

Section 1 Administration

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1.1 Title

This Bylaw shall be referred to as the “Town of Canmore Land Use Bylaw”.

1.2 Purpose

The intent of the Land Use Bylaw is to achieve the objectives and respect the values contained in the Town’s vision document, “Mining the Future,” and to build a community based on that Vision and on the Municipal Development Plan.

The purpose of the Bylaw is to regulate and control the use and development of land and buildings within the Municipality to achieve fair, orderly and economic development of the community.

Specifically, the Land Use Bylaw, in accordance with provisions of the Municipal Government Act, amongst other things:

- a. Divides the Town of Canmore into districts;
- b. Prescribes and regulates for each district, the range of Permitted Uses and Discretionary Uses and purpose for which land or buildings may be used;
- c. Prescribes and regulates for each district, the design of sites and buildings;
- d. Establishes the office of the Development Officer;
- e. Establishes a method of making decisions on applications for development permits including the issuing of Development Permits; and
- f. Prescribes the procedures to notify owners of land and citizens likely to be affected by the issuance of a Development Permit.

1.3 Application

1.3.0.1 This Bylaw shall apply to the whole of the Town of Canmore being all lands contained within its corporate limits.

1.3.0.2 No person shall commence development within the Town of Canmore except in compliance with this Bylaw. **[2017-36]**

1.4 Rules of Interpretation

1.4.0.1 Unless otherwise required by the context, words used in the present tense include the future tense, words in the singular include the plural and the word “person” includes a corporation as well as an individual, and words have the same meaning whether capitalized or not.

1.4.0.2 The Alberta Interpretation Act shall be used for the interpretation of language within the Land Use Bylaw unless specifically defined in this Bylaw. **[2014-04]**

1.4.0.3 Written regulations take precedence over any diagrams, schedules or maps if there is a perceived conflict.

1.4.0.4 Maps of the Land Use Districts in Section 15 take precedence over other maps and diagrams

in the Land Use Bylaw if there is an apparent discrepancy between boundaries or other information.

- 1.4.0.5 The words 'shall' or 'must' require mandatory compliance except where a variance has been granted pursuant to the Act or this Bylaw. 'May' means a choice is available, with no particular direction or guidance intended. **[2014-04]**

1.5 Portions found Invalid

In the event any portion of this Bylaw is found invalid by a Court of Law or is overturned by a superior jurisdiction, the validity of the remaining portions of the Bylaw shall not be affected.

1.6 Direct Control Districts [2017-36]

- 1.6.0.1 Direct Control Districts shall only be used for the purpose of providing for land or developments that, due to their unique characteristics, innovative ideas or unusual site constraints, require specific regulation unavailable in other land use districts.
- 1.6.0.2 Direct Control Districts shall not be used:
- a. in substitution of any other land use district in this Bylaw that could be used to achieve the same result either with or without relaxations of this Bylaw; or
 - b. to regulate matters that are regulated by subdivision or development permit approval conditions.
- 1.6.0.3 An applicant for a Direct Control District must provide a written statement indicating why, in the applicant's opinion, a Direct Control District is necessary and why the same results cannot be achieved through the use of an existing land use district in this Bylaw.

1.7 Overlay Districts [2017-36]

- 1.7.0.1 The purpose of an overlay district is:
- a. to facilitate the implementation of specific goals and objectives contained in adopted statutory plans, including the Municipal Development Plan, Area Structure and Redevelopment Plans or conceptual schemes; including the protection of preservation of areas having topographical or environmental features or hazards that encompass large areas of the town; or
 - b. for any other purpose deemed necessary by Council.
- 1.7.0.2 All overlay districts shall be applied and interpreted such that the underlying land use district and its regulations are read in conjunction with the overlay, but that the underlying district is considered subordinate when there is a discrepancy between the two districts.
- 1.7.0.3 Lands subject to an overlay district are indicated on the land use overlay maps

1.8 Development Permits Required

Except as provided in this Bylaw, no person shall undertake any development as defined in

Section 14, Definitions, unless:

- a. A development permit has first been issued pursuant to this Bylaw; and
- b. The development is proceeded with in accordance with the terms and conditions of the development permit issued in respect of the development; or
- c. The development is exempted in accordance with Subsection 1.9 and is otherwise in conformance with this Bylaw.

1.9 Development Permits not Required

A development permit is not required in respect of the following developments but those developments shall otherwise comply with all provisions of the relevant Land Use District, all regulations in Section 8, General Regulations, and any other provisions of this Land Use Bylaw and must be carried out or performed in accordance with all other applicable legislation, regulations and bylaws.

- 1.9.0.1 Works of maintenance, renovation, or repair on a structure, either internally or externally, if, in the opinion of the Development Officer, such work is consistent with any development permits issued for the site, and does not include:
 - a. structural alterations;
 - b. changes to the use or intensity of the use of the structure; and
 - c. for multi-family residential buildings and buildings within commercial Land Use Districts, does not, in the opinion of the development authority, substantially change the exterior appearance of the building. **[2014-04]**
- 1.9.0.2 The completion of a building which was lawfully under construction at the date this Bylaw comes into full force and effect, provided that:
 - a. the building is completed in accordance with the terms of any permit granted by the Municipality, subject to the conditions of that permit; and
 - b. the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the date this Bylaw comes into full force and effect.
- 1.9.0.3 The use of any building referred to in Subsection 1.9.0.2 for the purpose for which construction was commenced.
- 1.9.0.4 The erection or installation of machinery needed in connection with construction of a building for which a development permit has been issued, for the period of construction.
- 1.9.0.5 The construction and maintenance of a public utility placed in or upon a public thoroughfare or public utility easement provided any required authorizations have been obtained.
- 1.9.0.6 The erection, construction, or the maintenance of pedestrian gates, fences, walls, or other means of enclosure less than 2.5m in height provided that the erection of such fence, wall, or pedestrian gate conforms to Section 8, General Regulations and does not contravene any other provision of this Bylaw.
- 1.9.0.7 The installation and operation of a satellite dish antenna 1.0m or less in diameter and the

