

Town of
Fairview
Heart of the Peace

LAND USE BYLAW

Bylaw No. 1064/LUO/2021



Adopted 03, AUG, 2021



BYLAW NO. 1064/LUO/2021

BEING A BYLAW OF THE TOWN OF FAIRVIEW, IN THE PROVINCE OF ALBERTA, TO REPLACE THE TOWN OF FAIRVIEW LAND USE BYLAW NO. 1064/LUO/2021

WHEREAS, Pursuant to the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, the Council of a municipality must enact a Land Use Bylaw to regulate and control the use and development of lands and buildings within the municipality, and;

WHEREAS, Council of the Town of Fairview, in the Province of Alberta, adopted the Fairview Land Use Bylaw 984/LUO/2012, as amended from time to time, to regulate and control the use and development of lands and buildings within the Town; and

WHEREAS, Council of the Town of Fairview, in the Province of Alberta, deems it advisable to replace the Town of Fairview Land Use Bylaw 984/LUO/2012, as amended from time to time; and

WHEREAS, The Council of the Town of Fairview, in the Province of Alberta, deems it advisable to adopt a new Land Use Bylaw to ensure clarity, consistency and relevancy of the bylaw;

NOW THEREFORE, Pursuant to Sections 230, 606 and 692 of the Province of Alberta *Municipal Government Act*, the Council of the Town of Fairview, duly assembled, hereby enacts as follows:

TITLE

1. This Bylaw may be cited as the "Town of Fairview Land Use Bylaw".

SEVERABILITY

2. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the Bylaw is deemed valid.

SCHEDULES

3. The following schedules form a part of this Bylaw:

- (a) Schedule "A" – Land Use Bylaw
- (b) Schedule "B" – Land Use District Maps
- (c) Schedule "C" – List of Amendments
- (d) Schedule "D" – Development Agreements



ENACTMENT

- 4. This Bylaw shall take force and effect on the date of its final passage.
- 5. Bylaw 984/LUO/2012, and any amendments thereto, are hereby repealed.

READ THE FIRST TIME this 06 day of July, A.D. 2021.

Signature on Original

Signature on Original

Gord MacLeod– Mayor

Daryl Greenhill, Chief Administrative Officer

PUBLIC HEARING HELD this 03 day of August, A.D. 2021.

Signature on Original

Signature on Original

Gord MacLeod, Mayor

Daryl Greenhill, Chief Administrative Officer

READ THE SECOND TIME this 03 day of August, A.D. 2021.

Signature on Original

Signature on Original

Gord MacLeod, Mayor

Daryl Greenhill, Chief Administrative Officer

READ THE THIRD TIME AND FINALLY PASSED this 03 day of August, A.D. 2021.

Signature on Original

Signature on Original

Gord MacLeod, Mayor

Daryl Greenhill, Chief Administrative Officer

USER GUIDE

Note: This “User Guide” is not a section of the Town of Fairview Land Use Bylaw, but intended for information and clarity purposes only.

Purpose

The Land Use Bylaw is the “rule book” for development within the Town of Fairview. It establishes rules and regulations governing the use of land and buildings in the Town. The Land Use Bylaw regulates the location, use class, and intensity of use of land and buildings. It also details the process for applying for permits to develop property, and for amending the Land Use Bylaw, including land use district redesignations. Alignment with existing Town of Fairview policies is a key component of the rules and regulations outlined in the Land Use Bylaw. This Land Use Bylaw reflects the Town’s statutory plans, bylaws and regulations, as well as legislation passed by the governments of Alberta and Canada. Wherever possible, these requirements are referenced to in the Land Use Bylaw, but the onus is on the individual landowner, developer and/or applicant to ensure that relevant laws are complied with.

Structure

The Land Use Bylaw is structured into four parts, which are subdivided into divisions and sections. Part 1 addresses the administrative aspects of the Bylaw, including the purpose of the Bylaw, the establishment and roles of approving and appeal authorities, and the Development Permit process, requirements and rules.

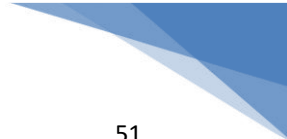
Part 2 contains regulations addressing the use of land and buildings within the Town. These are further divided into General Land Use Provisions that apply throughout the Town to all land use designations, and Specific Land Use Provisions that establish additional regulations for particular uses that may occur in various districts.

Part 3 divides the Town into Land Use Districts that specify what uses are enabled within each area of the Town, as well as establish site requirements applicable to each District. Each Development Permit application is subject to the applicable General Land Use Provisions, Specific Land Use Provisions and district specific regulations.

Part 4 establishes the procedures for amending the Land Use Bylaw and for enforcing its provisions, in accordance with the provisions of the *Municipal Government Act*.

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PART 1: ADMINISTRATION

DIVISION 1: GENERAL

SECTION 1: TITLE, PURPOSE AND APPLICATION

(1) **Title of Bylaw**

This Bylaw may be cited as the "Town of Fairview Land Use Bylaw".

