions:

REFUSED for the following reasons:

DATE OF DECISION: _____

Development Permit issued on the _____ day of _____ , _____

DATE: _____

SIGNED: _____

Development Officer / Chairman of MPC

NOTES:

1. A development permit issued does not take effect until 17 days after the date of issue. This does not apply to permits for permitted uses that do not contain conditions. If an appeal is lodged pursuant to section 686 of the Municipal Government Act, Chapter M-26.1, 1994, as amended, then a permit will not become effective until the Subdivision and Development Appeal Board has determined the appeal.
2. Notice of approval in no way removes the need to obtain any permit or approval required by any federal, provincial or municipal legislation, order and/or regulations pertaining to the development approved.

**TOWN OF FORT MACLEOD
DEVELOPMENT PERMIT**

SCHEDULE 12

LAND USE BYLAW NO. 1600

Form C

DEVELOPMENT APPLICATION NO. _____

This Development Permit is hereby issued to:

NAME: _____

ADDRESS: _____

In respect of works consisting of _____

on land located at _____ and as
described on Development Application No. _____ and on plans submitted by the applicant.

This permit refers only to works outlined in Development Application No. _____ and is subject
to the conditions contained in the notice of decision dated _____ .

DATE: _____

SIGNED: _____

Development Officer

NOTES:

1. This Development Permit does not take effect until 17 days after the date of issue. This does not apply to permits for permitted uses that do not contain conditions. If an appeal is lodged pursuant to section 686 of the Municipal Government Act, Statutes of Alberta, 1994, Chapter M-26.1, as amended, then a permit will not become effective until the Subdivision and Development Appeal Board has determined the appeal.
2. The development outlined above is subject to the following conditions:
 - (a) This permit indicates that only the development to which it relates is authorized in accordance with the provisions of the land use bylaw, and in no way relieves or excuses the applicant from complying with the land use bylaw or any other bylaw, laws, and/or regulations affecting such development.
 - (b) This permit is valid for a period of 12 months from the date of issue. If, at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void.
 - (c) If this development permit is issued for construction of a building, the exterior of the building, including painting, shall be completed within 12 months from the date of issue of this development permit.
 - (d) The development officer may require cessation of work where the development for which the development permit has been issued is not being carried out or completed to the extent or in the manner originally approved.
 - (e) This permit is transferable.

Schedule 13

DEFINITIONS

DEFINITIONS

In this land use bylaw, words used in the singular include the plural, and words using the masculine gender include the feminine gender.

Unless otherwise provided in this bylaw, a word or term takes the definition in the Municipal Government Act. For the purpose of this bylaw, the following definitions are to be applied:

Accessory building means any building:

- (a) which is separate from the principal building on the lot on which both are located and the use of which the development officer decides is normally subordinate and incidental to that of the principal building; or
- (b) the use of which the development officer decides is normally subordinate and incidental to that of the principal use of the site on which it is located.

Accessory use means a use of a building or site which the development officer decides is normally subordinate and incidental to the principal use of the building or site.

Act means the Municipal Government Act, Statutes of Alberta, 1994, Chapter M-26.1, as amended.

Animal care service, major means development used for the care, treatment, boarding, breeding or training of animals and livestock within or outside buildings and includes the supplementary sale of associated products. This use includes veterinary offices or hospitals, animal shelters, boarding and breeding kennels, facilities for impounding and quarantining animals and related research facilities.

Animal care service, minor means development for the on-site treatment or grooming of small animals such as household pets, where on-site accommodation is not normally provided and where all care and confinement facilities are enclosed within a building. This use includes off-site treatment of animals or livestock of any size and the supplementary sale of associated products. Examples include pet grooming salons, pet clinics and veterinary offices.

Apartment means a building or a portion of a building which contains three or more dwelling units and where the primary access to each unit is provided through a common or shared entryway. This use also includes eightplexes or any building containing more than six dwelling units, where each unit is provided with its own primary access to the outside.

Approved use means a use of land and/or building for which a development permit has been issued by the development officer or the Municipal Planning Commission.

Apron means a flat surfaced area that surrounds and lies adjacent to a mobile home pad.

Area redevelopment plan means a statutory plan in accordance with the 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 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.

As required by the Municipal Planning Commission means that a standard or requirement of the land use bylaw may be varied but not completely waived.

Auto body and paint shop means a premise where the bodies, but not other parts of motor vehicles, are repaired, and where motor vehicle bodies and other metal machines, components or articles may be painted.

Auto sales and service means an enclosed building within which motor vehicles and parts are displayed for sale, and may include a new or used automobile sales lot, and may also include auto repairs except for body work and painting.

Basement means any storey of a building of which the ceiling level is less than 1.8 metres (6 ft.) above the average finished surface level of the surrounding ground.

Bed and breakfast establishment means a home occupation which provides short-term accommodation, generally not exceeding one week to the travelling public, tourists or members of the general public.

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

Boarding house means a building (other than a hotel or motel) containing not more than 15 sleeping rooms where meals or lodging for five or more persons are provided for compensation pursuant to previous arrangement or agreements.

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

Buildable area means that portion of a lot or parcel which remains after all setbacks, minimum yard dimensions and separation distances have been deducted.

Building has the same meaning as it has in the Act.

Building height means the vertical distance between grade and the highest point of a building excluding an elevator housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall or a parapet wall and a flagpole or similar device not structurally essential to the building.