- installation of tower antenna no more than 1.0m higher than the maximum height of the principal building on site.
- 1.9.0.8 The installation of solar collectors or other energy collecting and storage devices, including geothermal or other subsurface works in conformance with the grading requirements of Section 8, General Regulations, that do not generate noise and are either:
- a. attached to a principle or accessory building and the top of the collectors do not extend above the peak of the roof; are not more than 1.5m from a roof at any point; and the finishing colours on the device fit into the range of appropriate roof colours described in Section 12, Community Architectural and Urban Design Standards, or;
 - b. as freestanding structures provided that: the structure meets the height and setback requirements for accessory buildings within the district; the footprint of the structure, including all solar panels or other attachments, does not exceed 6.0m², and; that the finishing colours on the device fit into the range of appropriate roof colours described in Section 12, Community Architectural and Urban Design Standards.
- 1.9.0.9 The use by the Municipality of land of which the Municipality is the legal or equitable owner in connection with any municipal project and may without restricting the generality of the foregoing, include buildings, roads, traffic management projects, interchanges, vehicular and pedestrian bridges, water, gas, telephone and power installations, substations and pumping stations, water reservoirs, storm and sanitary sewer including treatment or related facilities, street furniture, street lighting, public recreational facilities, or similar facilities, works depots, parks, playgrounds, landscaping and streetscape improvement projects.
- 1.9.0.10 The construction, maintenance and repair of private walkways, pathways, landscaping and similar works, provided the construction conforms to the drainage, grading and other provisions of Section 8, General Regulations. Driveways are not excluded from requiring a Development Permit unless they are approved by the Town of Canmore as part of a valid Building Permit. **[2014-04]**
- 1.9.0.11 Removal of soil from a site or stockpiling of soil on a site when a development permit has been issued or when a Development Agreement has been duly executed for that site and said permit or agreement allows for or requires such activity.
- 1.9.0.12 The digging of test holes requiring less than 6.0m² in surface area for exploration purposes.
- 1.9.0.13 The erection of a retaining wall that is no more than 0.6m in height measured from the lowest ground elevation adjacent to the wall provided the retaining wall and adjacent slopes conform to Section 8, General Regulations.
- 1.9.0.14 A logging operation where the requirements of Section 8, General Regulations, have been met as a condition of subdivision approval or as part of conditions for a development permit and the appropriate fee from the development permit fee schedule has been paid.
- 1.9.0.15 The construction of an accessory building located in a residential district provided the exterior surface of such an accessory building is completed in accordance with an approved Building Permit within one year of the issuance of the permit.

NOTE: For the purposes of this section objects such as shipping containers are not considered “buildings” and are therefore subject to Section 8, General Regulations of the Land Use Bylaw.

- 1.9.0.16 Excepting development in the TPT-CR District, the construction of, or external addition to, or demolition of a single family-detached dwelling, single-family manufactured home, duplex dwelling, or single-detached plus dwelling where:
- a. the total gross floor area of the structure or structures constituting the development is less than 500m²; and
 - b. the use is a Permitted Use or where the application is for an external renovation or addition for approved Discretionary Use; and
 - c. the construction complies with all provisions of the Land Use Bylaw; and
 - d. the exterior details of such dwelling units are completed in accordance with approved Building Permit plans within one year of the completion of the foundations; and
 - e. where there are no off-site levies, local improvement levies, or municipal fees owing against the land, or where the present owner has entered into an agreement with the Town for the payment of such levies or fees. **[2014-04]**
- 1.9.0.17 A change of use or interior renovations within an existing commercial or industrial building where the following requirements are met to the satisfaction of the Development Officer:
- a. the total gross floor area of the structure or structures constituting the development is less than 500m²; and
 - b. the requirements of the development permit for the building have been fulfilled; and
 - c. the change of use is from a Permitted or Discretionary Use to a Permitted Use in the district designation applicable to the site; and
 - d. the change is to a use that has required parking facilities no greater than that of the use it is replacing; or
 - e. the change is to a use that has required parking facilities greater than that of the use it is replacing and the additional parking is provided on site or has been previously provided as cash in lieu of parking;
 - f. a Certificate of Conformance has been applied for and received from the Development Authority that certifies that the proposed change of use conforms to the above clauses; and
 - g. the change is to a use that has required employee housing no greater than that of the use it is replacing. **[2017-36]**
- 1.9.0.18 Home Occupations – Class 1 **[2015-01]**

1.10 Development Permit Application Requirements

1.10.1 Incomplete Applications

When, in the opinion of the Development Officer, insufficient or inadequate information has been provided as part of an application for a development permit the Development Officer

may return the application to the applicant stating the reasons for the inadequacy in writing. For the purpose of determining the start of a statutory decision-making period an application shall not be deemed to be complete until the information and reports required as part of an application have been filed and accepted by the Development Authority.

1.10.2 General Requirements [2014-04]

1.10.2.1 An application for a development permit shall be made to the Development Officer using the prescribed form, signed by the owner or their agent and accompanied by:

- a. a letter of authorization when an application is made by any person other than the registered land owner
- b. a surveyed plot plan prepared by an Alberta Land Surveyor
- c. a certificate of title and any caveats or restrictive covenants
- d. a fee in accordance with a fee schedule established by Council
- e. dimensioned drawings, showing all exterior elevations, detailed descriptions of exterior finishing materials, a roof plan, and floor plans for each floor, including basement areas, where required by the Development Authority to determine maximum or minimum dimensions
- f. Green Building evaluation form
- g. a grade slip in conformance with an approved grading plan
- h. photographs showing the site in its existing state
- i. photographs, slides, renderings or streetscape drawings which show, to the satisfaction of the Development Officer, the form, massing, finishing material and character of the proposed development in relation to neighbouring buildings
- j. a written declaration by the applicant that all of the information provided is true and accurate
- k. samples of exterior finishing materials on request
- l. for signs, a coloured rendering of the proposed sign dimensioned and drawn to scale; drawings showing the location of the sign on the building and site and the location of any existing signs on the building or site (for additional details, see Section 10, Signage Standards and Regulations); and,
- m. Site Plans: At least two (2) copies (more copies are required if the proposed development is to be referred to the Canmore Planning Commission and/or to other agencies) of dimensioned site plans, drawn to metric scale 1:100, or such greater or lesser scale as may be required by the Development Officer, showing:
 - i. north arrow, scale of plan, legal description, municipal address
 - ii. required property line setbacks (front, rear, side, water bodies, etc.), sidewalks and curbs dimensioned from building(s) and property lines
 - iii. site topography and any special conditions (wetlands, shallow bedrock, etc.)
 - iv. location and size of existing buildings, structures and utility poles
 - v. location of proposed development including lighting, landscaping and signage

- vi. landscaping plans including: retaining walls detailed with elevations – top and bottom of wall at each end; existing and proposed trees and shrubs and other types, sizes, number and location of plant material proposed; other physical features, both existing and proposed, on the site and adjoining boulevards; existing topography with the vegetation that is to be retained and the vegetation to be removed clearly identified, and; the location and materials for any proposed hard landscaping, pedestrian circulation and open space areas. Landscaping plans may be required to be certified by a Landscape Architect.
- vii. existing and proposed parking areas, including parking for bicycles; provisions for loading facilities; entrances and exits; abutting streets; sidewalks and curbs; and avenues
- viii. easements and rights of way
- ix. adjacent buildings on adjoining sites, indicating building height, yards and the use of the buildings
- x. grading plans showing existing grades with spot elevations not more than 10.0m apart to illustrate topography; cross sections to show the existing grade of the site in relation to proposed grades; stormwater drainage; retaining walls detailed with elevations – top and bottom of wall at each end; proposed grades for the site; grade of adjacent sites & streets; and, a cross-sectional outline of the proposed buildings on the site and existing buildings on adjacent properties
- xi. 1:100 ground water elevation and the location of any floodway or flood fringe boundaries within the site
- xii. a vicinity map of properties within 100.0m of the site
- xiii. existing and proposed utility connections as detailed in the Engineering Design and Construction Guidelines
- xiv. development density and site coverage calculations

At the discretion of the Development Officer, one or more of the above-described information requirements may be waived where such information is not required to render a decision on an application.