(2) **Purpose**

The purpose of this Bylaw is to regulate the use and development of land and buildings within the Town in order to achieve orderly, economical and beneficial development of land. More specifically, this Bylaw:

- (a) designates a land use district to all parcels of land within the Town;
- (b) sets out rules and regulations for each land use district, the purpose for which the land and buildings may be used;
- (c) establishes the roles of the approving authorities;
- (d) establishes the method of making decisions on applications for Development Permits and Land Use Bylaw amendments;
- (e) establishes procedures for enforcing the provisions of this Bylaw.

(3) **Application of Bylaw**

- (a) The provisions of this Bylaw apply to all land and buildings within the corporate boundaries of the Town of Fairview.
- (b) This Bylaw shall be applied in a manner that serves to implement the statutory plans as adopted by the Town and amended from time to time.
- (c) This Bylaw shall be used in conjunction with Guidelines, Standards, Policies, and Procedures as adopted by Council and amended from time to time.

SECTION 2: COMPLIANCE WITH BYLAW AND OTHER REQUIREMENTS

- (1) No person shall commence any development unless it is in accordance with the terms and conditions of this Bylaw.
- (2) Compliance with the requirements of this Bylaw does not exempt any person undertaking a development from complying with all applicable municipal, provincial or federal legislation, and respecting any easements, covenants, agreements or other contracts affecting the land or the development.
- (3) In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to obtain other such permits, approvals or licenses that may be required by the municipality or other Provincial and/or Federal Government departments and agencies. A person(s) who applies for, or is in possession of a valid Development

Permit, is responsible for complying with or carrying out development in accordance with:

- (d) Provincial and/or Federal legislation including, but not limited to the provisions of the *Environmental Protection and Enhancement Act*, R.S.A. 2000 Chapter E-12; the *Public Health Act*, R.S.A. 2000 Chapter P-37; the *Alberta Land Stewardship Act*; the *Alberta Agricultural Operations Practices Act* R.S.A Chapter A-7; the *Alberta Safety Codes Act* R.S.A 2000 Chapter S-1; and the *Municipal Government Act* R.S.A 2000 Chapter M-26.
- (e) The conditions of any caveat, covenant, easement, instrument or agreement affecting the land or building;
- (f) The requirements of other applicable Town bylaws, policies and procedures as adopted by the Town from time to time; and
- (g) Any successor or replacement legislation or regulation which may be enacted in substitution thereof.

SECTION 3: RULES OF INTERPRETATION

- (1) Compliance with the policies in this Bylaw shall be interpreted and applied as follows:
 - (a) “EXEMPT” means development that does not require a Development Permit if it meets all requirements of this Bylaw.
 - (b) “MAY” is a discretionary term, meaning the provision in question can be enforced by the Town if it chooses to do so, dependent on the particular circumstances of the site and/or application.
 - (c) “MUST” or “SHALL” is a directive term that indicates that the actions outlined are mandatory and therefore must be complied with, without discretion, by Administration, the Developer, and the Development Authority.
 - (d) “SHOULD” is a directive term that provides direction to strive to achieve the outlined action, but is not mandatory. When the regulation is directed to the applicant, the onus is on the applicant to justify why the desired action/result is not proposed and/or will not be achieved.
 - (e) When a regulation involves two (2) or more conditions, provisions or events connected by a conjunction, the following definitions shall apply:
 - i. “And” means all the connected items shall apply in combination;
 - ii. “Or” indicates that the connected items may apply singularly or in combination.
 - (f) Words used in the singular include the plural and vice-versa. In the case of any conflict between the text of this Bylaw and any maps, drawings or the Land Use Matrix used to illustrate any aspect of this Bylaw, the text shall govern.
 - (g) When a word is used in the masculine or feminine terminology, it shall be deemed to be referring to either gender. In the case of any conflict between information expressed in metric units and in imperial units, the

metric units shall govern.

- (h) The system of measurement used in this document is the metric system. Imperial conversions of metric measurements are provided in brackets, but shall not be used in lieu of metric measurements.

SECTION 4: DEFINITIONS

In this Land Use Bylaw, the terms and phrases shall have the meaning assigned to them as follows:

"ACCESSORY BUILDING OR STRUCTURE" means a building or structure, the use of which is incidental, subordinate and exclusive to the principal use or building. This use class includes garages, carports, sheds, storage buildings, patios or balconies, permanently installed private swimming pools and hot tubs, and other accessory structures such as free-standing television and radio antennas, poles, satellite dishes and towers, but does not include an accessory dwelling.

"ACCESSORY DWELLING" means a subordinate dwelling unit created within or detached from the principal dwelling where both dwelling units are located on the same parcel. Accessory dwelling includes garage suite, garden suite and secondary suite.

"ACCESSORY USE" means a use that is naturally or normally incidental, subordinate and exclusively devoted to the principal use or building on a parcel and located on the same parcel.

