



**Public Hearing
Tuesday, October 9, 2018
6:20 pm
Town Council Chambers**

- 1. CALL TO ORDER**
- 2. ADOPTION OF AGENDA**
- 3. PUBLIC HEARING**
 - a) Land Use Bylaw 778-2016 Amendments
Roy Dell, Chief Administrative Officer
- 4. ADJOURNMENT**



THE CORPORATION OF THE TOWN OF FOX CREEK, ALBERTA
BY-LAW 811-2018
Land Use By-Law 778-2016 Amendment

A By-law of the Municipal Corporation of the Town of Fox Creek, in the Province of Alberta to rezone Lot 26, Block 36, Plan 002-4920 from Industrial (M1) to Highway Commercial District (C3), as illustrated in Schedule "A" (attached).

WHEREAS the Council of the Corporation of the Town of Fox Creek has authority to amend the Town of Fox Creek Land Use By-Law pursuant to Section 692 of the *Municipal Government Act*, Chapter M-26, Revised Statutes of Alberta 2016;

AND WHEREAS the Town of Fox Creek finds it desirable to rezone Lot 26, Block 36, Plan 002-4920 from Industrial (M1) to Highway Commercial District (C3), as illustrated in Schedule "A" (attached).

AND WHEREAS the Town of Fox Creek finds it desirable to rezone Lot 26, Block 36, Plan 002-4920 from Industrial (M1) to Highway Commercial District (C3), to allow for the potential use of the land by highway commercial businesses.

NOW THEREFORE PURSUANT to the provisions of the Municipal Government Act, Chapter M26, the Council of the Town of Fox Creek, Alberta, in regular session duly assembled, enacts as follows:

SEVERABILITY

If any provision of this by-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this by-law or any documents which form part of this by-law or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

SECTION 1 - SHORT TITLE

This By-law may be cited as the "Land Use By-law 778-2016 Amendment".

SECTION 2 – ZONING AMENDMENT

2.1 That Land Use Bylaw 778-2016 is amended to rezone Lot 26, Block 36, Plan 002-4920 from Industrial (M1) to Highway Commercial District (C3), as illustrated in Schedule "A" (attached).

SECTION 3 - EFFECTIVE DATE

This By-law shall come into effect the date upon third and final reading.

READ A FIRST TIME this day of , 2018

READ A SECOND TIME this day of , 2018

READ A THIRD AND FINAL TIME this day of , 2018

Jim Hales
Mayor

Roy Dell
Chief Administrative Officer

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Section 40: Bed and Breakfast Facility

- 40.1 All persons operating bed and breakfast facilities require a business licence and must provide evidence of compliance with municipal, provincial and/or federal regulations in regard to their operation.
- 40.2 A bed and breakfast facility is an accessory use to a principal residential use of a single detached dwelling.
- 40.3 The privacy and enjoyment of adjacent residences shall be preserved and the amenities of the neighbourhood maintained at all times.
- 40.4 The accommodation shall be limited to a maximum of four (4) sleeping rooms and a maximum of eight (8) guests permitted at any one time.
- 40.5 No cooking facilities are provided in guest rooms.
- 40.6 Interior or exterior alterations, additions or renovations to accommodate a bed and breakfast facility may be allowed provided such alterations, additions or renovations maintain the principal residential appearance or character of the dwelling and comply with this Bylaw, the *Safety Codes Act*, and any other Town bylaws.
- 40.7 A bed and breakfast facility shall be operated only by the permanent resident(s) of the principal dwelling and one (1) non-resident employee on site.
- 40.8 The maximum rental period per stay is fourteen (14) days.
- 40.9 A bed and breakfast facility shall not be permitted within the same principal dwelling that contains a major home occupation or a boarding or rooming house.

Section 41: Boarding and Rooming Houses

- 41.1 All persons operating a boarding or rooming house shall require a business licence and must provide evidence of compliance with municipal, provincial and federal regulations in regard to their operation.
- 41.2 A boarding or rooming house may only be permitted in a single detached dwelling.
- 41.3 No other uses shall be permitted on a parcel where a boarding or rooming house exists.
- 41.4 A boarding or rooming house shall be operated only by the permanent resident(s) of the principal dwelling and one (1) non-resident employee on site.
- 41.5 No guest rooms are permitted to have separate cooking facilities.

