



BYLAW 1982-LAND USE AMENDMENT 1ST READING
RESIDENTIAL-R TO COMMERCIAL CENTRAL -CC

RECOMMENDATION:

That Council give first reading to bylaw 1982 to amend Bylaw No. 1882, being the municipal Land Use Bylaw. The purpose of Bylaw No. 1982 is to redesignate lands legally described as:

Lot 29, Block 421, Plan 92B
within the NW1/4 of Section 12, Township 9, Range 26, W4M

from "Residential: R"; to "Commercial Central: CC"

and schedule a Public Hearing to be held on May 27th 2024 at 7 pm.

DETAILS:

Property located at 159 22nd Street had residential zoning pre-1988. In 1988 the property was rezoned to commercial. Current owners used the building as a residence and the zoning was changed back to residential under Bylaw 1954 in 2022. New prospective buyer would like the zoning changed back to Commercial Central to allow commercial/ mixed use of the existing building.

COUNCIL STRATEGIC PLAN:

This submission is GROWING Fort Macleod. (Supporting priorities such Business Growth)

APPLICABLE LEGISLATION:

MGA
Land Use Bylaw 1882

ATTACHMENTS:

Bylaw 1982 (Map)
Current zoning -R
Requested Zoning -CC
Public Hearing Notice for the Gazette

PREPARED BY: Keli Sandford, Planning and Development Officer

REVIEWED BY: Wally Ola, Director of Operations

APPROVED BY: Anthony Burdett, CAO

TOWN OF FORT MACLEOD
in the Province of Alberta
BYLAW NO. 1982

BEING a bylaw of the Town of Fort Macleod in the Province of Alberta, to amend Bylaw No. 1882, being the municipal Land Use Bylaw.

WHEREAS the Town of Fort Macleod Council is in receipt of a request to redesignate certain lands within the municipality;

WHEREAS the intent of proposed Bylaw No. 1982 is to redesignate lands legally described as:

Lot 29, Block 421, Plan 92B
within the NW1/4 of Section 12, Township 9, Range 26, W4M

from "Residential: R"; to "Commercial Central: CC" and

WHEREAS the lands that are the subject of this proposed redesignation are shown on the map in Schedule 'A' attached hereto;

AND WHEREAS the purpose of the bylaw is to designate the lands for commercial use and that a municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act, Revised Statutes of Alberta 2000*, Chapter M-26, as amended, the Council of the Town of Fort Macleod in the Province of Alberta duly assembled does hereby enact the following:

1. Lands legally described as Lot 29, Block 421, Plan 92B be redesignated such that lands designated as "Residential: R". be designated "Commercial Central: CC"
2. The Land Use Districts Map shall be amended to reflect this change.
3. Bylaw No. 1882 is hereby amended and consolidated.
4. This bylaw shall come into effect upon third and final reading hereof.

READ a **first** time this _____ day of _____, 2024.

Mayor – Brent Feyter

Chief Administrative Officer– Anthony Burdett

READ a **second** time this _____ day of _____, 2024.