"ACT" means the *Municipal Government Act*, being the Revised Statutes of Alberta, Chapter 22, as amended.

"ADJACENT" means land that is contiguous to another parcel of land. It includes land or a portion of land that would be contiguous if not for a public road, railway, reserve land, utility right-of-way, river or stream.

"ADULT ENTERTAINMENT FACILITY" means any premises or part thereof wherein live performances, motion pictures, video tapes, video disks, slides, electronic or photographic reproductions, the main feature of which is the nudity or partial nudity of any person, are performed or shown as a principal use or an accessory or similar use to some other business activity which is conducted on the premises.

"AGRICULTURE, EXTENSIVE" means the use of land for a commercial agricultural operation, other than a confined feeding operation, involving the raising or production of any cultivated crops, livestock or dairy products which utilizes relatively large areas of land and in which the use of buildings and confinement areas is accessory to the use of the land itself.

"AGRICULTURE, INDUSTRY" means the use of land for an industrial use related to agriculture operations involving the storage or processing of agricultural products and without restricting the generality of the above may include a grain elevator, seed cleaning

plant, abattoir, pelletizing plant, bulk storage tank or area, livestock holding station, anhydrous ammonia, bulk fertilizer or a use similar to those listed.

“AGRICULTURE, INTENSIVE” means the use of land for a commercial agricultural operation, other than a confined feeding operation, which requires relatively small areas of land because of the concentrated nature of the operation. This Use Class includes, but is not limited to, greenhouses, apiaries, plant nursery, market garden and keeping of chickens. Agriculture, Intensive does not include a federally or provincially approved facility for growing, packaging, storing, or selling cannabis.

“AGRICULTURE, SALES AND SERVICE” means a development used for the selling and servicing of agricultural machinery and equipment, such as farm implements and supplies, and may include sales, repairs, storage, rentals, leasing, and service of such equipment, as well as offices, showrooms, and sales rooms.

“APARTMENT HOTEL” means a development consisting of dwellings contained within a building or a part of a building having a principal common entrance. Each dwelling will be suitable for use by one or more persons for more than five consecutive days and include cooking facilities. Each dwelling will be furnished, including dishes and linen, and where maid service, telephone service, or desk service will be provided.

“APPEAL BOARD” means the Subdivision and Development Appeal Board.

“AQUACULTURE FACILITY” means an enclosed facility used for hatching, raising or breeding of fish or other aquatic animals or plants.

“ARTISAN STUDIO” means the use of a building for the creation and production of arts or crafts for sale to the general public and includes, but is not limited to, the small scale production of pottery, sculpture, painting, garment makers, tailors, jewelers, shoe repair, soap or candle production and similar arts and crafts which do not include the use of toxic or hazardous materials, result in excessive noise or require the outdoor storage of materials.

“AUCTION MART” means lands or building or portion thereof used for the auctioning of goods, equipment, livestock or other animals, including the temporary storage of same, but does not include garage sales or flea markets.

“AUTOMOTIVE, RETAIL” means a use where the principal activity is the display, sale or rental of automobiles, recreational vehicles, motorcycles, snowmobiles, boats or similar light vehicles or crafts, and may also include incidental maintenance services and sale of parts and accessories. Typical uses include automobile, light truck, and recreational vehicle dealerships, rental agencies, and motorcycle dealerships, but does not include heavy equipment sales and service or manufactured home dealership.

“AUTOMOTIVE, SERVICE” means development used for the servicing and mechanical repair of automobiles, motorcycles, recreational vehicles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This use class includes

transmission shops, tire shops, muffler shops, automotive glass shops, upholstery shops, paint shops and auto body repair shops.

“BALCONY” means a platform attached to and projecting from the face of a building above the first storey, with or without a supporting structure, and normally surrounded by a balustrade or railing and used as an outdoor porch or sundeck with access only from within the building.

“BED AND BREAKFAST ACCOMMODATION” means the use of part of a dwelling unit to provide temporary accommodation, where meals are usually provided as part of the accommodation service.

“BICYCLE PARKING” means a rack or other structurally sound device which is designed for the securing of one or more bicycles, allowing at minimum, the front wheel and the frame to be secured, in an orderly fashion.

“BICYCLE PARKING CLASS A” means a bicycle space primarily designed to provide long-term parking for employees or residents of the building.

“BICYCLE PARKING CLASS B” means a bicycle space primarily designed to provide short-term transient parking for persons who are not residents or employees of the building.

“BOARDING OR ROOMING HOUSE” means a building used for gain or profit (other than a hotel or motel) containing guest rooms for two or more persons where meals may or may not be served and in which the proprietor may supply accommodation for his family.

“BULK FUEL DEPOT” means a facility for the bulk storage and distribution of petroleum products and may include card lock retail sales.

“BUFFER” means a row of trees, or shrubs, or berming to provide visual screening and separation between sites or districts.

“BUILDING” includes anything constructed or placed on, in, over, or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.