Building inspector means the person or persons appointed by the municipality to be the chief building inspector or building inspectors in and for the Town of Fort Macleod.

Canopy means a projection which extends horizontally from the outside wall of a building but does not include a marquee, primarily designed to provide protection from climatic elements.

Carpport means a partially enclosed structure intended for the shelter of one or more motor vehicles with at least 40 percent of the total perimeter open and unobstructed.

Cellar means the portion of a building or structure which is partially or wholly below grade and having its floor below grade by a distance greater than one-half the distance from floor to ceiling.

Centre boulevard means a dividing strip of land in the centre of a street.

Commercial recreation means the recreational use of land or a building for financial gain where the public is admitted only on the payment of a fee or where admission is limited to members of a club, organization, or association. Commercial recreation uses may include dining or eating facilities, retail commercial uses and dwelling or sleeping units provided that any such facilities are accessory uses and clearly incidental to the principal recreational use of land and buildings.

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 but jointly used by two parties, one or both of whom is entitled to such use by prior arrangement.

Community facilities means community halls, public libraries, parks, playgrounds, schools, hospitals, shopping, medical and dental clinics and other similar facilities.

Comprehensive development means planned residential development having a high standard of design, a variety of accommodation, and adequate amenity provisions.

Condominium means a building or structure where there exists a type of ownership of individual units, generally in a multi-unit development or project where the owner possesses an interest as a tenant in common with other owners.

Council means the Council of the Town of Fort Macleod in the Province of Alberta.

Department store means a store that is organized into departments where many different kinds of merchandise and services are sold.

Designated officer means a person authorized by Council to act as a development authority pursuant to section 624(2) of the Municipal Government Act and in accordance with the municipality's development authority bylaw. For the purpose of this bylaw, the designated officer shall be the development officer.

Development has the same meaning as it has in the Act.

Development Authority means the Municipal Planning Commission, except in such instances whereby the designated officer may be the development authority in accordance with this bylaw.

Discretionary use means the one or more uses of land or buildings that are described in Schedule 2 as discretionary uses.

District means a district established under Schedule 1.

Double-wide mobile home means a mobile home that is permanently fixed to two chassis, or is permanently fixed to one chassis and has a section which can be expanded or telescoped from the mobile home for additional floor area. Double-wide mobile homes are typically not less than 20 feet (6.1 m) in width.

Drive-in restaurant means a restaurant which offers car attendant service or drive-through pick-up service.

Duplex means a building containing two separate dwelling units connected by a common floor, ceiling or wall.

Dwelling unit means a room or a suite of rooms operated as a residence for family, containing cooking, sleeping and sanitary facilities.

Equipment sales, rental and service means the use of land or buildings for the retail sale, wholesale distribution, rental and/or service of: hand tools, small construction, farming, gardening and automotive equipment, small machinery parts and office machinery and equipment.

Extensive agriculture means the production of crops or livestock or both by the expansive cultivation or open grazing of normally more than one parcel or lot containing 160 acres (64.8 ha) more or less.

Existing lot means a lot that existed at the time this bylaw was adopted.

Family means one or more persons occupying a dwelling unit as a single housekeeping unit.

Farm/industrial machinery sales, rental and service means the use of land or buildings for the sale, service and/or rental of agricultural implements, vehicles over 13,000 lbs. (5,900 kg) tare weight and heavy machinery used in the operation, construction or maintenance of buildings, roadways, pipelines, oil fields, mining or forestry operations, and in freight hauling operations. Cleaning, repairing and sale of parts and accessories may be allowed as part of the principal use or as accessory uses.

Farm supplies and service means the use of land or buildings for the sale, storage and distribution of grain (including grain elevators), livestock feed, fertilizer and chemicals used in agriculture.

Floor area means the sum of the gross horizontal area of the several floors and passageways of a building, but not including cellars, attached garages, and open porches. All dimensions shall be outside dimensions.

Foundation means the supporting base structure of a building.

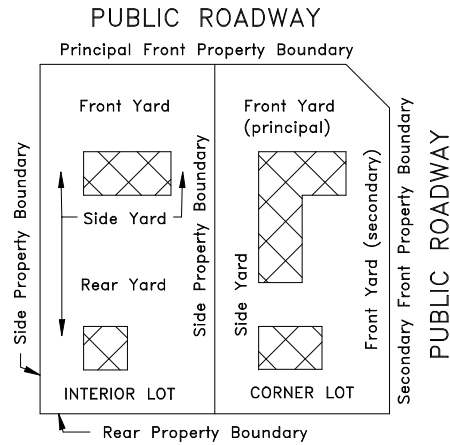
Fourplex dwelling means a form of cluster housing containing four dwelling units, where:

- (a) each unit has two contiguous or abutting walls which provide fire separation from the adjacent dwelling units;
- (b) two of the dwelling units ordinarily face the front yard, and two dwelling units ordinarily face the rear yard; and
- (c) each unit is provided with its own separate primary access to the outdoors.

Front property boundary, Principal means the front property boundary as shown in Figure 1.

Front property boundary, Secondary means the front property boundary as shown in Figure 1.

FIGURE 1



Garage (residential) means an accessory building designed and used for storage of non-commercial motor vehicles.

Garage height means the height of an accessory building measured from the floor to the top of the trusses at the apex of the structure.