Section 41A: Cannabis Related Uses

41A.1 Purpose:

- (a) To align with or exceed Federal and Provincial legislation regarding cannabis related uses;

- (b) To allow for reasonable opportunities for cannabis related uses within the community;
- (c) To ensure that opportunities for cannabis related uses are balanced with opportunities for other types of commercial and industrial uses;
- (d) To avoid potential for negative perceptions that may be created when there is an over concentration of clustering of cannabis retail stores in the community; and
- (e) To limit immediate access and visibility of cannabis related uses from schools and places where residents may have substance abuse issues.

41A.2 For the purpose of this Section only:

- (a) 'Provincial Health Care Facility' means an approved hospital as defined in the Hospital Act;
- (b) 'Addiction Treatment Facility' means a licensed facility specializing in evaluation and treatment of drug addiction, alcoholism, and associated physical and/or mental disorders. The facility must offer overnight accommodation to monitor patient health;
- (c) Elementary school means a school as defined in the School Act that contains grades K to 9 or any combination of grades therein; and
- (d) High School refers to a school as defined in the School Act that contains grades 8 through 12 or any combination of grades therein.

41A.3 Retail Store, Cannabis use shall not be located within 100 m of:

- (a) The boundary of a parcel of land containing a Provincial Health Care Facility;
- (b) The boundary of a parcel of land designated as a future Provincial Health Care Facility; and
- (c) An Addiction Treatment Facility.

41A.4 Retail Store, Cannabis use shall not be located within 150m of:

- (a) The boundary of a parcel of land containing an elementary school; and
 - (b) The boundary of a parcel of land designated as a future elementary school site.
- The separation distances are established by measuring the shortest distance between the property lines of the parcels containing the uses to be separated.

41A.5 Retail Store, Cannabis use shall not be located within 300m of:

- (a) The boundary of a parcel of land containing a high school; and
 - (b) The boundary of a parcel of land designated as a future high school site.
- The separation distances are established by measuring the shortest distance between the property lines of the parcels containing the uses to be separated.

- 41A.6 Notwithstanding, 41A.4 and 41A.5, the separation distances between Retail Store, Cannabis and schools do not apply within the C-1 – Central Business land use, C-1A - Downtown Mixed Use and C-3 - Highway Commercial districts.
- 41A.7 The Development Authority shall not grant a variance to setbacks from schools or Provincial Health Care Facilities.
- 41A.8 Retail Store, Cannabis uses will be Limited based on allowing no more than a maximum of three (3) Retail Store, Cannabis uses within a 360m radius surrounding and including the proposed property. The 360m radius will be measured from any part of the property boundary. All lots contained wholly or in part within the 360m radius will be included in this calculation.
- 41A.9 In addition to 41A.6, a Retail Store, Cannabis uses within the C-1 – Central Business land use, C-1A - Downtown Mixed Use and C-3 - Highway Commercial district will be limited based on a required minimum separation distance of 180m between Retail Store, Cannabis Uses when facing the same street. The separation distances are established by measuring the shortest distance between property lines of the parcels containing the uses to be separated.
- 41A.10 Cannabis Production and Distribution use shall not be located within 200m of:
- (a) A residential land use district;
 - (b) The boundary of a parcel of land containing an elementary or high school;
The boundary of a parcel of land designated as a future elementary or high school site; and
 - (c) An Addiction Treatment Facility.
The separation distances are established by measuring the shortest distance between the property lines of the parcels containing the uses to be separated.
- 41A.11 Cannabis Production and Distribution uses must include an air filtration system to remove odors and must have no odor impact on adjacent properties.
- 41A.12 Parking requirements shall lie in accordance with Part 8, Section 63 of this Bylaw. The number of parking stalls required for Retail Store, Cannabis shall be the same as those for Retail Store, General. The number of parking stalls required for Cannabis Production and Distribution uses shall be the same as Manufacturing/Fabrication Plants.
- 41A.13 All cannabis related uses must obtain and maintain a valid Town of Fox Creek Business License.

Section 42: Communication Towers

- 42.1 An antenna and supporting structure for the following uses are discretionary and require a development permit in all Districts:
- (a) Radio and television transmission;
 - (b) Two-way radio;