“BUILDING HEIGHT” means the vertical distance between average grade and the highest point of a building that is not: a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a firewall or a parapet wall and a flagpole or similar device not structurally essential to the building.

“BUILDING PERMIT” means a written approval by the appropriate authority which states that a building conforms to the provisions of the Province of *Alberta Safety Codes Act*.

“BUS DEPOT” means a building and associated facilities used by bus operators for the loading and unloading of persons and goods and may be used to store buses and related equipment.

“BUSINESS/OFFICE SUPPORT SERVICES” means a development used to provide support services to business generally, which for example include: the use of minor mechanical equipment for batch printing, duplicating, binding or photographic processing; drafting; office maintenance or security services; and business-related equipment sales, rental services or repair. Typical uses include printing establishments, film processing establishments, janitorial firms, sign shops and office equipment sales and repair establishments.

“CANNABIS” means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in *the Cannabis Act (Canada)* and its regulations, as amended from time to time.

“CANNABIS PRODUCTION FACILITY” means a premise used for growing, producing, testing, destroying, storing, or distribution of cannabis authorized by a license issued by Health Canada.

“CARPORT” means a building, designed and used for the storage of not more than four private motor vehicles, consisting of a roof supported on posts or columns and not enclosed on more than two sides whether separate from or attached to the principal building on a site.

“CHILD CARE FACILITY” means a development, licensed by the province to provide personal care, maintenance, supervision or education, without overnight accommodation, for seven or more children at one time for more than three but less than 24 consecutive hours in a day. This includes daycare centres, nurseries, kindergartens, nursery schools and play schools, and other similar uses.

“CLERK” means the Clerk to the Subdivision and Development Appeal Board.

“COMMERCIAL ENTERTAINMENT FACILITY” means a privately-owned indoor facility or development operated for financial gain in which the public participates in and/or views an activity for entertainment/social purposes. Commercial entertainment facilities may offer food and beverages for sale to the patrons and may be licensed by the Province of Alberta for the on-site consumption of alcohol. Without limiting the generality of the foregoing, commercial entertainment facilities may include facilities for display of motion pictures, live theatres, dinner theatres, dancing and cabaret entertainment, amusement arcades with mechanical and/or electronic games, billiard or pool halls and bowling alleys. This use does not include an adult entertainment facility, bingo hall, casino, or late-night club.

“COMMUNITY OR CULTURAL FACILITY” means development for use by the public or public groups for cultural or community activities; and development for the display, collection and storage of artistic, musical, historical and literary reference materials or for live theatrical, musical or dance performances. Typical facilities would include but are not limited to community halls, community centres, museums, libraries, public art galleries, club buildings, concert halls and cemeteries, and any accessory thereto.

"**CONDOMINIUM**" means a building, or group of buildings, in which units are individually owned, and the structure, common areas and facilities are jointly owned using the principal of proportionate undivided shares.

"**CONSTRUCT**" means to build, reconstruct, or relocate, and without limiting the generality of the word, also includes:

- (a) any preliminary operation such as excavation, filling or draining;
- (b) altering an existing building or structure by an addition, enlargement, extension or other structural change; and
- (c) any work which requires a building permit.

"**CONTRACTOR SERVICES, MAJOR**" means a development used for the provision of contracting services whose scale and type require outdoor storage for materials, equipment or vehicles which may cause off-site nuisance. Typical uses include oilfield and forestry support services, commercial cleaning and maintenance contractors, equipment hauling, building construction, surveying, landscaping, water, excavation, sewer, drilling, paving, road construction or similar services of a construction nature. Any sales, display, office, or technical support service areas shall be accessory to the principal general contractor services use only. This use class does not include professional office and personal services.

"**CONTRACTOR SERVICES, MINOR**" means a development used for the provision of contracting services whose scale and type does not require outdoor storage or offsite nuisance. All materials are kept within an enclosed building and no fleet storage of more than four (4) vehicles are allowed on site. Typical uses include electrical, plumbing, heating, painting and similar contractor services, and the accessory sales of goods normally associated with such contractor services.

"**COUNCIL**" means the Council of the Town of Fairview.

"**CREMATION FACILITY**" means an establishment with one or more cremation chambers used only for the reduction of the human body to ashes by heat and where funeral services will not be permitted to be conducted.

"**DECK**" means a recreational area that is constructed and either attached or not attached to the principal building on the site, at ground level or elevated, that may be open or closed in terms of the design of its construction.

DEVELOPER is defined as an individual(s), corporation or other form of organization that obtains or seeks to obtain improvements to a property through land use redesignation changes, subdivision and/or through development as defined in the Act. This term is typically used for the landowner of the subject property, but may be applicable in other instances.

"DEVELOPMENT" means

- (a) an excavation or stockpile and the creation of either of them, or
- (b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them, or
- (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
- (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

"DEVELOPMENT AGREEMENT" means a legally binding contract between a developer and the Town outlining the obligations of the developer with respect to a specific development.