Garden centre means the use of land or buildings for the sale, display, growing and storage of garden, household, and ornamental plants and trees provided that the retail sale and display of plants and trees remains the principal use. This use includes the supplementary retail sale of fertilizers, garden chemicals and implements as well as associated products.

Grain elevator means a building normally located adjacent to a railway constructed for the purpose of storing harvested cereal crops until such time that the product can be transported to market.

Group home means development using a dwelling unit for a provincially-approved residential social care facility providing rehabilitative and supportive care for four or more persons. A "Group home" may incorporate accommodation for resident staff as an accessory use.

Highway means:

- (a) a highway or proposed highway that is designated as a primary highway; or
- (b) a road, street or highway designated as a secondary road and numbered between 500 and 999;

pursuant to the Public Highways Development Act.

Highway commercial is a general term used to describe development, typically along a major roadway or highway that provides goods and services to the travelling public. Typical highway commercial uses include service stations, truck stops, motels, motor-hotels, drive-in and fast-food restaurants.

Home occupation means an occupation, trade, profession, service or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the lot, and which does not change the character thereof or have any exterior evidence of such secondary use.

Hotel means a building used primarily for sleeping accommodation and ancillary services provided in rooms or suites of rooms which may contain bar/kitchen facilities. The building may also contain commercial or other uses and may offer such additional services as parking facilities, restaurant or dining room, room service or public convention facilities.

Improvement means any installation or physical change made to a property with a view to increasing its value, utility or beauty.

Institutional means a use by or for an organization or society for public or social purposes and, without restricting the generality of the term, includes senior citizen housing, nursing homes, day care centres, places of worship, museums, libraries, schools, service and fraternal organizations, and government buildings.

Intensive horticultural operations or facilities means a use of land or buildings for the high yield production and/or sale of specialty crops. This use includes greenhouses, nurseries, hydroponic or market gardens, tree, mushroom and sod farms and such other uses that the Municipal Planning Commission considers similar in nature and character to any one or all of these uses.

Lane means a public thoroughfare which provides a secondary means of access to a lot or lots.

Light industrial/manufacturing means development used for manufacturing, fabricating, processing, assembly, production or packaging of goods or products, as well as administrative offices and warehousing and wholesale distribution uses which are accessory uses to the above, provided that the use does not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the developed portion of the site or lot upon which it is situated.

Liquor sales means development for the sale of unopened alcoholic beverages intended for the consumption of those beverages at an off-site premises.

Livestock confinement operation or facility means any land enclosed by buildings, shelters, fences, corrals or other structures which may, in the opinion of the development officer, be capable of confining, rearing, feeding, dairying or auctioning livestock and excepting the wintering of a basic herd of cattle unless so provided for in a land use bylaw or a statutory plan.

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.

Lot, in accordance with the Act, means:

- (a) a quarter section;
- (b) a river lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a land titles office;
- (c) a settlement lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a land titles office;
- (d) a part of a parcel where the boundaries of the parcel are separately described in a certificate of title other than by reference to a legal subdivision; or
- (e) a part of a parcel where the boundaries of the parcel are described in a certificate of title by reference to a plan of subdivision.

Lot area means the total horizontal area of a lot.

Lot, corner means a lot located at the intersection of two or more streets.

Lot depth means the average horizontal distance between the front and rear lot boundaries.

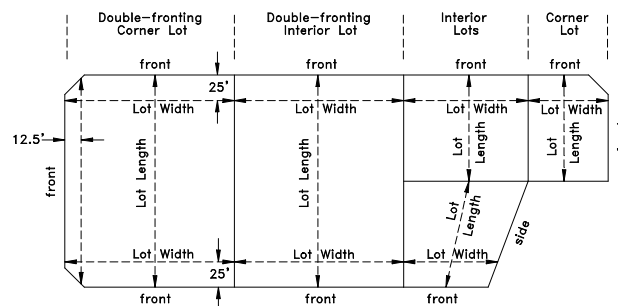
Lot, double fronting means a lot with two front property boundaries, where the front property boundaries are situated at opposite or approximately opposite sides of the lot, as shown in Figure 2.

Lot, interior means a lot other than a corner lot as shown in Figure 2.

Lot length means the horizontal distance between the shortest or principal front property boundary and the opposite property boundary, measured along the median between the side property boundaries as shown in Figure 2.

Lot width means the horizontal distance between opposite side property boundaries measured at a point 25 feet (7.6 m) from the shorter or principal front property boundary as shown in Figure 2.

FIGURE 2



Manufactured home means a newly-constructed, factory-built dwelling which may be transported to a new location and placed on a permanent foundation or constructed in prefabricated units at a factory or place other than that of its final assembly.

May means within the context of a policy that a discretionary action is permitted.

Medical and dental office means development providing medical and health care on an outpatient basis. Examples of this use include medical and dental offices, clinics, occupational health and safety offices, counselling services, chiropractic and naturopathic services and such other uses as the Municipal Planning Commission considers similar in character and nature to any of these uses, but this use excludes dispensaries (which sell pharmaceutical and related medical supplies) as an accessory use.

Mobile home means a prefabricated dwelling unit that:

- (a) is designed to be transported, and when placed on a foundation and connected to utilities is ready for occupancy; and
- (b) is subject to the current provincial building requirements.

The term mobile home includes "Double-wide" and "Single-wide" mobile homes, as defined, but the term does not include motor homes, travel trailers, recreation vehicles and any similar vehicles that are neither intended for permanent residential habitation nor subject to the current provincial building requirements.