1.10.3 Requirements for Sustainability Screening Reports

- 1.10.3.1 All development permit applications, including a change of use, that include the building of a structure or structures, or the use of a building or buildings with a total gross floor area of 500m² or more shall include a Sustainability Screening Report in accordance with the Town of Canmore Sustainability Screening Process.
- 1.10.3.2 In accordance with Subsection 1.10.1, an application for a development permit may be deemed incomplete if a Sustainability Screening Report has not been submitted as part of the application.
- 1.10.3.3 The required Sustainability Screening Report will be reviewed by the Development Authority and be considered in the decision making process in accordance with the provisions of the Sustainability Screening Process.

1.10.4 Special Additional Requirements [2014-04]

In addition to the standard requirements listed above, at the discretion of the Development Officer, the Town may require additional reports including, but not limited to, the requirements listed below. A development application may be deemed to be incomplete (in writing) by the Development Officer until such time as the reports, prepared in accordance with appropriate standards, required in this subsection have been submitted to the Development Authority.

Additional reports that may be required by the Development Authority include:

- a. Acoustic impact assessments for sites in proximity to the Trans Canada Highway, CP Railway, Canmore heliport, or other noise generators
- b. Acoustic impact assessments in mixed commercial/residential buildings
- c. Construction and Demolition Waste Management Plan
- d. Construction Management Plan in accordance with the Engineering Design and Construction Guidelines
- e. Economic impact assessments
- f. Employee generation data
- g. Employee housing requirements
- h. Environmental impact statement in accordance with the policies of the Town of Canmore Municipal Development Plan
- i. Environmental site assessments
- j. Wildfire risk assessment (including fire access, wildland-urban interface and FireSmart plans)
- k. Floodway/flood fringe impact assessments. Reports are mandatory for developments wholly or partially within the Floodway as described in section 7.1
- l. Geotechnical and groundwater assessments. Reports are mandatory for any development proposed wholly or partially within the Wellhead Protection Area described in section 7.3, Groundwater Protection
- m. Historic resource impact assessments in accordance with section 7.5
- n. Exterior lighting plan for a site and/or buildings in accordance with the Lighting Standards in Section 8, General Regulations
- o. Slope stability analysis
- p. Social impact assessments
- q. Trade area market analysis
- r. Traffic impact assessments
- s. Plans showing the design and location of utility boxes
- t. Visual impact assessments including digital or other modeling
- u. An application for an excavation, stripping or grading operation shall include a plan

showing the location of the operation relative to site boundaries and the depth of excavation or the quantity of topsoil to be removed, a description of the excavation, stripping or grading operation and the destination of any material that is to be removed from the site

- v. An application for a logging operation must be accompanied by a harvesting plan prepared in accordance with the Alberta Timber Harvest Planning and Operating Ground Rules
- w. Every application for development adjacent to the Trans Canada Highway or Benchlands Trail must submit, to the satisfaction of the Development Authority, a visual impact assessment which includes:
 - i. professionally produced three dimensional simulation of the overall development from important viewpoints along the Trans Canada Highway or Benchlands Trail showing the impact of the development on the site;
 - ii. a view analysis and discussion of the visual impacts as Trans Canada Highway motorists approach and pass a proposed development;
 - iii. consideration of site design, building architecture, roof treatment, and landscaping as it relates to the view from the Trans Canada Highway above or level with the site;
 - iv. a demonstration of the harmony of form, materials and exterior finishing with the surrounding natural environment when viewed from the Trans Canada Highway;
 - v. mitigation measures proposed to minimize the negative impacts of parking and massing through the application of natural landscaping, building articulation and roof treatment.
- x. Wind and shadow assessments; and
- y. acoustic impact assessment for sites in proximity to the Trans Canada Highway, CP Railway, Canmore heliport, or other noise generators. **[2017-36]**

1.11 Processing of Development Applications [2014-04]

- 1.11.0.1 The Development Authority shall approve all applications for a permitted use which conform in all respects to the provisions of this bylaw. The Development Authority may impose conditions to ensure compliance with this bylaw.
- 1.11.0.2 In making a decision on an application for a discretionary use or where a variance has been granted, the Development Authority may:
 - a. approve the application; or
 - b. approve the application subject to conditions considered appropriate or necessary; or
 - c. refuse the application, stating reasons for the refusal.
- 1.11.0.3 The Development Authority shall not approve a Development Permit for a use that is not listed as a Permitted or Discretionary Use in the relevant land use district unless the use is determined to be a “similar” use in accordance with Section 1.18.
- 1.11.0.4 A development permit issued pursuant to this Bylaw is not a Building Permit and, notwithstanding that plans and specifications for buildings may have been submitted as part of

an application for a Development Permit, work or construction shall neither commence nor proceed until a Building Permit has been issued pursuant to applicable bylaws and regulations.

1.11.1 Notice of Application

- 1.11.1.1 Prior to approving an application for a development permit which is a Discretionary Use, or for a Permitted Use requiring a variance, the Development Authority shall require the applicant to post a notice on the property in a location and format determined by the Town describing the proposed development and advising any interested parties where further information regarding the application may be obtained. Such notice shall be posted for a minimum of 10 calendar days prior to the issuance of a Notice of Decision. **[05(Z)2012]**
- 1.11.1.2 Notwithstanding the notification requirements described in Subsection 1.11.1.1, the posting of notices shall not be required by the Development Authority for development permit applications for signs, nor for the renewal of Home Occupations - Class 2, or the renewal of Bed and Breakfast permits; existing buildings; or for Seasonal and Temporary Businesses. **[05(Z)2012; 2014-04; 2017-36]**
- 1.11.1.3 When a development permit requiring a Sustainability Screening Report has been referred to the Canmore Planning Commission, in accordance with the provisions of the Sustainability Screening Process a notice of the meeting where the Commission is to review the Report and the Development Permit shall be advertised in a locally circulated newspaper. The Development Authority may consider any responses to such postings or notices but any comments received are not binding upon the Development Authority.

1.11.2 Referrals

- 1.11.2.1 The Development Authority may refer an application to any authority, jurisdiction or party that the Authority deems appropriate or necessary. The Development Authority may consider any timely responses to such referrals, but any comments received are not binding upon the Development Authority.