"DEVELOPMENT AUTHORITY" means the person or entity established by bylaw as the Development Authority for the Town of Fairview and includes any person to whom powers and duties of the Development Authority have been delegated to the extent of the scope of the delegation.

"DEVELOPMENT OFFICER" means the person or persons delegated by Council to exercise development powers and duties on behalf of the Town of Fairview, in accordance with the Development Authority Bylaw.

"DEVELOPMENT PERMIT" means a document authorizing a development pursuant to this Bylaw.

"DISCRETIONARY USE" means the use of land or a building for which a Development Permit may be issued by the Development Authority, with or without conditions. Discretionary uses require the approval of the Municipal Planning Commission unless otherwise provided for in this Bylaw.

"DORMITORY RESIDENCE" means a building containing one or more dwelling units for the accommodation of students attending an educational institution on a temporary basis and includes a single-detached dwelling, a semi-detached dwelling, a duplex, a single wide or double wide manufactured home or a multiple unit dwelling with associated cafeteria facilities.

"DRINKING ESTABLISHMENT" means an establishment licensed by the Alberta Liquor Control Board (AGLC) where alcoholic beverages are served for consumption on the premises and any preparation of serving food is accessory thereto. Typical uses include bar, pub and cocktail lounge, but does not include cannabis lounge.

"DRIVE-IN/THRU" means a use that provides services to patrons who remain inside a motor vehicle but does not include a drive-in theatre. Typical examples include but are not limited to a drive-thru restaurant or bank. This also includes any business which has a drive through as an accessory component.

"DWELLING GROUP" means three or more dwelling units located on a site or a number of adjoining sites where all buildings, recreational areas, vehicular areas, landscaping and all other features have been planned as an integrated development and where each dwelling unit has a separate principal entrance accessible directly from ground level.

"DWELLING UNIT" means one or more rooms designed or used exclusively as a residence, containing sleeping, cooking and sanitary facilities for one family with an independent entrance either directly from outside a building or through a common hallway inside a building.

"DWELLING UNIT, APARTMENT" means a development consisting of three or more dwelling units having shared entrance facilities, in which dwellings are arranged in any horizontal or vertical configuration, and which does not conform to the definition of any other residential use.

"DWELLING UNIT, DUPLEX" means a building containing two dwelling units, one above the other or side by side, each of which has an independent entrance either directly from outside the building or through a common vestibule.

"DWELLING UNIT, GARAGE SUITE" means an accessory dwelling located above a detached garage (above grade) or a single-storey accessory dwelling attached to the side or rear of a detached garage (at grade). A garage suite is accessory to a building in which the principal use is a single-detached dwelling. A garage suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal dwelling located on the site. A garage suite has an entrance separate from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure. This use does not include secondary suites or garden suites.

"DWELLING UNIT, GARDEN SUITE" means a secondary dwelling unit being an additional residence on a parcel of land on which there is already a principal residence. A garden suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal dwelling located on the site. This use class does not include secondary suites or garage suites.

"DWELLING UNIT, MANUFACTURED HOME" means a transportable dwelling unit that is built off-site. It is designed to be transported on its own wheels or on a steel chassis and upon arriving at the site for placement is, apart from incidental operations such as installation of foundation supports and connections of utilities, ready for year-round occupancy. A manufactured home may be single or double wide and meets any one of the following design criteria:

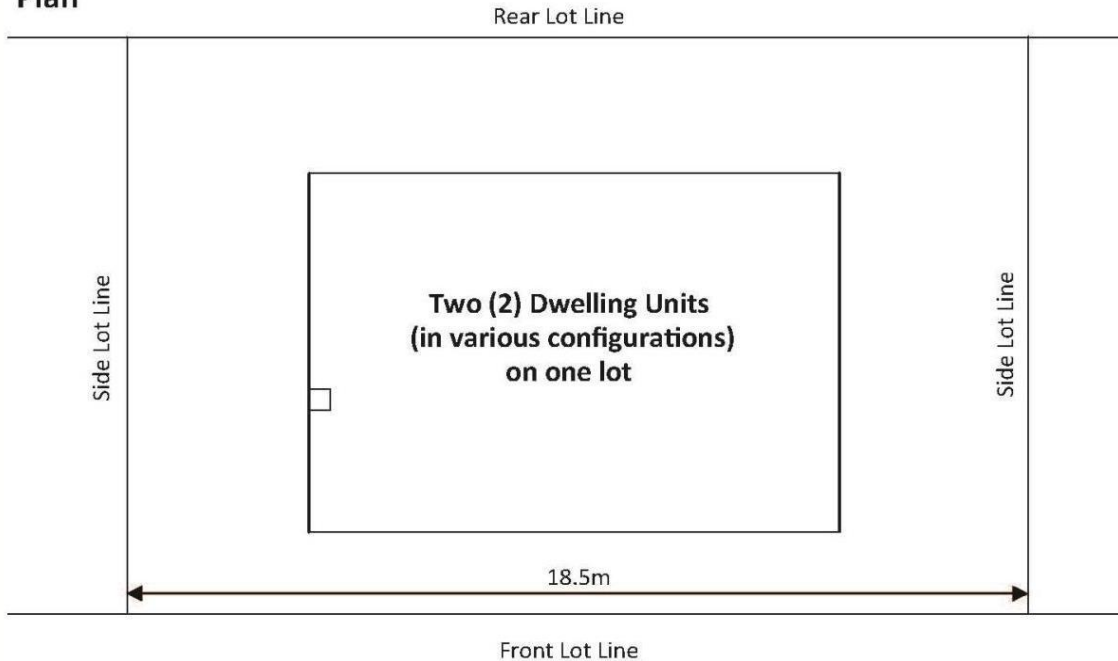
- (a) is supported by a steel frame; and
- (b) the length to width ratio of the unit is more than 3:1.