Mobile home park means a lot occupied by or intended for two or more single-wide and/or double-wide mobile homes, where each mobile home site is not subdivided into a separately titled lot.

Mobile home sales and service means development for the sale, rental or storage of new and used mobile homes, and includes supplementary maintenance services and the sale of parts and accessories.

Mobile home subdivision means lands divided into lots intended to be occupied by their owners for private residential purposes, and on which are erected permanent foundations for mobile or modular homes.

Modular construction means the construction of a building in prefabricated units as a factory or place other than that of its final assembly which:

- (a) are assembled at the location where the building is to be permanently used;
- (b) are transported from one point to another by being carried on a motor vehicle;
- (c) are not constructed on a frame capable of being equipped with wheels and thus towed from one point to another; and
- (d) are equipped at the factory with interior electrical and plumbing utilities and interior walls (if these elements are required in the modular building).

Motel means development primarily providing temporary sleeping accommodation in rooms or suites, where each room or suite may contain kitchen facilities. Each room or suite in a "Motel" usually has its own private exterior access and is typically provided with an adjoining or conveniently-located parking stall. A "Motel" may include eating and drinking facilities, entertainment, convention, sports, recreation, personal service and retail facilities as accessory uses.

Moved-in building means a conventional, preconstructed, previously occupied building which is physically removed from one site, transported and re-established on another site.

Moved-in dwelling means a conventional, preconstructed, previously occupied building which is physically removed from one site, transported and re-established on another site for use as a residence.

Municipal Planning Commission (MPC) means a committee appointed by Council to act as a development authority pursuant to section 624(2) of the Municipal Government Act and in accordance with the municipality's development authority bylaw.

Municipal Development Plan means a statutory plan, formerly known as a general municipal plan, adopted by bylaw in accordance with section 632 of the Act.

Municipal reserve means the land specified to be municipal reserve by a subdivision approving authority pursuant to section 666 of the Act.

Municipality means the geographic area of the Town of Fort Macleod in the Province of Alberta.

Municipal school reserve means the land specified to be municipal and school reserve by a subdivision approving authority pursuant to section 666 of the Act.

Natural boundary means the visible high-water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of the banks thereof in respect to vegetation, as well as in respect to the nature of the soil itself.

Natural resource extractive uses means those uses of land or buildings which are governed by the location of a natural resource and which involve the extraction or on-site processing and/or storage of a natural resource, except those industries which are "Noxious or hazardous industries". "Natural resource extractive uses" include the following:

- (a) cement and concrete batching plants;
- (b) sand and gravel operations;
- (c) logging and forestry operations, including sawmills; and
- (d) such other uses as established by council or the Municipal Planning Commission to be similar to any one or all of the above uses.

Non-conforming building, in accordance with the Act, means a building:

- (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective; and
- (b) that on the date the land use bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the land use bylaw.

Non-conforming use, in accordance with the Act, means a lawful specific use:

- (a) being made of land or a building or intended to be made of a building lawfully under construction, at the date a land use bylaw or any amendment thereof affecting the land or building becomes effective; and
- (b) that on the date the land use bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw.

Nuisance means any use, prevailing condition or activity which has a detrimental effect on living or working conditions.

Office means development to accommodate:

- (a) professional, managerial and consulting services;
- (b) the administrative centres of businesses, trades, contractors and other organizations; and
- (c) service-related businesses such as travel agents, insurance brokers, real estate agents.

Off-street parking space means a lot or parcel or portion thereof, excluding a public roadway which is used or intended to be used as a parking area for motor vehicles.

One-family dwelling means a freestanding residential dwelling, other than a mobile home, not forming part of and not physically attached to any other dwelling or structure.

Orientation means the arranging or facing of a building or other structure with respect to the points of the compass.

Outside storage means the open storage of goods, merchandise or equipment outside a building.

Owner means the person or persons shown as the owner(s) of land on the assessment roll of a municipality.

Parcel, in accordance with the Act, means the aggregate of the one or more areas of land described in a certificate of title by reference to a plan filed or registered in a land titles office.

Parking facility includes parking areas, parking spaces and parking structures which are defined as follows:

- (a) **Parking area** means a portion of land or a building or a combination of both, set aside for and capable of providing space for the parking of a number of motor vehicles.
- (b) **Parking space** means a space set aside for and capable of being used for the parking of one motor vehicle.
- (c) **Parking structure** means a building or other structure designed for parking automobiles in tiers on a number of levels above each other whether above or below the ground.

Patio means an outdoor area of a lot developed and used for leisure and/or recreation purposes.

Permanent foundation means a foundation installed to provide structural support for a building or structure, for a period of at least 20 years including: concrete slab on grade, concrete strip footings below frost level, wood or concrete full basement and pile or pier footings.

Permitted use means:

- (a) the one or more uses of land or buildings that are stated in Schedule 2 as permitted uses; and
- (b) uses which, in accordance with and subject to the Act, shall be issued a development permit with or without conditions (unless the use is exempted from requiring a development permit) if the proposed development conforms with this bylaw.

Personal service use means a development providing services for personal care and appearance; services for cleaning, servicing, altering and maintenance of personal effects and accessories. "Personal service" includes barber shops, beauty salons, tailors, diet centres, shoe repair shops, dry cleaners, upholstery and rug cleaners, laundromats, funeral homes and such other uses that the Municipal Planning Commission considers similar to any one or all of these uses.