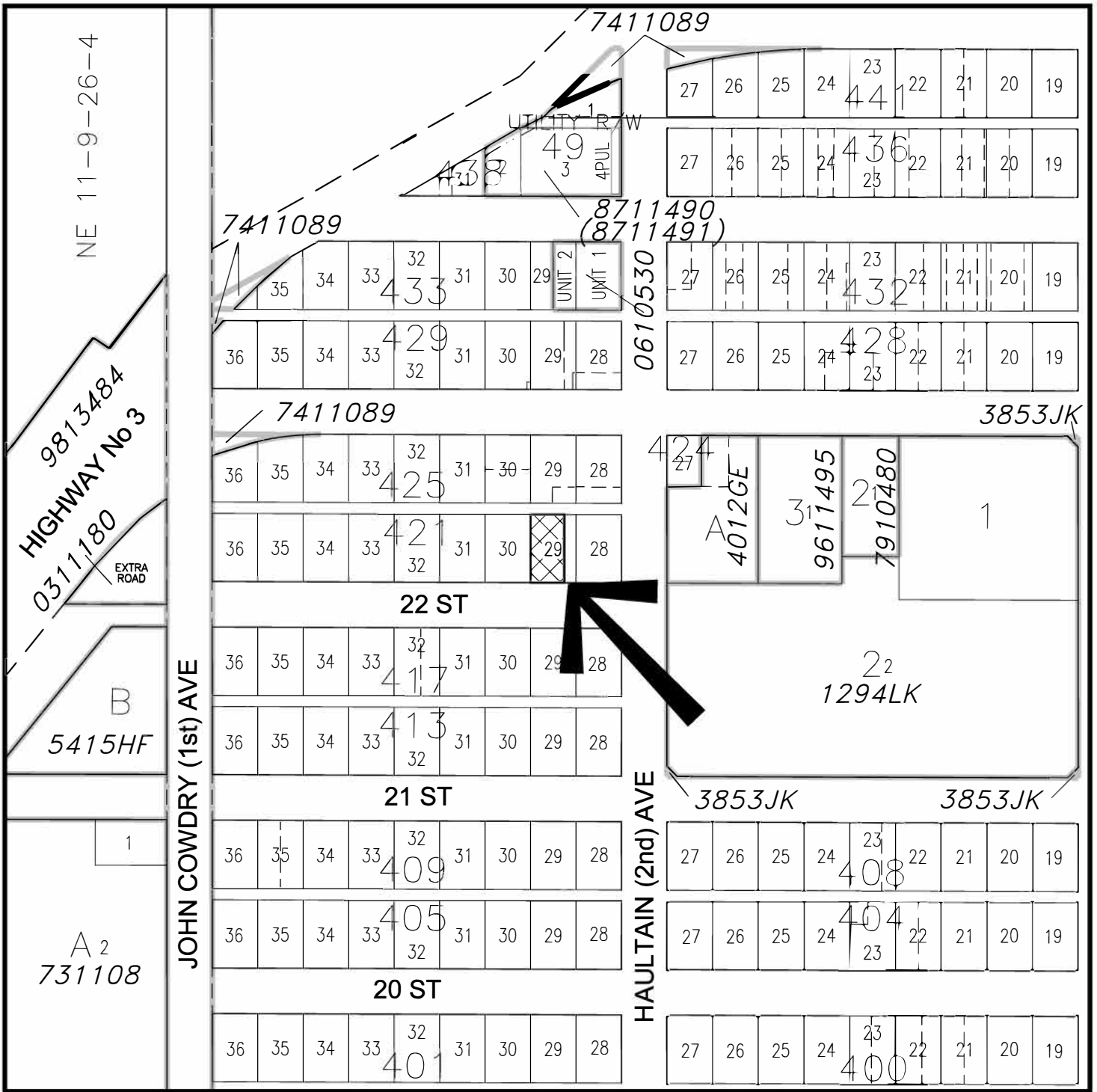
Mayor – Brent Feyter

Chief Administrative Officer– Anthony Burdett

READ a **third** time and finally PASSED this _____ day of _____, 2024.

Mayor – Brent Feyter

Chief Administrative Officer– Anthony Burdett



LAND USE DISTRICT REDESIGNATION SCHEDULE 'A'



FROM: Residential R
TO: Commercial Central CC

PORTION OF LOT 29, BLOCK 421, PLAN 92B
WITHIN NW 1/4 SEC 12, TWP 9, RGE 26, W 4 M
MUNICIPALITY: TOWN OF FORT MACLEOD
DATE: April 22, 2024

Bylaw #: 1982

Date: _____



NOTICE OF PUBLIC HEARING

**TOWN OF FORT MACLEOD
IN THE PROVINCE OF ALBERTA**

PROPOSED BYLAW NO. 1982

7:00 p.m., May 27, 2024
Town of Fort Macleod Council Chambers
410 20th Street, Fort Macleod, AB

PURSUANT to sections 216.4, 606 and 692 of *the Municipal Government Act, Revised Statutes of Alberta 2000*, Chapter M-26, as amended, the Council of the Town of Fort Macleod in the Province of Alberta hereby gives notice of its intention to consider Bylaw No. 1982, being a bylaw to amend Bylaw No. 1882, being the municipal Land Use Bylaw.