This definition does not apply to recreational vehicles or industrial camp trailers.

EXPLANATION NOTES

Duplex

Plan



"DUPLEX" means a building containing two dwelling units, one above the other or side by side, each of which has an independent entrance either directly from outside the building or through a common vestibule.

Elevation

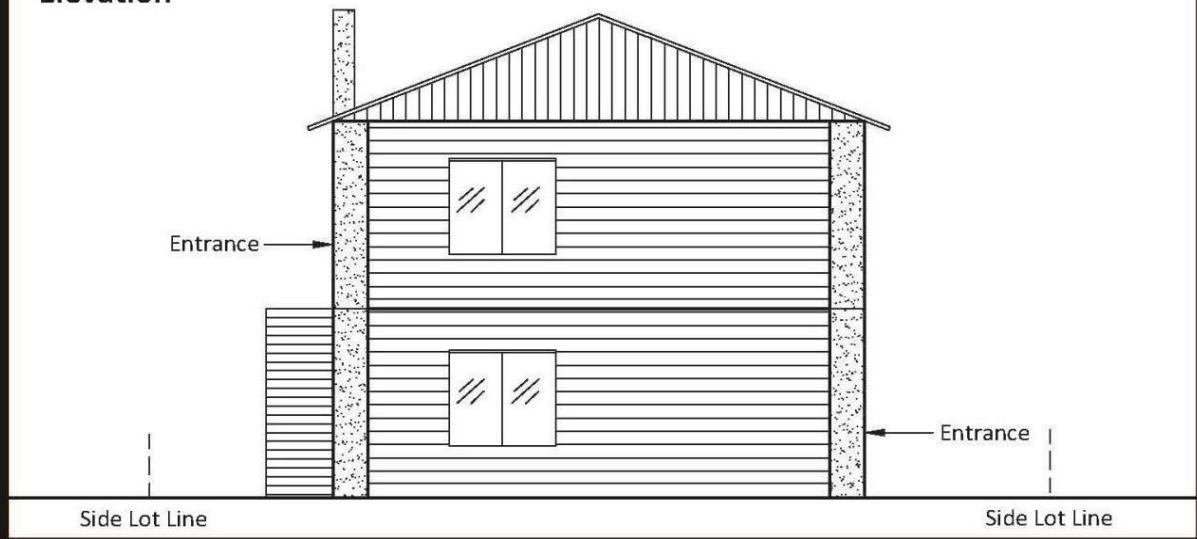


Figure 1: Duplex

"DWELLING UNIT, ROW" means one of three or more dwelling units which are constructed in a row and divided vertically and each of which has a separate rear and front entrance.

"DWELLING UNIT, SEMI-DETACHED" means a building that is divided vertically into two dwelling units side by side and separated from each other by a common wall extending from foundation to roof, having separate entrances and not attached to any other residential building.

"DWELLING UNIT, SINGLE-DETACHED" means a building containing one dwelling unit which is completely separated on all sides from any other dwelling or structure and, except as otherwise allowed by this Bylaw, used for no other purpose except a secondary suite. This use may be stick-built or modular (factory constructed) or another type of construction.

"DWELLING UNIT, SECONDARY SUITE" means an accessory dwelling consisting of a dwelling located within, and accessory to, a structure in which the principal use is single detached dwelling. A secondary suite has cooking facilities, food preparation; sleeping and sanitary facilities which are physically separate from those of the principal dwelling within the structure. A secondary suite also has an entrance separate from the entrance to the principal dwelling unit, either from a common indoor landing or directly from the side or rear of the structure. This use class includes the development or conversion of basement space or above-grade space to a separate dwelling, or the addition of new floor space for a secondary suite to an existing single detached dwelling. This use class does not include duplex, semi-detached or apartment dwelling, and does not include garage suites or garden suites.

"EASEMENT" means a right held by one owner of a parcel of land to make use of the land of another for a limited purpose (for example, right of passage by pedestrians or vehicles, right to park vehicles, right of drainage, right to project eaves and guttering over a property boundary, etc.), or to prevent it from being used for certain purposes. An easement must be registered on the certificate of title of both parcels of land that are involved in the agreement.