Planning advisor means the person or organization retained by the Town of Fort Macleod to provide planning-related advice or services.

Principal building means a building which:

- (a) is the main building on a lot; or
- (b) by reason of its use, is the primary purpose for which the lot is used.

Principal use means the main purpose for which a lot, parcel, or building is used or intended to be used.

Provincial Land Use Policies means policies established by order of the Lieutenant Governor pursuant to section 622 of the Act.

Public and institutional use means a use of land or buildings for any of the following public or semi-public developments:

- (a) a school or educational facility whether public or private;
- (b) churches or places of worship;
- (c) medical facilities which provide both in-patient and out-patient services including hospitals, nursing homes and sanatoriums;
- (d) government and municipal offices, libraries and similar developments;
- (e) protective services, including firehalls, police stations and ambulance services;
- (f) cemeteries; and
- (g) such other uses as the Municipal Planning Commission considers similar in nature and character to any one of these.

Public open space means land which is not in private ownership and is open to use by the public.

Public park or recreation use means a public park, playground, recreation area, indoor or outdoor rink, gymnasium, sportsfield, campground, historic or archaeological site or any similar facility or use of land or buildings provided that the park, playground, recreation area or similar facility is owned and/or administered by any level of government.

Public roadway means:

- (a) in a city, town, new town, village or summer village, the right-of-way of all or any of the following:
 - (i) a local road,
 - (ii) a service road,
 - (iii) a street,
 - (iv) an avenue, or
 - (v) a lane,that is public used or intended for public use;
- (b) in a county, municipal district, improvement district or special area, the right-of-way of all or any of the following:
 - (i) a controlled street or rural road as defined in the Public Highways Development Act, or
 - (ii) a service road or a lane that is intended for public use; or
- (c) a road, street, or highway designated as a secondary road pursuant to the Public Highways Development Act, except those secondary roads numbered between 900 and 999;
and includes a public right-of-way on which no motor vehicle, as defined in the Motor Vehicle Administration Act, is permitted to operate.

Public utility means any public utility including those as defined in the Act, but excluding those that are exempted by the Act or the Lieutenant Governor in Council pursuant to section 618(4) of the Act. Subject to the Act and the Regulations, a "Public utility" may include but is not limited to sewage treatment facilities, water treatment facilities, highway weigh scales and highway maintenance yards and sanitary landfill sites.

Railway means any use connected with the direct operation of a railway system.

Rear lane means service access, generally for vehicular traffic at the rear of properties.

Recycling facility means the use of land or buildings for the purchasing, receiving and/or temporary storage of discarded articles, provided that the use does not generate a detrimental effect or nuisance beyond the boundaries of the lot or site on which it is situated. A "Recycling facility" may involve supplementary production of by-products or materials and includes bottle, can and paper recycling depots.

Registered owner means:

- (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or
- (b) in the case of any other land:
 - (i) the purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land, and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title; or
 - (ii) in the absence of a person described in paragraph (i), the person registered under the Land Titles Act as the owner of the fee simple estate in the land.

Reserve land means environmental reserve, municipal reserve or school reserve or municipal and school reserve.

Residential streets means streets 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.

Restaurant means development where food and beverages are prepared and served and includes supplementary alcoholic beverage service and supplementary on- or off-premises catering services. This term includes restaurants, cafes, lunch and tea rooms, ice cream parlours, banquet facilities, take-out restaurants and such other uses as the Municipal Planning Commission considers similar in character and nature to any one of these uses.

Retail store means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail, and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things sufficient only to service such a store.

Rowhouse dwelling or townhouse means a residential building containing three or more dwelling units, where each dwelling unit is joined in whole or in part at the side only and where no dwelling unit is located in whole or in part above another dwelling unit. Each dwelling unit in a rowhouse is separated from the abutting dwelling unit by a wall, generally extending from the foundation to the roof, and each dwelling unit is provided with its own direct access from grade.

Salvage or waste disposal facility means development for purchasing, receiving or transporting of spent materials or substances which may generate a detrimental impact or nuisance beyond the boundaries of the lot or parcel on which it is situated. This term includes uses such as autowreckers, salvage and scrap yards, garbage container services, effluence tanker services and such other uses as the Municipal Planning Commission considers similar in character and nature to any one or all of these uses.

Screening means a fence, wall, berm or hedge used to visually separate areas or functions which detract from the urban street or neighbouring land uses.

Semi-detached dwelling means a residential building containing only two dwelling units located side by side with separate access to each dwelling unit. Each dwelling unit in a "Semi-detached dwelling" is joined to the other unit by at least one common wall which extends from the foundation to at least the top of the first storey of both dwelling units.

Senior citizen housing means development, including lodges which is used as a residence for elderly individuals not requiring constant or intensive medical care.

Service station means premises or the portion thereof used or intended to be used for the servicing and minor repairing of motor vehicles and for the sale of gasoline, lubricating oils and minor accessories for motor vehicles.

Setback means the distance required between a building, development or use from a property line facing a street or other property line.

Shall means that the action is mandatory.

Should means that the action is recommended.

Shopping centre means a group of two or more commercial establishments planned, developed, owned and managed as a unit, having internal access or external access, or both, to any or all establishments and provided with off-street parking and loading facilities on the site. The term "Shopping mall" shall have the same meaning as the term "Shopping centre".