THE PURPOSE of Bylaw No. 1982 is redesignate a lands legally described as:

Lot 29, Block 421, Plan 92B within the NW1/4 of Section 12, Township 9,
Range 26, W4M

(159 22nd Street)

from "Residential: R" to "Commercial Central: CC" and

THEREFORE, TAKE NOTICE THAT a public hearing to contemplate proposed Bylaw No. 1982 will be held in the Town of Fort Macleod Council Chambers at 7:00 p.m. on the 27th day of May, 2024.

AND FURTHER TAKE NOTICE THAT anyone wishing to make a presentation regarding the proposed bylaw should contact the Chief Administrative Officer no later than 4:00 p.m. on the 17th day of May, 2024. Both written and/or verbal presentations may be given at the public hearing.

A copy of the proposed bylaw may be inspected at the Town of Fort Macleod municipal office during normal business hours.

DATED at the Town of Fort Macleod in the Province of Alberta this 22nd day of April, 2024.

Anthony Burdett
Chief Administrative Officer
Town of Fort Macleod
Box 1420
Fort Macleod, Alberta T0L 0Z0

RESIDENTIAL: R

SECTION 1 PURPOSE

The purpose of this land use district is to provide for a high quality residential environment with an appropriate range of housing types that are primarily single detached dwellings, with the potential for 2-unit dwellings where appropriate.



SECTION 2 USES

Permitted Uses	*Discretionary Uses: A	†Discretionary Uses: B
Accessory building Accessory structure Accessory use Dwelling: Single detached Modular home A Ready-to-move home A Home occupation 1 ‡Structural alterations to an approved use	Alternative energy, private Day home Dwelling: Modular home B Moved-in Ready-to-move home B Home occupation 2 Moved-in building Shipping container: Temporary	Bed and breakfast Boarding house Daycare Dwelling: 2-unit Group care facility (≤ 5 residents) Home occupation 3 Lodging house Parks and playgrounds Secondary suites
Notes	*Applications for uses listed under Discretionary Uses – A may be decided on by the Development Officer.	
	†Applications for uses listed under Discretionary Uses – B shall be decided on by the Municipal Planning Commission.	
	‡Structural alterations to an approved use are only considered a permitted use if the alterations meet all other requirements of this bylaw, and <u>do not require any variances</u> . See Section 4.9 of Administration.	

SECTION 3 MINIMUM LOT SIZE

Dwelling Type	Lot Size	Lot Depth	Lot Width
Single detached	404.7 m ² (4356 ft ²)	30.2 m (99 ft)	13.4 m (44 ft)
2-unit	459.9 m ² (4950 ft ²)	30.2 m (99 ft)	15.2 m (50 ft)
All others	To the discretion of the Development Authority.		
Notes	Semi-detached/duplex lot size minimums are pre-development.		

SECTION 4 SETBACKS

4.1 APPLICABILITY

- (1) Minimum setbacks for those discretionary uses that do not take place within a single detached dwelling shall be determined by the Development Authority;
- (2) notwithstanding the setbacks provided in Section 4.3 of this land use district, setbacks in established areas shall be determined by application of Section 3.6 of Administration; and
- (3) where the shape of a lot or other circumstances is such that the setbacks prescribed in Section 4.3 of this land use district cannot be reasonably applied, the Development Authority shall determine the setbacks.

4.2 BUILD WITHIN AREA

- (1) Build within area is applied to front setback requirements and provides a minimum and maximum setback for the frontage of the principal building, as illustrated in Figure 4.2.1; and