"FARMERS/FLEA MARKET" means a building or space where multiple vendors engage in the sale of new or used goods, crafts or produce on a temporary or seasonal basis, but does not include retail sales as defined in this Bylaw.

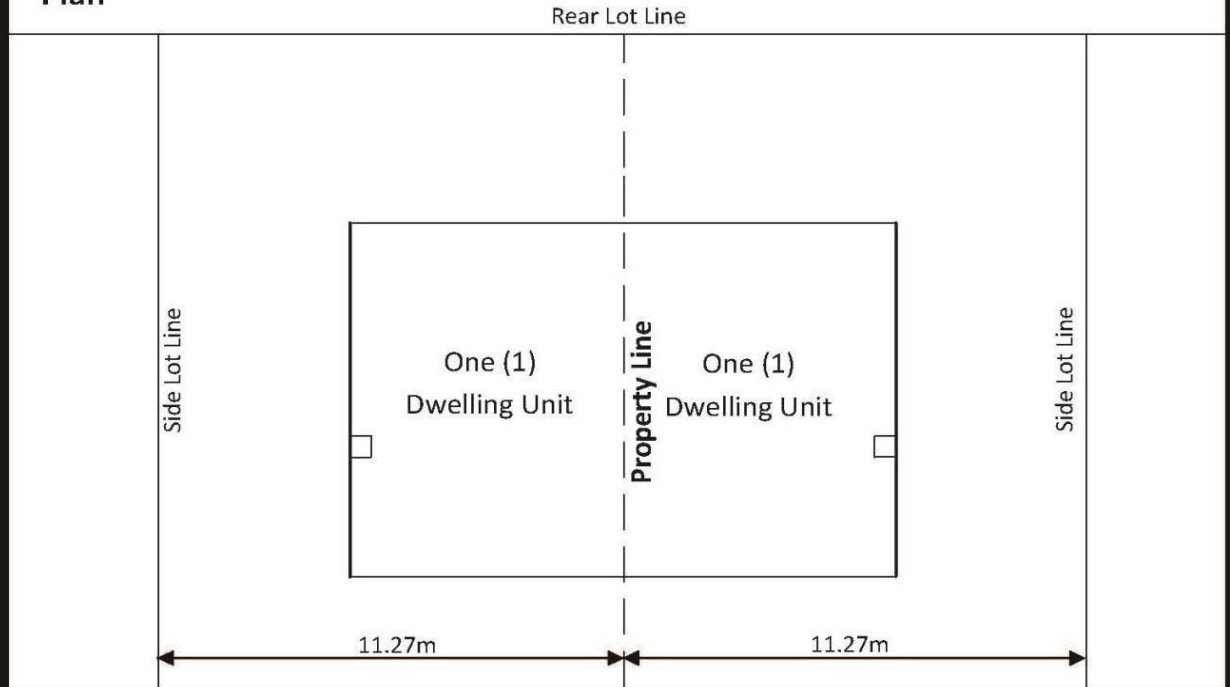
"FARM RESIDENCE" means any type of dwelling unit used in connection with the raising or production of crops, livestock or poultry, and situated on land used in connection with such agricultural operations.

"FINANCIAL INSTITUTION" means a development, use, or building that is primarily for the banking or lending of money and other related services. It includes a trust company, chartered bank or credit union.

EXPLANATION NOTES

Semi-Detached Dwelling

Plan



Front Lot Line

"SEMI-DETACHED DWELLING" means a building that is divided vertically into two dwelling units side by side and separated from each other by a common wall extending from foundation to roof, having separate entrances and not attached to any other residential building.