Sign means an object or thing intended for the purpose of advertising or calling attention to any person, matter, thing or event and includes a marquee.

Similar use means a use which is not specifically considered in a land use district but, in the opinion of the Municipal Planning Commission, is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the Municipal Planning Commission may:

- (a) rule that the proposed use is either a permitted or discretionary use in the land use district in which it is proposed; and
- (b) direct that a development permit be issued in accordance with this bylaw.

Single-wide mobile home means a mobile home which is:

- (a) typically not greater than 16 feet (4.9 m) in width; and
- (b) permanently fixed to a single chassis; and
- (c) not intended to be expanded, telescoped or twinned for additional floorspace.

"Double-wide mobile home" is a separate use.

Site means that part of a parcel or a group of parcels on which a development exists or for which an application for a development permit is being made.

Stop order means an order issued by the development authority pursuant to section 645 of the Act.

Storey means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

Street means a public thoroughfare affording the principal 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 thoroughfare and owned by the municipality.

Subdivision means the division of a parcel by an instrument, and "subdivide" has a corresponding meaning.

Subdivision and Development Appeal Board means the tribunal established, by bylaw, to act as the municipal appeal body for subdivision and development.

Subdivision and Development Regulation means regulations established by order of the Lieutenant Governor in Council pursuant to section 694 of the Act.

Subdivision approval means the approval of a subdivision by a subdivision approving authority.

Subdivision Authority means the person or authority empowered to approve a subdivision.

Truck stop means a service station which caters to large commercial vehicles such as semi-trailer trucks as well as intermediate-sized vehicles and passenger vehicles. The use "Truck stop" includes an accompanying restaurant or cafe as well as a card lock or key lock motor vehicle fuel dispensing facility. The use may also include general retail sales, vehicle towing services, limited vehicle sales or rentals and similar uses provided that any such uses are clearly accessory uses and incidental to the operation of the truck stop in the opinion of the Municipal Planning Commission.

Utilities means any one or more of the following:

- (a) systems for the distribution of gas, whether artificial or natural;
 - (b) facilities for the storage, transmission, treatment, distribution or supply of water or electricity;
 - (c) facilities for the collection, treatment, movement or disposal of sanitary sewage;
 - (d) storm sewage drainage facilities;
 - (e) any other things prescribed by the Lieutenant Governor in Council by regulation;
- but does not include those systems or facilities referred to in sub-clauses (a) to (d) that are exempted by the Lieutenant Governor in Council by regulation.

Vehicle sales and rental use means a use of land or buildings for the sale of automobiles, vans, motorcycles, snowmobiles, tent and holiday trailers, boats and other recreational vehicles and craft and trucks with a tare weight not exceeding 13,000 lbs. (5,900 kg). This use includes supplementary vehicle maintenance and cleaning, sale of parts and accessories and dispensing of motor fuel.

Waiver means the relaxation or variance of a development standard established in the land use bylaw. For the purpose of this bylaw, only the Municipal Planning Commission or, on appeal, the Subdivision and Development Appeal Board can waive provisions of the land use bylaw.

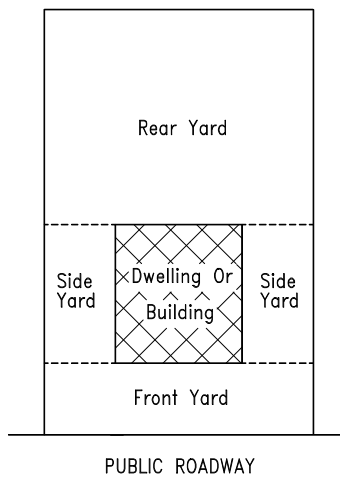
Yard means the minimum required open space, on a site, that lies between the principal and accessory building or structure and the nearest lot line.

Yard, front means a yard extending across the full width of the site and measured, as to depth, at the least horizontal distance between the front street line and the nearest projection of the principal building as shown in Figure 3.

Yard, rear means a yard which extends the full width of a site and measured, as to depth, at the least horizontal distance between the rear property line and the nearest projection of any building as shown in Figure 3.

Yard, side means a yard extending from the front yard to the rear yard, and measured as to width at the least horizontal distance between the side property line or side street line and the nearest projection of any building as shown in Figure 3.

FIGURE 3



SIGNATURE PAGE



BY-LAW NO. 1600

OF THE TOWN OF FORT MACLEOD IN THE PROVINCE OF ALBERTA

Being a By-Law of the Town of Fort Macleod in the Province of Alberta, to adopt a new Land Use By-Law;

WHEREAS the Council of the Town of Fort Macleod wishes to adopt a new land use bylaw to comply with the land use planning provisions of the Municipal Government Act, Chapter M-26.1, 1994, as amended;

AND WHEREAS the purpose of the proposed bylaw is:

- to incorporate the mandatory changes required for land use bylaws prescribed in the Municipal Government Act;
- to incorporate minor revisions to the present bylaw;
- to amend the existing Land Use District Map to reflect several land use redesignations which have been made;
- to incorporate an expanded number of land use definitions;

AND WHEREAS it is deemed expedient and appropriate for the Town of Fort Macleod to consider By-Law No. 1600 for the above noted reasons;

NOW THEREFORE under the authority and subject to the provisions of the Municipal Government Act, Chapter M-26.1, 1994, as amended, the Council duly assembled does hereby enact the following:

1. By-Law No. 1494, being the former Land Use By-Law, and any amendments thereto are hereby rescinded.
2. By-Law No. 1600 shall come into effect upon third and final reading thereof.

