

PART 1 – INTERPRETATION OF THIS BYLAW

1.1 Title

1.1.1 Title: This Bylaw is the Town of Tofield Land Use Bylaw 1316.

1.2 Effective Date of Bylaw

1.2.1 This Bylaw repeals Land Use Bylaw No. 1222 and any amendments thereto.

1.2.2 This Bylaw shall come into effect at such time as it has received third reading and has been duly executed by the authorized signatories for the Town.

1.3 Purpose

1.3.1 The purpose of this Bylaw is to regulate the use and development of land and buildings within the Town and to achieve the orderly and economic development of land and, to that purpose, among other things:

- a) to implement the policies of the Towns' Municipal Development Plan and Statutory Plans;
- b) to divide the Town into Land Use Districts;
- c) to prescribe and regulate for each Land Use District the purpose for which land and buildings may be used;
- d) to establish supplementary regulations governing certain specific land uses;
- e) to establish a Development Authority;
- f) to establish a method of making decisions on applications for development permits including the issuing of development permits and dealing with appeals;
- g) to prescribe a procedure to notify owners of land who may be affected by the issuing of a development permit; and,
- h) to prescribe a procedure for making amendments to this Bylaw.

1.3.2. This Bylaw shall be applied in a manner that implements Statutory Plans, which have been adopted by the Town and, that is consistent with the Municipal Government Act, as amended.

1.4 Purpose Statements

- 1.4.1. The purpose statements in each Land Use District are included to describe the intent of the Land Use District. The use and development activity within each Land Use District should reflect its purpose.

1.5 Bylaw Compliance

- 1.5.1 Except as otherwise provided a person may not commence any development unless the person has been issued a development permit pursuant to the Land Use Bylaw.
- 1.5.2 Where a Development Permit is not required; a development shall comply with all regulations of this Bylaw and all other applicable statutes. ^[17]_[SEP]
- 1.5.3 A license, permit, approval or authorization granted by the Natural Resources Conservation Board (NRCB), Alberta Energy Regulator (AER), Alberta Energy and Utilities Board (AEUB) 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 the Municipal Government Act, as amended.

1.6 Compliance with Other Legislation

- 1.6.1 Compliance with this Bylaw does not exempt a person from complying with the requirements of any federal, provincial or municipal legislation and any easement, covenant, agreement or contract affecting a development.

1.7 Non-Conforming Buildings and Uses

- 1.7.1 If a Development Permit has been issued on or before the effective date of this Bylaw or an amendment hereto, and the Bylaw would make the development for which the Development Permit was issued a non-conforming use or non-conforming building, the Development Permit shall continue in effect in spite of the Bylaw or amendment coming into force.
- 1.7.2 A non-conforming use of land or a building may be continued, but if it is discontinued for a period of six (6) consecutive months or more, any future use of the land or building shall conform to this Bylaw.
- 1.7.3 A non-conforming use of part of a building may be extended throughout the building, but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made to or in it.

- 1.7.4 A non-conforming use of part of a parcel shall not be extended or transferred in whole or in part to any other part of the parcel and no additional buildings shall be constructed on the parcel while the non-conforming use continues.
- 1.7.5 A non-conforming building may continue to be used, but the building shall not be enlarged, added to, rebuilt or structurally altered, except:
- a) to make it a conforming building;
 - b) for the routine maintenance of the building if the Development Authority considers it necessary.
- 1.7.6 Despite Section 1.7.5, the Development Officer may consider a variance in any land use district, an enlargement, alteration, or addition to a legal non-conforming building if the non-conforming building complies with the uses listed for that land use district in this Bylaw and the proposed development would not, in the opinion of the Development Officer:
- a) unduly interfere with the amenities of the neighborhood; and
 - b) materially interfere with or affect the use, enjoyment or value of neighboring properties.
- 1.7.7 If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with this Bylaw.
- 1.7.8 The land use or the use of a building shall not be affected by a change in ownership or tenancy of the land or building.

1.8 Transition

- 1.8.1 If a complete application for a subdivision or development permit is received by the Development Authority before the coming into force of this Land Use Bylaw, that application will be determined in accordance with Land Use Bylaw No. 1222, unless the applicant elects in writing to have the application determined in accordance with the provisions of this Bylaw.

1.9 Severability

- 1.9.1 If any portion of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Bylaw.