1.11.3 Notice of Decision [2014-04; 2017-36]

- 1.11.3.1 When an application for a development permit for a permitted use with no variances is approved, the Development Authority shall issue a development permit. The development permit shall not come into effect until 14 days after the date the permit is issued.
- 1.11.3.2 When an application for a development permit is approved for a discretionary use or for a permitted use in which a variance has been granted, the Development Authority shall:
- a. provide a notice of decision to the applicant of the approval,
 - b. require the applicant to post the notice of decision conspicuously for a period of not less than 21 days on the property for which the application has been made;
 - c. publish a notice of decision in a local newspaper,
 - d. state the procedure for any appeal and the date the appeal period expires, which shall be 21 days following the notice being posted on the property, and

- e. issue a development permit after the appeal period has expired.
- 1.11.3.3 Notwithstanding the notification requirements describe in Subsection 1.11.3.2, the posting of notices shall not be required by the Development Authority for development permit applications for signs which conform to the Land Use Bylaw.
- 1.11.3.4 When an application for a development permit is refused, the notice of decision shall be issued to the applicant.
- 1.11.3.5 When an appeal is made within the appeal period, a development permit which has been approved shall not be valid until and unless the permit is upheld, either in whole or as varied, by the Subdivision and Development Appeal Board.
- 1.11.3.6 An application for a development permit may, at the discretion of the applicant, be deemed to be refused when a decision thereon is not made within forty (40) days after the receipt of the application in its complete and final form by the Development Officer unless an agreement to extend this period in accordance with Section 684 of the MGA is in place. If no decision has been rendered and no agreement is in place to extend the decision making period the applicant may appeal in writing as provided in the Act as though he had received a decision of refusal.
- 1.11.3.7 When an application for a development permit has been refused pursuant to this Bylaw, or ultimately after appeal, the submission of another application for a development permit on the same parcel of land for the same or similar use by the same or any other applicant may not be accepted by the Development Officer for at least six (6) months after the date of refusal.
- 1.11.3.8 Except where a development permit has been approved for a limited period of time, a permit remains in effect unless the development permit is suspended or cancelled or development has not commenced in accordance with Subsection 1.14.

1.12 Conditions Attached to a Development Permit

- 1.12.0.1 The Development Authority may attach conditions to a development permit for a permitted use and a development permit for a discretionary use which may include, but not be limited to, the length of time a development permit remains in effect, entering into a Development Agreement, adherence to the Town of Canmore Engineering Design and Construction Guidelines, and the completion of reports and studies described in Subsection 1.10 of the Land Use Bylaw, including conditions that require adherence to standards, commitments and other provisions set out in any Sustainability Screening Report approved by the Development Authority as part of the permit review process.
- 1.12.0.2 The contents of a Development Agreement may include, but are not limited to, the following:
 - a. the construction or payment for the construction of a road required to give access to the development,
 - b. the construction or payment for the construction of a pedestrian walkway system to serve the development, and/or pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is

- proposed to serve an adjacent development,
- c. the installation or payment for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development,
- d. the construction, or payment for the construction, of off-street or other parking facilities, and loading and unloading facilities,
- e. the payment of an off-site levy or redevelopment levy,
- f. the provision of security to ensure that the terms of the agreement are carried out; and
- g. other matters that are required to ensure compliance with the provisions of this Bylaw or the Development Permit.

1.13 Appeals

1.13.0.1 Where the Development Authority:

- a. refuses or fails to render a decision on an application for a Development Permit; or
- b. approves an application for a development; or
- c. issues an order under this Bylaw;
- d. the person applying for the Permit or affected by the order, or any other person, as the case may be, may appeal to the Subdivision and Development Appeal Board within 14 days after the date the order or decision was posted, mailed, delivered electronically or published as applicable. **[2014-04]**

1.13.0.2 The rules and procedures governing the Subdivision and Development Appeal Board in considering an appeal are detailed in the Municipal Government Act, the Subdivision and Development Regulation, and the Subdivision and Development Appeal Board Bylaw.

1.13.0.3 When a proposed development permit application requires a Sustainability Screening Report and the Sustainability Screening Report has not been approved by the Development Authority in accordance with the Sustainability Screening Process, the Development Authority shall advise the Subdivision and Development Appeal Board that the sustainability of the proposal has not been demonstrated to the Town in accordance with the Sustainability Screening Process.

1.14 Commencement and Completion of Development

1.14.0.1 Where a development permit application has been approved, development shall commence within one (1) year of the date of approval of the Development Permit, and any construction shall be completed within two (2) years of that date, unless a longer period of construction is authorized by the Development Authority.

1.14.0.2 Where development has not commenced within one (1) year from the date of approval, the development permit shall cease to be valid.

1.14.0.3 Where development requires construction and a Development Completion Certificate has not been obtained within two (2) years from the date of approval, the development approval shall cease to be valid and any permit issued shall be revoked.

- 1.14.0.4 Notwithstanding 1.14.0.3, the period for the completion of construction may be extended at the discretion of the Development Authority. In order for an extension to be considered, a written request for such an extension must be received by the Development Officer not less than thirty (30) days prior to the scheduled expiration date.
- 1.14.0.5 No person shall occupy a development unless the Town has first issued an Occupancy Permit for the development.
- 1.14.0.6 For the purposes of this section, “completion” of development has occurred when a Development Completion Certificate has been issued by the Town.

1.15 Subdivision of Land

1.15.1 Approval Requirements

Subdivision Authority

- 1.15.1.1 Subject to 1.15.1.2, no person, corporation, or agency shall subdivide a parcel or undertake any act on land that may have the effect of subdivision, without the approval of the Subdivision Authority, or upon appeal, the approval of the Subdivision and Development Appeal Board or the Municipal Government Board.
- 1.15.1.2 No subdivision approval is required where the Town undertakes a subdivision solely for the purpose of a public roadway or public utility installation.

Application for Subdivision

- 1.15.1.3 The owner of the land to be subdivided, or a person with written authorization to act on behalf of the owner, may file an application for subdivision accompanied by the required fee.
- 1.15.1.4 A complete application for subdivision shall include those items required by the Act and the Subdivision and Development Regulation, including any additional information required by the Subdivision Authority to determine whether the application meets the requirements of the Act or the Regulation.
- 1.15.1.5 In addition to the information required by the Act and the Subdivision and Development Regulation, a complete application for subdivision shall include:
 - a. a Development Grading Plan, and
 - b. a signed authorization granting right of entry to Town staff
- 1.15.1.6 An application for subdivision shall be accompanied by ten sets of drawings to a minimum scale deemed appropriate by the Development Officer, plus one set of drawings provided electronically in Adobe Acrobat (pdf) format or paper copies reduced to 8½ x 11” or 11” x 17” sheets.
- 1.15.1.7 Subdivision Design

In order to ensure that the design of a subdivision is consistent with the policies of the Municipal Development Plan, and other relevant Town policies, the Town may require the following information so that the Subdivision Authority may properly evaluate an application

for subdivision:

- a. Spot elevations and/or topographic contours at 0.5m intervals related to geodetic data for existing and proposed development prepared by an Alberta Land Surveyor;
- b. An analysis of how the subdivision meets the objectives of the Guidelines for Subdivision and Development in Mountainous Terrain in regards to the retention of existing topography and slopes;
- c. Where the provision of municipal reserves are proposed, an evaluation of those reserves utilizing the Open Space Development Guidelines, including the conceptual design and location of pathways and trails within the subdivision and the connection between the proposed subdivision and existing and proposed trails and pathways adjacent to the subdivision. All subdivisions shall allow for pedestrian and bicycle movement through residential or commercial development in accordance with the Transportation requirements in the Engineering Design and Construction Guidelines;
- d. Where the provision of environmental reserves are proposed and/or required, an evaluation of those reserves in regards to their effectiveness in protecting bodies of water and riparian habitat, the provision of public access, taking into account the lands that may be required due to natural alterations and re-location of stream beds and banks over time, and the protection of other natural features as required by the Act;
- e. Identification of all drainage channels and other water bodies, major tree stands, and any other distinctive physical characteristics within and adjacent to the subdivision;
- f. A context plan showing the relationship between the proposed subdivision, adjacent lands, and all roads and railways;
- g. A report certified by a professional engineer providing details of proposed on-and off-site servicing, required upgrading of that servicing and also considering cumulative impacts;
- h. A traffic impact analysis certified by a professional engineer;
- i. A servicing concept plan including water, sewer, storm sewer, gas, telephone, cable and street and other public lighting;
- j. A Building Grading Plan showing sewer, water and storm water connections for each lot, demonstrating to the satisfaction of the Town that the design of these services meets the intent of the Engineering Design and Construction Guidelines;
- k. A slope stability analysis;
- l. A storm drainage analysis, including a demonstration that the storm drainage design meets best practices and the Engineering Design and Construction Guidelines;
- m. A wildfire hazard analysis that assesses structure location, design and landscaping on the subject property, as well as slope conditions and vegetation cover in the surrounding area;
- n. An environmental impact assessment in accordance with the requirements of the Municipal Development Plan;
- o. A map showing the location of any proposed or designated wildlife corridors or Environmentally Sensitive Areas on or within 200 metres of the subdivision;

- p. An analysis of how the subdivision meets the objectives of the Town's growth management limits described in the Municipal Development Plan;
 - q. A comprehensive analysis addressing the sustainability of the subdivision design. This analysis shall include municipal services for all subdivisions and for multi-lot subdivisions may also include such matters as the orientation of lots in relation to solar radiation, wind and views and the optimal geographic distribution of uses on the site for development and open space in the layout of pedestrian and vehicular transportation systems. For larger residential subdivisions, components of such systems as LEED-ND may be utilized for the evaluation of sustainability;
 - r. The building Hmax for each lot within the subdivision shall be calculated according to the formula for low density residential development contained in Section 4, General Regulations. The H value for the calculation of Hmax for grading plans shall be as outlined in the relevant Land Use District and Subsection 8.9, General Regulations of this Bylaw. The value for "C" in the Hmax formula may be adjusted as part of the subdivision agreement process where site topography, shape of lots, or other factors make such adjustments appropriate;
 - s. Such other information as may be required to process the application in accordance with the Act
- 1.15.1.8 When the proposed plan of subdivision is part of a larger area, the whole of which may eventually be subdivided and for which no overall plan has been prepared, the Subdivision Authority may require the submission of an overall plan, to its satisfaction, for the whole area before considering the subdivision application.
- 1.15.1.9 An application shall not be considered complete, for purposes of the decision-making period, until the required information and materials have been filed and accepted by the Town.
- 1.15.1.10 Except for the requirements in 1.15.1.7(s), the Subdivision Authority may consider an application complete, although not all of the requirements have been met if, in its opinion, sufficient material has been submitted to enable an informed decision on the application.

1.15.2 Processing of Applications

1.15.2.1 Referrals

Completed applications shall be circulated in accordance with the Subdivision and Development Regulation. The Subdivision Authority may also refer an application for subdivision approval to any municipal, federal or provincial department, or any other agency or body it deems appropriate. Any comments received from such discretionary referrals are not binding on the Subdivision Authority.

1.15.2.2 The Subdivision Authority may require that the applicant post a notice on the site of the proposed subdivision for public view describing the nature of the proposed subdivision.

1.15.2.3 The Subdivision Authority may allow an applicant, or a representative of the applicant, to make a presentation to the Authority prior to a decision on a subdivision application.

1.15.2.4 The Subdivision Authority shall not approve a subdivision application unless the land to be subdivided is, in its opinion, suitable for the purposes for which the subdivision is intended,

having due regard for:

- a. topography;
- b. soil characteristics;
- c. storm water collection and disposal;
- d. any potential for flooding;
- e. subsidence or erosion of the land;
- f. the availability and adequacy of water supply, sewage disposal systems and solid waste disposal;
- g. compatibility with the use of land in the vicinity;
- h. the provisions of any applicable statutory plans; and,
- i. such other matters considered necessary to determine whether the land is suitable for the intended purposes.
- j. each parcel to be created has direct access to a public roadway, or lawful means of access satisfactory to the Subdivision Authority;
- k. except where conditions are imposed pursuant to 1.15.3.1, the proposed subdivision conforms to the provisions of the Act, and the subdivision has given due consideration to the provisions of any applicable statutory plan and this Bylaw.

1.15.2.5 Bareland Condominium Subdivision

The Subdivision Authority may approve an application for a bareland condominium subdivision where a development permit has been issued for a comprehensively designed multi-family development, notwithstanding that the proposed subdivision may result in reduced yard dimensions, provided that the location of the buildings within the subdivision conforms to any development permit issued for the site.

- a. At the discretion of the Subdivision Authority, normal municipal engineering standards in the Engineering Design and Construction Guidelines may be relaxed within the boundaries of the condominium plan created, provided that:
 - i. adequate fire access, legal road access and municipal servicing is provided and maintained to the satisfaction of the Subdivision Authority; and,
 - ii. the developer, or the condominium association, assumes all responsibility for the construction, maintenance, repair and replacement of all such roads and services within the condominium plan at the discretion of the Town.
- b. Gated entrances to a bareland residential condominium where any thoroughfare that acts like a public street or provides access to more than one building (excluding accessory buildings on a site), shall not be allowed.
- c. As a condition of approval, the Subdivision Authority may prohibit the gating of any thoroughfare that acts like a public street or provides access to more than one building (excluding accessory buildings on a site).
- d. The Subdivision Authority may also require one or more public access easements through the condominium plan to provide continuity to existing or proposed pedestrian

pathway systems adjacent to the bareland condominium subdivision.

1.15.2.6 The Subdivision Authority may approve, conditionally approve, or refuse, at its discretion, a subdivision application.

1.15.2.7 Decision

The Subdivision Authority shall render a decision on a subdivision application within 60 days of receiving a completed application, except where the Act and Subdivision and Development Regulation stipulates a shorter time period, or an extension to the deadline for a decision has been granted by the applicant in accordance with the Act.

1.15.2.8 Notice Of Decision

Within 14 days after a decision has been made on an application for subdivision, a Development Officer shall notify the applicant, any agencies circulated a copy of the application, either by normal or electronic mail or personal service, and may require that the applicant post a Notice of Decision for public view on the site, stating the nature of the proposed subdivision.

1.15.3 Conditions of Subdivision Approval

1.15.3.1 The Subdivision Authority may impose the following conditions in a subdivision approval:

- a. Conditions to ensure compliance with the Act and any applicable statutory plan, and this Bylaw;
- b. Conditions requiring the applicant to make satisfactory arrangements for the supply of water, electric power, telephone and/or other electronic communication services, sewer service, vehicular and pedestrian access and any other utility or facility including payment of installation or construction costs by the applicant;
- c. A condition that the applicant enter into an agreement with the Town to do all or any of the following:
 - i. to construct or pay for the construction or improvement of a public roadway required to give access to the development;
 - ii. to construct or pay for the construction to municipal standards of a pedestrian walkway system to serve the development, or a pedestrian walkway that will connect the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;
 - iii. to install or pay for the installation of utilities that are necessary to serve the development;
 - iv. to provide for the ongoing operation and maintenance of privately-owned utilities connected to the Town's utility network;
 - v. to construct or pay for improvements with an excess capacity pursuant to s.651 of the Act;
 - vi. to construct or pay for the construction of off-street or other parking facilities, and garbage, recycling, loading and unloading facilities; and
 - vii. to pay an off-site or redevelopment levy imposed by a Bylaw adopted pursuant to

the Act.