READ A FIRST TIME THIS 10TH DAY OF MAY 1999. A.D.

William O. Hart
MAYOR

L. McLean
MUNICIPAL MANAGER

READ A SECOND TIME THIS 14TH DAY OF JUNE 1999 A.D.

William O. Hart
MAYOR

L. McLean
MUNICIPAL MANAGER

READ A THIRD AND FINALLY DECLARED PASSED BY COUNCIL THIS 14TH DAY OF JUNE 1999 A.D.

William O. Hart
MAYOR

L. McLean
MUNICIPAL MANAGER

APPENDIX 1

**TOWN OF FORT MACLEOD POLICY ON
DEVELOPMENT IN THE RIVER VALLEY**

**TOWN OF FORT MACLEOD
POLICY ON DEVELOPMENT IN THE RIVER VALLEY**

A one (1) to one hundred (100) year flood plain study of the Oldman River in Fort Macleod was completed by Alberta Environment Water Resources in January 1987. This study identifies land in the river valley which is inundated by water an average of once every one hundred years. The purpose of this policy is to protect the town from possible future claims arising out of the town allowing development within the one hundred (100) year flood plain area. Accordingly, any development in the river valley must be above the one hundred (100) year flood plain level as identified by the Alberta Environment/Fort Macleod Flood Plain Study, dated January 1987. In some cases, this may require the proposed building site to be built up above the flood plain level.

The developer must supply to the Town of Fort Macleod Development Officer a certificate from a qualified Alberta Land Surveyor stating the top of the footings of any proposed development will be at or above the one hundred (100) year flood plain level. A development permit will not be issued until such a certificate has been provided. Additionally, private sewage disposal systems must conform to the requirements of the Alberta Labour. The Regional Health Authority will also be asked to comment on the most appropriate type of private sewage disposal system for any proposed development.

Finally, before any development permit is issued, a Save Harmless Agreement for the town must be registered against the title.

NOTE:

Concerns for environmental protection may limit the development density in any given area of the river valley.

TOWN OF FORT MACLEOD
IN THE PROVINCE OF ALBERTA

SUBDIVISION AND DEVELOPMENT
AUTHORITY BYLAW
NO. 1556

BY-LAW NO. 1556

OF THE TOWN OF FORT MACLEOD IN THE PROVINCE OF ALBERTA

BEING a bylaw of the Town of Fort Macleod to establish a Development Authority and Subdivision Approving Authority and to amend By-Law No. 1349 of the Town,

WHEREAS, the Municipal Government Act, Chapter M-26.1, 1994 as amended from time to time requires a municipality to establish a Development Authority and a Subdivision Approving Authority,

AND WHEREAS, the Town of Fort Macleod has by By-Law No. 1349 established a Municipal Planning Commission,

NOW THEREFORE, the Council of the Town of Fort Macleod, duly assembled, enacts as follows:

- 1) This By-Law shall be referred to as the Subdivision and Development Authority By-Law,
- 2) The Municipal Planning Commission and the Town of Fort Macleod Development Officer, as established by By-Law # 1349 of the Town of Fort Macleod, shall be the Development Authority for the Town.
- 3) The Municipal Planning Commission and the Development Officer have development approval authority as defined in the Town's Land Use By-Law.
- 4) The Development Authority is authorized to make decisions on applications for development approval in accordance with the administrative procedures, land uses and schedules established in the Land Use By-Law.
- 5) The Municipal Planning Commission, as established by By-Law # 1349 of the Town of Fort Macleod shall be the Subdivision Approving Authority for the Town.
- 6) The Municipal Planning Commission is authorized to make decisions on applications for subdivision approval in accordance with provincial land use policies, subdivision and development regulations, the Town of Fort Macleod Land Use By-Law and statutory plans.
- 7) By-Law 1349 of the Town is amended as follows:

Under "Authority" in By-Law 1349, Section 2 is replaced with the following:

 2. The Commission shall be the Subdivision Approving Authority for the Town with respect to all subdivisions within corporate limits.
- 8) The Development Officer of the Town shall be the secretary for the Commission in all matters and in this respect shall keep the following records:
 - (a) the minutes of all meetings;
 - (b) all applications;
 - (c) records of all notices of meetings and of persons to whom they were sent;
 - (d) copies of all written representations to the Commission;
 - (e) notes as to each representation;
 - (f) the names and addresses of those making representations at the meeting;
 - (g) the decisions of the Commission;
 - (h) the reasons for the decisions of the Commission;
 - (i) the vote of the members of the Commission on the decision;

TOWN OF FORT MACLEOD
IN THE PROVINCE OF ALBERTA

SUBDIVISION AND DEVELOPMENT
APPEAL BOARD BYLAW
NO. 1557

BY-LAW NO. 1557

OF THE TOWN OF FORT MACLEOD IN THE PROVINCE OF ALBERTA

1. **BEING** a bylaw of the Town of Fort Macleod in the Province of Alberta to establish a municipal Subdivision and Development Appeal Board;

WHEREAS, the Municipal Government Act, Chapter M-26.1, 1994 as amended from time to time requires the municipality to adopt a bylaw to establish a municipal Subdivision and Development Appeal Board,