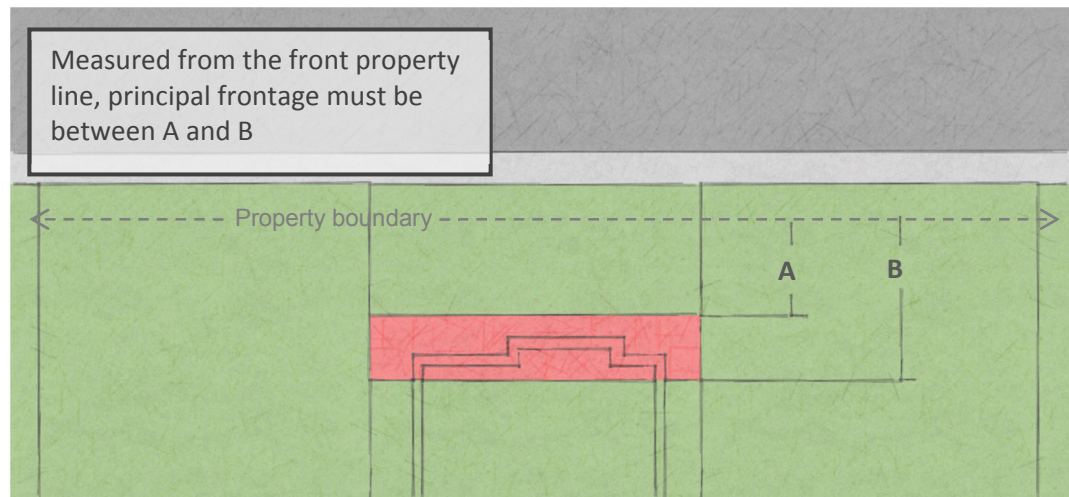


Figure 4.2.1: an example of a build within area.

- (2) unless otherwise stated, all other setback requirements of this section are minimums.

4.3 SETBACK REQUIREMENTS

Principal Building		
	Front (build within area)	Minimum: 5 m (16.4 ft)
		Maximum: 7.5 m (24.6 ft)
Mid-block	Attached garage oriented to the front of the principal building	Minimum: 6 m (19.7 ft)
		Maximum: 7.5 m (24.6 ft)
	Rear	7.6 m (24.9 ft)
	Side	1.5 m (4.9 ft)

Corner lot	Front: same as mid-block	
	Rear	5.0 m (16.4 ft)
	Side	1.5 m (4.9 ft)
	Secondary front	3.0 m (9.8 ft)

Notes	<i>Setbacks are measured to the closest point of the building, allowing for projections as per Section 21 of Schedule 3.</i>	
	<i>Where a site requires vehicular access that is not available from the rear of the lot and there is no attached garage or carport, the side setback on one side shall be 3.0 metres.</i>	
	<i>The side setback provision does not limit the building of a 2-unit dwelling where each dwelling is on a separate lot.</i>	

Accessory Building(s)/Structure(s)

Mid-block	Front	N/A (prohibited in front yards)
	Rear	0.6 m (2 ft) – without laneway
		1.5 m (5 ft) – with laneway
Side	0.6 m (2 ft)	

Corner lot	Front: same as mid-block	
	Rear	1.0 m (3.3 ft)
	Side	1.0 m (3.3 ft)
	Secondary front	N/A (prohibited in secondary front)

Internal	From principal building	1.5 m (4.9 ft)
	From other accessory buildings/structures	1.0 m (3.3 ft)

Notes	<i>Accessory buildings/structures shall be constructed such that eaves shall be no closer to a side or rear lot line than 0.6 m (2 ft) and all drainage is contained on the same lot as the accessory building/structure. See Section 1 of Schedule 3.</i>	
	<i>Internal setbacks include setbacks from accessory building/structure to accessory building/structure on the same lot and accessory building/structure to the principal building on the same lot.</i>	
	<i>No accessory buildings/structures shall be located adjacent to the principal building on the same side of the yard as the one-side 3.0 metre principal building setback, if applicable.</i>	
	<i>Buildings/structures permitted to be attached to the principal building are considered a part of the principal building and are required to meet principal building setbacks.</i>	

SECTION 5 MAXIMUM SITE COVERAGE

- (1) Total allowable coverage: 45% inclusive of all buildings and structures
- (2) Principal building: 30 – 45% depending on accessory structures
Note: attached garages are considered part of the principal building for the purposes of site coverage calculations.
- (3) Accessory building(s): 0 – 15% depending on principal building

SECTION 6 MAXIMUM BUILDING HEIGHT

- (1) Single detached and multi-unit dwellings up to 2 units: 10.1 m (33 ft)
- (2) Detached garages with approved secondary suites: 7.5 m (24.6 ft) or the height of the principal dwelling, whichever is the lesser of the two
- (3) Accessory building(s)/structure(s): 4.9 m (16 ft)

SECTION 7 MINIMUM FLOOR AREA

7.1 APPLICABILITY

- (1) Minimum floor areas are calculated for that part of a building that is no more than 1.0 m (3.3 ft) below finished grade, which does not include finished basements or attached garages; and
- (2) should the dwelling be multiple storeys, the minimum floor area shall be required to be met for the main floor (closest to grade) of the dwelling, with the floor area of all other storeys being in addition to the minimum floor area requirements.