- d. A condition requiring the applicant to repair or reinstate, or to pay for the repair or reinstatement, to original condition any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by development or building operations upon the subject site;
 - e. A condition that access for the general public be maintained within and through the subdivision for pedestrians, cyclists, private motor vehicles, public transport or any or all of these;
 - f. A condition that financial security be posted with the Town to ensure that the proposed subdivision will be carried out in accordance with the subdivision approval and its conditions;
 - g. Where a subdivision is approved within the flood fringe of a previously undeveloped area, the first floor of all buildings located within such a subdivision, shall be located at or above the 1:100 year flood level plus 0.5 metre freeboard as calculated in the Flood Risk Mapping Study (WER-AGRA, March 1993). The Subdivision Approving Authority may allow for variances on the freeboard requirement depending on site specific conditions;
 - h. A condition that addresses FireSmart requirements to ensure that vegetation clearing, separations from Moderate, High and Extreme hazard areas identified on the Canmore Wildland/Urban Interface Site Hazard map are incorporated into the subdivision design in such a manner that clearing or thinning of fuels is not required in adjacent wildlife corridors or environmentally sensitive areas, and that all required clearing is completed prior to the registration of the subdivision;
 - i. Such other conditions as it deems appropriate in the circumstances.
- 1.15.3.2 The subdivision approval remains valid in accordance with the time conditions established in the Act and must be endorsed and registered in accordance with the Act, failing which the subdivision approval and endorsement are void.
- 1.15.3.3 The Town may register a caveat in respect of an agreement under 1.15.3.1(c) against the parcel that is subject of the subdivision. The caveat may be discharged when the agreement has been complied with.
- 1.15.4 Obligations of Applicant**
- 1.15.4.1 When a subdivision is approved, the applicant shall comply with the provisions of the Act in respect of endorsement and registration.
- 1.15.4.2 On a proposed plan of subdivision, environmental reserve shall be identified by a number suffixed by the letters "ER"; municipal reserve shall be identified by a number suffixed by the letters "MR"; school reserve shall be identified by a number suffixed by the letters "SR"; municipal and school reserve shall be identified by a number suffixed by the letters "MSR"; and a public utility lot shall be identified by a number suffixed by the letters "PUL".
- 1.15.4.3 If an application for subdivision is approved, the applicant shall comply with the provisions of an agreement and with the requirements of the subdivision approval in respect of dedication

of land for public roadways, public utilities, environmental reserve, municipal reserve, school reserve, municipal school reserve, payment of money in lieu of reserves, deferments of reserves, all other matters set out in the agreement and the approval conditions.

1.15.5 Subdivision Appeals

- 1.15.5.1 An appeal from a decision of the Subdivision Authority, or any condition imposed by it, may be made by the applicant for subdivision approval, a school authority, or those Provincial authorities required by the Act to be notified, by filing with the Municipal Government Board (where there are Provincial interests as defined in the Regulation) or the Subdivision and Development Appeal Board, a written notice of appeal, along with the fee set by Council.
- 1.15.5.2 The appeal must be filed within the dates outlined in the Act and the Regulation.
- 1.15.5.3 The notice of appeal shall identify the decision being appealed and set forth the grounds of appeal.
- 1.15.5.4 If the Subdivision Authority fails to make a decision on an application for subdivision within the time prescribed in the Act and the Subdivision and Development Regulation, the applicant may treat the application as refused and appeal to the Municipal Government Board or Subdivision and Development Appeal Board or enter into an agreement to extend the time prescribed in the Act.
- 1.15.5.5 In processing and deciding a subdivision appeal, the Subdivision and Development Appeal Board may exercise only those powers conferred on the Subdivision Authority by this Bylaw and the Act.

1.16 Development Authority - Duties and Responsibilities

1.16.1 Development Officer

The office of the Development Officer is hereby established and one or more employees of the Town of Canmore shall be appointed as Development Officer. A Development Officer shall:

- 1.16.1.1 Administer this Bylaw and decide upon all development permit applications including those for sites designated "DC" Direct Control District, unless the application is referred to Planning Commission or Council in accordance with the requirements of a DC District.
- 1.16.1.2 Keep and maintain for the inspection of the public during office hours, a copy of this Bylaw and all amendments thereto and ensure that copies of same are available to the public at a reasonable charge.
- 1.16.1.3 Make available for inspection by the public during office hours a register of all applications for development permits and the decisions made thereon.
- 1.16.1.4 Collect fees according to a schedule established by Resolution of Council.
- 1.16.1.5 Refer, at the discretion of the Development Officer, to Planning Commission or Council for its consideration and decision, development permit applications for discretionary uses, or development permit applications located on land designated "DC" Direct Control District, or

any other development applications.

- 1.16.1.6 The Development Officer shall not approve any application for which a Sustainability Screening Report is required unless the Sustainability Screening Report has been approved by the Town in accordance with the Sustainability Screening Process.
- 1.16.1.7 Where the Development Officer makes a decision on a Sustainability Screening Report in accordance with the Sustainability Screening Process the Development Officer shall provide reasons for the approval of the Sustainability Screening Report. If a development permit is refused based in part on the inadequacy of such a Report, the Development Officer shall clearly identify the failings of the Report in writing.

1.16.2 Canmore Planning Commission

- 1.16.2.1 The Canmore Planning Commission is hereby authorized to decide upon all development permit applications referred to it by a Development Officer including development permit applications for lands designated "DC" Direct Control District where such DC District identifies the Planning Commission as the Development Authority.
- 1.16.2.2 The Canmore Planning Commission shall not approve any application for which a Sustainability Screening Report is required unless the Sustainability Screening Report has been approved by the Development Authority in accordance with the Sustainability Screening Process.
- 1.16.2.3 In accordance with the Sustainability Screening Process, as part of the decision making process for development permits, the Canmore Planning Commission shall provide reasons for the approval of a Sustainability Screening Report. If a development permit is refused based in part on the inadequacy of such a Report, Commission shall clearly identify the failings of the Report in writing.

1.16.3 Subdivision Authority [2017-36]

- 1.16.3.1 The Subdivision Authority, as established by a separate Bylaw, is authorized to exercise subdivision powers and duties in those matters delegated to it by this Bylaw
- 1.16.3.2 The Subdivision Authority shall perform such duties as prescribed in the Subdivision Authority Bylaw in addition to any duties prescribed in this Bylaw, the Act and the Subdivision and Development Regulation.

1.17 Variance Powers of Development Authority

The Development Authority (the Development Officer or the Canmore Planning Commission) may grant one or more variances to the standards and regulations of the Land Use Bylaw as part of the development permit approval process where there is deemed to be a public benefit or where site conditions constrain reasonable development as described in this section.