AND WHEREAS, the Subdivision and Development Appeal Board is authorized to render decisions on appeals resulting from decisions of the Subdivision Authority or the Development Authority in accordance with the provincial land use policies, the subdivision and development regulations, the local land use bylaw and statutory plans;

AND WHEREAS, this bylaw may be cited as the Town of Fort Macleod Subdivision and Development Appeal Board Bylaw;

NOW THEREFORE, the Council of the Town of Fort Macleod in the Province of Alberta duly assembled, enacts as follows:

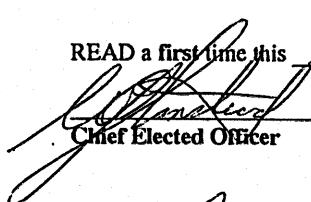
2. **DEFINITIONS:**

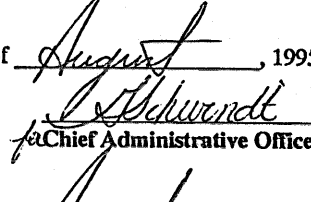
- (a) **Act** means the Municipal Government Act, Chapter M-26.1, 1994 as amended from time to time.
- (b) **Municipality** means the Town of Fort Macleod in the Province of Alberta.
- (c) **Council** means the Council of the Town of Fort Macleod.
- (d) **Subdivision and Development Appeal Board** means the tribunal established to act as the municipal appeal body.
- (e) **Member** means a member of the Subdivision and Development Appeal Board.
- (f) **Secretary** means the person or persons authorized to act as secretary for the Subdivision and Development Appeal Board.
- (g) **All other terms used in this bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.**

3. The Subdivision and Development Appeal Board shall be composed of five (5) persons who are adult residents of the Town of Fort Macleod, two (2) of whom shall be Town Councillors.
4. Appointments to the Subdivision and Development Appeal Board shall be made by resolution of council.
5. Appointments to the Subdivision and Development Appeal Board shall be made for a term of three (3) years.
6. The members of the Subdivision and Development Appeal Board shall elect one of themselves as chairman, and one of themselves as vice-chairman.
7. The Municipal Manager shall be the secretary and shall attend all meetings of the Subdivision and Development Appeal Board, but shall not vote on any matter before the Subdivision and Development Appeal Board.
8. The Subdivision and Development Appeal Board shall hold meetings as required pursuant to the Act on a date to be determined by the Subdivision and Development Appeal Board, and it may also hold special meetings at any time at the call of the chairman.
9. Three (3) of the members of the Subdivision and Development Appeal Board constitute a quorum.
10. There shall not be a majority of municipal councillors sitting to hear any individual appeal.

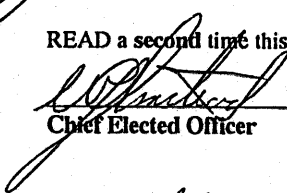
- 11. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole Subdivision and Development Appeal Board.
- 12. The Subdivision and Development Appeal board may make its orders, decisions, development permits, and subdivision approvals; and may issue notices with or without conditions.
- 13. The Subdivision and Development Appeal Board may make rules to govern its hearings.
- 14. Members of the Subdivision and Development Appeal Board shall not be members of the Subdivision Authority or the Development Authority.
- 15. When a person ceases to be a member of the Subdivision and Development Appeal Board before the expiration of his/her term of the council may, by resolution, appoint another person for the unexpired portion of that term.
- 16. The secretary of the Subdivision and Development Appeal Board shall attend all meetings of the Subdivision and Development Appeal Board and shall keep the following records with respect thereto:
 - (a) the minutes of all meetings;
 - (b) all applications;
 - (c) records of all notices of meetings and of persons to whom they were sent;
 - (d) copies of all written representations to the Subdivision and Development Appeal Board;
 - (e) notes as to each representation;
 - (f) the names and addresses of those making representations at the meeting;
 - (g) the decision of the Subdivision and Development Appeal Board;
 - (h) the reasons for the decision of the Subdivision and Development Appeal Board;
 - (i) the vote of the members of the Subdivision and Development Appeal Board on the decision;
 - (j) records of all notices of decision and of persons to whom they were sent;
 - (k) all notices, decisions, and orders made on appeal from the decision of the Subdivision and Development Appeal Board;
 - (l) such other matters as the Subdivision and Development Appeal Board may direct.
- 17. Bylaw No. 1350 of the town and all amendments thereto is hereby rescinded.
- 18. This bylaw comes into effect upon third and final reading thereof.

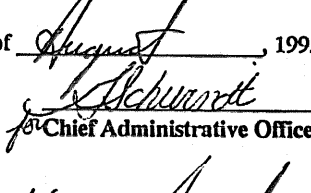
READ a first time this 14 day of August, 1995 A.D.

 Chief Elected Officer

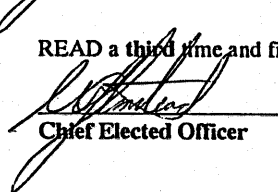
 Chief Administrative Officer

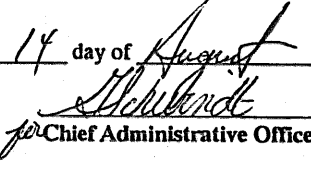
READ a second time this 14 day of August, 1995 A.D.

 Chief Elected Officer

 Chief Administrative Officer

READ a third time and finally passed this 14 day of August, 1995 A.D.

 Chief Elected Officer

 Chief Administrative Officer