7.2 MINIMUM FLOOR AREAS

Dwelling Type	Minimum Floor Area
Single detached	74.3 m ² (800 ft ²)
Multi-unit dwellings (per dwelling unit)	65 m ² (700 ft ²)
Secondary suites	30 m ² (322.9 ft ²)

SECTION 8 APPLICABLE SCHEDULES

- (1) The following schedules and sections of this bylaw that apply to the R land use district include but are not limited to:
 - (a) General Standards of Development: **Schedule 3**
 - Section 1: Accessory Buildings and Structures
 - Section 2: Access Requirements
 - Section 4: Corner Lots
 - Section 5: Decks and Patios
 - Section 6: Design Standards
 - Section 7: Exceptions to Building Height
 - Section 8: Fences, Privacy Walls and Gates

Section 10: Grading, Excavation, Stripping and Stockpiling
Section 11: Infill Development
Section 12: Interface Areas
Section 13: Landscaping
Section 15: Moved-in Buildings
Section 17: Outdoor Lighting
Section 19: Parking and Loading
Section 20: Prohibitions
Section 21: Projections into Setbacks
Section 23: Site Drainage and Stormwater Management

(b) Use-specific Standards of Development:

Schedule 4

Section 1: Alternative Energy Sources
Section 2: Bed and Breakfasts
Section 3: Childcare Facilities
Section 4: Group Care Facilities
Section 5: Home Occupations
Section 8: Lodging Houses
Section 10: Modular Homes and Ready-to-Move (RTM) Homes
Section 13: Secondary Suites

COMMERCIAL CENTRAL: CC

SECTION 1 PURPOSE

The purpose of this land use district is to:

- (1) ensure that new commercial development supports and enhances the existing built up areas of Fort Macleod's downtown and Provincial Historic Area, and
- (2) to provide flexibility of use and design to new or redeveloped areas of the Town that may be suited to more concentrated forms of commercial development.



SECTION 2 USES

Permitted Uses	*Discretionary Uses: A	†Discretionary Uses: B
Accessory buildings Accessory structures Accessory uses Arts and crafts studios Bakeries Business support services Cafes Convenience stores Drycleaners Dwelling units above non-residential uses Financial institutions Government services Laundromat Medical/health facilities Offices Personal service Pet grooming services Restaurants Retail stores Signs: Canopy Fascia Temporary Window †Structural alterations to an approved use outside of the Provincial Historic Area	Alternative energy, private Community resource facility Daycares Dwelling units in the rear of non-residential uses Entertainment establishments Farmer's market Institutional Mixed-use buildings Moved-in buildings Public or private recreation Public or private utilities Religious assembly Shipping containers: Temporary Signs: Freestanding Projecting †Structural alterations and/or maintenance to an approved use/building in the Provincial Historic Area	Bars/lounges Breweries, distilleries and wineries Cannabis retail store Commercial schools Hotel/motel Liquor stores Parking facilities Parks and playgrounds Service stations Signs: Mural Tattoo shops Theatres

Notes	<i>*Applications for uses listed under Discretionary Uses – A may be decided on by the Development Officer.</i>
	<i>†Applications for uses listed under Discretionary Uses – B shall be decided on by the Municipal Planning Commission.</i>
	<i>‡Structural alterations to an approved use are only considered a permitted use if the alterations meet all other requirements of this bylaw, and <u>do not require any variances</u>. See Section 4.9 of Administration.</i>
	<i>#See the definition for maintenance in Schedule 7.</i>

SECTION 3 MINIMUM LOT SIZE

Use	Lot Size	Lot Depth	Lot Width
All	139.4 m ² (1500 ft ²)	To the discretion of the Development Authority.	4.6 m (15 ft)
Downtown overlay	As prescribed in the Downtown overlay (Schedule 5).		
Provincial historic area overlay	As required in the Provincial Historic Area overlay (Schedule 5).		
Notes	<i>Minimum lot sizes do not preclude individual commercial units to be separated by condominium subdivision.</i>		

SECTION 4 SETBACKS

4.1 APPLICABILITY

- (1) Notwithstanding the setbacks provided in Section 4.2 of this land use district, setbacks in established areas shall be determined by application of Section 3.6 of Administration; and
- (2) where the shape of a lot or other circumstances is such that the setbacks prescribed in Section 4.2 of this land use district cannot be reasonably applied, the Development Authority shall determine the setbacks.

