

PART 1 – TITLE, PURPOSE AND JURISDICTION

1.1 Title

- 1.1.1 This Bylaw may be referred to as the City of Fort Saskatchewan Land Use Bylaw, and is referenced as “this Bylaw” in the text herein.

1.2 Purpose

- 1.2.1 The purpose of this Bylaw is to facilitate the orderly, economical and beneficial development and use of land and buildings within the City and for that purpose the Bylaw, among other things:
- (a) Divides the City into Land Use Districts;
 - (b) Prescribes and regulates, for each Land Use District, the purpose for which land and buildings may be used;
 - (c) Establishes the role of the Development Authority;
 - (d) Sets out the process and requirements for application for a Development Permit;
 - (e) Establishes the method for making decisions on applications regarding redesignation of land and Development Permits, including the issuance of Development Permits;
 - (f) Sets out the method of appealing a decision relative to this Bylaw; and
 - (g) Provides the manner in which notice of the issuance of a Development Permit is given.
- 1.2.2 This Bylaw is consistent with the *Municipal Government Act* (MGA), as amended.
- 1.2.3 Pursuant to Section 638.1 of the MGA, in the event of a conflict or inconsistency between a Statutory Plan or a Land Use Bylaw and an *Alberta Land Stewardship Act* (ALSA) regional plan, the ALSA regional plan shall prevail to the extent of the conflict or inconsistency.
- 1.2.4 This Bylaw shall be consistent with the City of Fort Saskatchewan Municipal Development Plan (MDP), as amended, and shall be applied in a manner that serves to implement other Statutory Plans and local plans adopted by the City. Should a property be redistricted or a District in this Bylaw amended, it shall conform to the Municipal Development Plan.
- 1.2.5 This Bylaw shall be used in conjunction with the Policies and Procedures as adopted and amended by Council from time to time including, but not limited to, the Downtown Area

Redevelopment Plan (DARP), the Community Sustainability Plan, the Affordable Housing Strategy, the Economic Development Strategic Plan and the Recreation, Culture and Parks Master Plan as well as Area Structure Plans or Area Redevelopment Plans.

1.3 Bylaw Compliance

- 1.3.1 Except as otherwise provided in Section 3.2 Development Permit Not Required, no development shall be undertaken within the City unless a Development Permit application has been approved, a Development Permit has been issued and the development is in compliance with the terms and conditions of the Development Permit issued pursuant to this Bylaw.
- 1.3.2 Where a Development Permit is not required, a development shall comply with all regulations of this Bylaw and all other applicable statutes.
- ¹1.3.3 A license, permit, approval or authorization granted by the Natural Resources Conservation Board (NRCB), Alberta Energy Regulator (AER) or Alberta Utilities Commission (AUC) shall prevail over any Statutory Plan, Land Use Bylaw, subdivision decision or development decision by a Development Authority, Subdivision Authority, Subdivision and Development Appeal Board or the Municipal Government Board, in accordance with Section 619(1) of the MGA.
- 1.3.4 Except as otherwise provided in this Bylaw, a residential site or principal dwelling shall not be declared as non-conforming for failing to have a minimum side yard of 1.5m (4.9ft) provided that:
- (a) ²³The principal dwelling was constructed with a side yard of 1.2m (3.9ft) or greater prior to the adoption of this Bylaw; and
 - (b) The principal dwelling is constructed after the adoption of this Bylaw on a site that was created and registered in the Land Titles Office prior to the adoption of this Bylaw.
- ⁴1.3.5 Except as otherwise provided in this Bylaw, a residential site or principal dwelling shall not be declared as non-conforming for exceeding the maximum front yard setback provided that:
- (a) The principal dwelling was constructed prior to the adoption of this Bylaw.

¹ C19-14

² C19-14

³ C15-17

⁴ C19-14

¹²1.4 (Deleted)

1.5 Compliance with Other Legislation

³1.5.1 A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with, or carrying out and shall ascertain, comply or carry out development in accordance with:

- (a) ⁴(Deleted)
- (b) the requirements of any other federal, provincial or municipal enactment or any other law; and
- (c) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.

The Development Authority is not responsible for nor does the Development Authority have any obligation whatsoever to determine what other legislation may apply to a development, nor to monitor or enforce compliance with such legislation.

⁵1.5.2 Neither the Development Authority nor any City official shall be required to examine the Title to any land or to make any inquiry to discover whether or not a development or the use of land or a building is affected by any applicable federal, provincial or municipal legislation or with the conditions of any caveat, covenant, easement, instrument, building scheme or agreement affecting the land or building. The Development Authority may; however, undertake these measures to confirm ownership if the City's property tax role is in the process of being updated or if this information is required for a subdivision application.

1.6 Effective Date of Bylaw

1.6.1 This Bylaw shall come into effect at such time as it has received third reading and has been signed in accordance with the MGA.

1.7 Severability

1.7.1 Each provision of this Bylaw is independent of all other provisions, and if any provision of this Bylaw is declared invalid by a decision of a court of competent jurisdiction, all other provisions shall remain valid and enforceable.

¹C19-14

²C19-15

³C19-15

⁴C15-17

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