1.17.1 Discretion of Development Authority

- 1.17.1.1 Where the Development Authority deems that the variance provides a community or

neighbourhood benefit and that the proposed development would not unduly interfere with the amenities of the area or materially interfere with, or affect the use, enjoyment, safety, aesthetics, or value of neighbouring properties the Development Officer may grant a variance of up to 10% and the Canmore Planning Commission a variance up to 20% where the variances are related to the following regulations:

- a. Maximum height of building
- b. Minimum front yard setback
- c. Minimum rear yard setback
- d. Minimum side yard setback
- e. Maximum lot coverage
- f. Maximum density
- g. Minimum density
- h. Minimum parking requirements

1.17.1.2 The authority to grant variances to other regulations and guidelines contained in the Land Use Bylaw, for example, minimum roof pitch, maximum size of windows, and signage shall remain at the discretion of the Development Authority and shall not be limited by the percentages described above.

1.17.1.3 Notwithstanding 1.17.1.1, variances to accessory developments remain at the discretion of the Development Authority and shall not be limited by the percentages described above. **[2014-04]**

1.17.1.4 Notwithstanding 1.17.1.1 and in accordance with Subsection 2.19.2, for all applications within the TPT-CR District, variances shall not be granted by the Development Officer. **[2014-04]**

1.17.1.5 Notwithstanding 1.17.1.1, in accordance with the Green Building Regulations of this Bylaw, neither a Development Officer nor the Canmore Planning Commission shall grant a variance to a commercial, industrial or institutional development, or a residential development to which the EnerGuide program cannot be applied, unless the development meets the Town's Green Building or Enhanced Green Construction requirements. **[2017-36]**

1.17.2 Variances to Setbacks from Waterbodies

Notwithstanding the above-described provisions, the Development Authority shall not grant any variances not approved prior to the adoption of this bylaw to setbacks from the bank of a waterbody except in accordance with Subsection 8.6.1.

1.17.3 Additional Variances

Variances in excess of the limits described in Subsection 1.17.1.1 shall only be considered and may only be granted by the Development Authority where the Development Authority is satisfied that the proposed development provides an extraordinary net benefit to the community pursuant to one or more of the following:

Historic Resource Conservation (Section 7.5)

Density Bonusing providing PAH housing (Section 13)

Enhanced Green Construction (Section 11)

1.17.4 Site Constraints

1.17.4.1 Notwithstanding Subsection 1.17.1.1, variances may be granted at the discretion of the Development Authority where the Development Authority is satisfied, based on a professional analysis of the site, that due to topographic, soil, geotechnical or other constraints full compliance with the standards and regulations of the Land Use Bylaw is not possible or such compliance would cause unreasonable hardship for constructing a building that occupied 60% or less of the maximum building foot print for the site as determined by maximum site coverage and minimum yard setbacks. **[2014-04]**

1.17.5 Referrals

Before approving a development permit for which a variance has been applied for the Development Authority may request, or require the applicant to provide, comments from nearby residents and owners.

1.17.6 Appeals against Variances

If an appeal of a development permit is submitted to the Subdivision and Development Appeal Board (SDAB) with respect to a variance approved pursuant to Subsection 1.17.3, above, then the Development Authority shall advise the SDAB that the variances have been granted on the basis of providing a net benefit to the neighbourhood and/or community.

1.18 Similar Use and Uses Not Listed But Allowed in All Districts [2017-36]

1.18.0.1 The Development Authority may determine whether or not a proposed use not specifically provided for in the Bylaw with respect to any district is reasonably similar to another use that is included in the list of uses for that district. The Development Authority may approve such a similar use even if that use is not specifically listed in the Land Use District.

1.18.0.2 In considering whether such a similar use may be appropriate in a district, the following general criteria shall be applied:

- a. the proposed use is similar in nature and impact on surrounding uses, and is compatible with the Permitted Uses listed in the Land Use District;
- b. the proposed use is consistent with statutory plans affecting the area, including the objectives and policies of the Municipal Development Plan; and
- c. the proposed use is consistent with the purpose of the district.

1.18.0.3 Where the Development Authority approves a use as a “similar use”, that use shall be deemed to be a discretionary use for the purpose of the application, whether or not the use it is similar to is a permitted or a discretionary Use.

1.18.0.4 The following uses are discretionary in all districts, regardless of whether they are listed in the district:

- a. Excavation, stripping and grading operation.

1.19 Bylaw Amendments [2017-36]

- 1.19.0.1 The Town may initiate amendments to this Bylaw.
- 1.19.0.2 Any person may request an amendment to this Bylaw by applying in writing.
- 1.19.0.3 An application to amend this Bylaw shall include:
 - a. a complete application on the prescribed form;
 - b. an application fee as prescribed by resolution of Council;
 - c. a written statement of the purpose and reasons for the proposed amendments; and
 - d. a written statement describing how the application for amendment complies with the Municipal Development Plan, and any applicable Area Structure Plan, Area Redevelopment Plan or other relevant municipal policy document.
- 1.19.0.4 If an application to amend this Bylaw includes the re-districting of land to a different land use, the following shall also be included:
 - a. a current certificate of title for the land affected or other documents satisfactory to the Town, including evidence of the applicant's interest in the said land;
 - b. if the applicant is an agent of the landowner, written approval from the landowner verifying the agent's authority to make the application;
 - c. a map drawn to scale clearly indicating the affected site and its relationship to existing land uses on adjacent properties;
 - d. permission for right of entry by a Development Officer or a Designated Officer; and
 - e. a Sustainability Screening Report.
- 1.19.0.5 In addition, the applicant may be required to provide the following information:
 - a. a report on the availability of services to the proposed development, including water, sanitary, and stormwater;
 - b. a steep creek hazard or risk report on land that is within a Steep Creek Study Area or where a more detailed report is required pursuant to the Steep Creek Hazard and Risk Policy;
 - c. an Environmental Impact Statement;
 - d. a traffic impact assessment;
 - e. an undermining risk assessment; and
 - f. other such information that may be required at the discretion of the Development Authority or Council.
- 1.19.0.6 Proposed amendments to the Land Use Bylaw shall be undertaken in accordance with the Municipal Government Act.

1.20 Non-Conforming Buildings and Uses [2017-36]

- 1.20.0.1 Except where otherwise specified within this Bylaw, the regulation of non-conforming uses and non-conforming buildings shall be in accordance with Section 643 of the Municipal Government Act.

1.21 Compliance with other Bylaws, Regulations and Legislation

- 1.21.0.1 In addition to this Bylaw, an applicant is responsible for complying with any federal, provincial or municipal legislation, bylaw or plans which may apply to a proposed development. The applicant is also responsible for complying with the conditions of any easement, covenant, lease, scheme, or agreement which affects the development or subdivision.
- 1.21.0.2 A duly registered Conservation Easement, as described in the Alberta Environmental Protection and Enhancement Act, is a valid planning consideration for the Development Authority. A Development Authority may deny an application for a development permit (whether the use is a permitted or a discretionary use) or attach such conditions to a development permit as are deemed appropriate by the Development Authority to enhance compliance with the easement agreement **[2014-04]**.
- 1.21.0.3 Although a development permit may be issued, that permit does not entitle the applicant to carry on a business. Businesses are also governed by the Town of Canmore Business Registry Bylaw and require a license under that Bylaw. In addition, a Building Permit may be required.