4.2 SETBACK REQUIREMENTS

Principal Building	
Front and Secondary front	0 m (0 ft)
Rear	0 m (0 ft) except where parking, loading, storage, building access and maintenance, and waste disposal provisions are required
Side	
Notes	<i>Setbacks are measured to the closest point of the building, allowing for projections as per Section 21 of Schedule 3.</i>
	<i>Corner lots shall provide adequate clear vision space in accordance with the clear vision triangle requirements outlined in Section 4 of Schedule 3.</i>

Accessory Building(s)/Structure(s)		
Front	N/A (prohibited in front yards)	
Rear	1.0 m (3.3 ft)	
Side	1.0 m (3.3 ft)	
Internal	From principal building	1.5 m (4.9 ft)
	From other accessory buildings	1.0 m (3.3 ft)
Notes	<i>Setbacks are measured to the closest point of the building/structure, allowing for projections as per Section 21 of Schedule 3.</i>	
	<i>Internal setbacks include setbacks from accessory building/structure to accessory building/structure on the same lot and accessory building/structure to the principal building on the same lot.</i>	
	<i>Accessory buildings/structures shall be constructed such that eaves shall be no closer to a side or rear lot line than 0.6 m (2 ft) and all drainage is contained on the same lot as the accessory structure.</i>	

SECTION 5 MAXIMUM SITE COVERAGE

- (1) Total allowable coverage: 85% inclusive of all buildings and structures
- (2) Principal building: 60 – 85% depending on accessory structures
Note: attached garages are considered part of the principal building for the purposes of site coverage calculations.
- (3) Accessory building(s): 0 – 15% depending on principal building
- (4) Notwithstanding sub-sections (1) to (3), existing development in the Downtown overlay or the Provincial Historic Area overlay that exceeds 85% lot coverage shall instead meet site coverage requirements as determined by the Development Authority.

SECTION 6 MAXIMUM BUILDING HEIGHT

- (1) Principal building: 10.7 m (35 ft)
- (2) Accessory building(s): 4.9 m (16 ft)
- (3) Building height maximums within the Downtown Overlay and Provincial Historic Area Overlay shall be to the discretion of the Development Authority.

SECTION 7 DWELLING UNITS

- (1) Dwelling units developed above non-residential uses or in the rear of non-residential uses shall meet all requirements of Schedule 3 (General Standards of Development) Section 14 (Mixed-Use Development), in addition to all other applicable requirements of this bylaw.

SECTION 8 APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the CC land use district include but are not limited to:

(a) General Standards of Development: **Schedule 3**

Section 1: Accessory Buildings and Structures
Section 2: Access Requirements
Section 4: Corner Lots
Section 5: Decks and Patios
Section 6: Design Standards
Section 7: Exceptions to Building Height
Section 8: Fences, Privacy Walls and Gates
Section 9: Gateways
Section 10: Grading, Excavation, Stripping and Stockpiling
Section 11: Infill Development
Section 12: Interface Areas
Section 13: Landscaping
Section 14: Mixed-use Development
Section 15: Moved-in Buildings
Section 16: Nuisance, Pollution and Hazard Control
Section 17: Outdoor Lighting
Section 18: Outdoor Storage and Display
Section 19: Parking and Loading
Section 20: Prohibitions
Section 21: Projections into Setbacks
Section 22: Screening
Section 23: Site Drainage and Stormwater Management
Section 25: Vehicle-oriented Development

(b) Use-specific Standards of Development: **Schedule 4**

Section 1: Alternative Energy Sources
Section 3: Childcare Facilities
Section 11: Multi-unit Dwellings
Section 15: Cannabis Regulation

(c) Overlays: **Schedule 5**

Section 1: Downtown Overlay
Section 2: Provincial Historic Area Overlay