1.22 Bylaw Contravention

- 1.22.0.1 Where a Development Officer finds that a development or use of land or buildings is not in accordance with the Act or the Regulations, or a development permit or subdivision approval, or this Bylaw, the Development Officer may issue an Order in writing to:
- a. the registered land owner; or
 - b. the person in possession of the land or buildings; or
 - c. the person responsible for the contravention; or
 - d. all or any of them to:
 - i. stop the development or use of the land or building in whole or in part as directed by the notice; or
 - ii. demolish, remove or replace the development; or
 - iii. take such other measures as are specified in the Order so that the development or use of the land or buildings is in accordance with the Act, the Regulations, a Development Permit, subdivision approval or this Bylaw, as the case may be, within the time specified by the order.
- 1.22.0.2 A person who receives an Order may appeal to the Subdivision and Development Appeal Board.
- 1.22.0.3 Where a person fails or refuses to comply with an Order directed to him, the Town may, in accordance with the Act, enter upon the land or building and take such action as is necessary

to carry out the order. **[2014-04]**

- 1.22.0.4 Where the Development Officer carries out an Order, the Town may cause the costs and expenses incurred in carrying out the order to be placed on the tax roll, and that amount shall be collected in the same manner as taxes on land.
- 1.22.0.5 Where reasonable written evidence has been presented to the Development Officer that a development permit has been obtained through misrepresentation, the Development Officer may suspend or cancel the development permit and shall give written notification of such suspension or cancellation to the applicant.

1.23 Right of Entry

- 1.23.0.1 Pursuant to the Act, an authorized person may only enter land or a building for the purpose of ensuring compliance with the Act and the Regulations thereunder, or this Bylaw if:
 - a. the owner or person in possession of it gives his consent to the entry, or
 - b. the entry is authorized by an Order of the Court of Queen's Bench
 - c. and then only for the purpose of ensuring compliance with The Act and the Regulations thereunder, or this Bylaw.
- 1.23.0.2 For the purposes of this Bylaw, a reasonable notice shall be 48 hours and during reasonable hours shall be between the hours of 08:00 to 18:00 hours. **[2014-04]**
- 1.23.0.3 The Development Officer, or such other person appointed by resolution of Council, is designated as the "authorized person".

1.24 Offences and Penalties

- 1.24.0.1 The authority regarding offences and penalties of this Bylaw are governed by the Act.
- 1.24.0.2 A person who:
 - a. contravenes or fails to comply with any provision of the Act or the Regulations; or
 - b. contravenes or fails to comply with an order under this Bylaw; or
 - c. contravenes or fails to comply with a development permit or subdivision approval or a condition attached thereto; or
 - d. obstructs or hinders any person in the exercise or performance of his powers or duties under the Act, the Regulations, or the Land Use Bylaw;
 - e. is guilty of an offence and is liable on summary conviction to a fine.
- 1.24.0.3 Where a person is found guilty of an offence under this Bylaw, the Court may, in addition to any other penalty imposed, order the person to comply with the Act, the Regulations, the Land Use Bylaw, an order issued under the Act or this Bylaw or a Development Permit, subdivision approval or a condition attached to an approval, as the case may be.
- 1.24.0.4 Any person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine not less than \$100.00 and not

exceeding \$10,000 per violation after conviction and costs, and upon failure to pay the fine and costs, to imprisonment for a period not exceeding 30 days unless such fine and costs are sooner paid. In addition, the Development Officer may suspend or revoke the development permit for the site on which the violation of this Bylaw has occurred.

1.25 Violation Tags

- 1.25.0.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe:
- a. is conducting a development after the expiry of a temporary development permit
 - b. is conducting a temporary business without a development permit
 - c. is continuing development without a development permit or contrary to the conditions of a development permit when an Order has been issued in accordance with the Act
 - d. has developed, is operating, or is allowing to exist a dwelling unit on a site which is in excess of the number of dwelling units allowed for by the Land Use Bylaw or approved as part of a development permit
 - e. is operating, or is allowing to be operated, a “tourist home” without a valid development permit
 - f. has a vehicle, or is allowing the presence of a vehicle within a residential district which contravenes the regulations of Section 8, General Regulations
 - g. is occupying a premises without an Occupancy Permit
 - h. has contravened any provision of Section 8, General Regulations
 - i. is conducting a “logging operation” without a development permit and without the authorization required in this Bylaw.
- 1.25.0.2 A Violation Tag may be issued to such person:
- a. either personally, or
 - b. by mailing a copy to such person at their last known post office address
- 1.25.0.3 Where contravention of this Bylaw is of a continuing nature, further Violation Tags or a Violation Ticket may be issued by a Peace Officer, provided that no more than one Violation Tag or Violation Ticket shall be issued for each calendar day that the contravention continues.
- 1.25.0.4 Where a Violation Tag is issued pursuant to this Bylaw, the Person or Company to whom the Violation Tag is issued may, in lieu of being prosecuted for the offense, pay to the Town of Canmore the penalty specified on the Violation Tag as follows:
- a. General offences related to developments conducted without development permits or contrary to the conditions of a development permit as described in “a”, “b”, and “c” of Subsection 1.25.0.1, above:

First offence within calendar year:	Minimum penalty:	\$ 500
Second offence within calendar year:	Minimum penalty:	\$ 1,000
Third and additional offences:	Minimum penalty:	\$ 2,000
 - b. Offences related to unpermitted dwelling units

	First offence within calendar year:	Minimum penalty:	\$ 2,500
	Second and additional offences:	Minimum penalty:	\$ 5,000
c.	Offences related to unpermitted tourist homes		
	First offence within calendar year:	Minimum penalty:	\$ 2,500
	Second and additional offences:	Minimum penalty:	\$ 5,000
d.	Offences related to vehicles on residential properties		
	First offence within calendar year:	Specified penalty:	\$ 100
	Second offence within calendar year:	Specified penalty:	\$ 200
	Third and additional offence:	Specified penalty:	\$ 500
e.	Offences related to unauthorized occupancy of premises		
	First offence within calendar year:	Specified penalty:	\$ 250
	Second offence within calendar year:	Specified penalty:	\$ 350
	Third and additional offence:	Specified penalty:	\$ 500
f.	Offences relating to signage		
	First offence within calendar year:	Specified penalty:	\$ 50
	Second offence within calendar year:	Specified penalty:	\$ 100
	Third & additional offence within calendar year:	Specified penalty:	\$ 250
	Signage Impound Fee:	Specified penalty:	\$ 50
g.	Offences relating to unauthorized logging		
	First offence within calendar year:	Minimum penalty:	\$ 1,000
	Second and additional offences:	Minimum penalty:	\$ 5,000

1.25.0.5 Nothing in this Bylaw shall prevent a Peace Officer from issuing summons for the Mandatory Court appearance of any person or company who contravenes any provision of this Bylaw.

1.26 Violation Ticket

Notwithstanding any other provision of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the Provincial Offences Procedures Act, as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.