Elevation

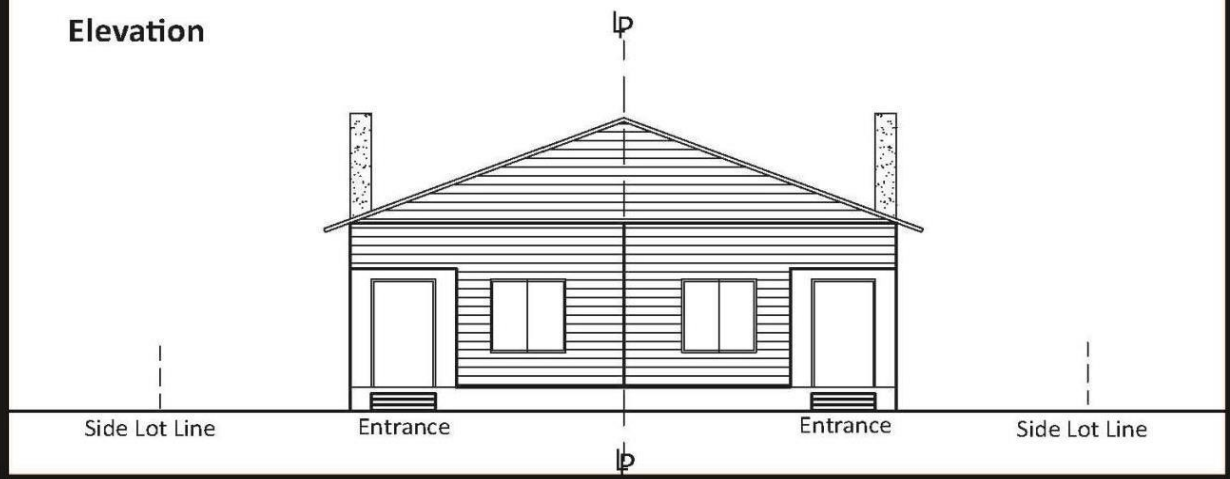


Figure 2: Semi-Detached Dwelling

“FIRE PIT, PERMANENT” means a pit that is constructed, or requires some degree of excavation or use of permanent building materials. Such pit construction will require a Development Permit.

“FIRE PIT, PORTABLE” means any fire pit or receptacle that does not require heavy construction to install. A Portable Fire Pit includes those that are pre-constructed and may be purchased at a retail outlet.

“FLEET SERVICES” means a business using a fleet of vehicles for the delivery of people, goods or services. This use class includes taxi services and messenger and courier services, but does not include Heavy Equipment Sales and Service, or Bus Services or moving or cartage firms involving trucks or bus line terminals.

“FLOOR AREA” means the total of the floor areas of every room and passageway contained in a building (using the outside dimensions of the building) but not including the floor areas of basements, attached garages, sheds, open porches or breezeways.

“FUNERAL HOME” means a business establishment where the bodies of the dead are prepared for burial or cremation, and where funeral services may be held, and may include a cremation facility.

“GARAGE” means an accessory building or part of the principal building designed and used primarily for the storage of non-commercial motor vehicles and includes a carport.

“GARAGE, PORTABLE” means a non-permanent structure designed by virtue of easy assembly and dismantling, commercially constructed of metal or synthetic tube and fabric, plastic or similar materials, and covered with waterproof sheeting, synthetic sheeting, plastic film or similar materials and which shall meet all the requirements of the Alberta Safety Codes.

“GROUP HOME” means a facility which provides special care for individuals that are aged; disabled; or in need of adult supervision in accordance with their individual needs, and is licensed, if necessary, by the Provincial authority having jurisdiction over the group home's activities.

“HEALTH SERVICES” means development used for the provision of physical and mental health services on an out-patient and/or in-patient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Typical uses include medical and dental offices, health clinics, community health centres, hospitals and counseling services.

“HEAVY EQUIPMENT SALES AND SERVICE” means a development used for the sale, rental, storage, servicing and repair of heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oilfield or mining construction, manufacturing, assembling and processing operations.

“HIGHWAY” means a provincial highway under the *Highways Development and Protection Act*.

“HOME OCCUPATION” means the use of a building or a site which is secondary to the principal residential use of the building or the site for the purpose of operating a Home Occupation.

“HOUSEHOLD REPAIR SERVICES” means development used for the provision of repair services to goods, equipment and appliances normally found within the home. This use class includes radio, television and appliance repair shops, furniture refinishing and upholstery shops, but does not include Personal Services.

“HOTEL” means a building providing accommodation for the public containing guest rooms served by a common entrance as well as general kitchen and dining or other public rooms.

“LABORATORY” means the use of a building, or part of a building, for scientific, medical and/or dental testing, experimentation and/or research purposes.

“LAND AND PROPERTY RIGHTS TRIBUNAL” means the independent and impartial quasi-judicial board established under the Act to make decisions about land planning and assessment assessment and compensation disputes involving land expropriations and surface leases.

“LANDSCAPING” means the enhancement of a site through the use of any or all of the following elements:

- (a) “soft landscaping” consisting of vegetation, such as trees, shrubs, hedges, grass and ground cover;
- (b) “hard landscaping” consisting of non-vegetative materials such as brick, stone, concrete, tile, and wood, excluding monolithic concrete and asphalt.

“LANE” means a public roadway, not exceeding 9.1 metres (30 feet) in right-of-way width, which provides a secondary means of access to a site or sites.

“LIQUOR LICENSED FACILITY” means a facility that is licensed by the Alberta Gaming and Liquor Commission to serve alcoholic beverages and products.

“LIVESTOCK” means poultry, bees, donkeys, mules, oxen, birds, horses, cattle, sheep, swine, goats, bison, specialty livestock, and/or fur-bearing animals raised in captivity, sheep, elk, deer, wild boar, turkeys, ducks, geese, and game production animals within the meaning of the *Livestock Industry Diversification Act*.

“LOADING SPACE” means a space for parking a commercial vehicle while being loaded or unloaded.

“LOT” means:

- (a) a quarter section;
- (b) a river lot or settlement lot shown on an official plan referred to in the *Surveys Act*

that is filed or lodged in a land titles office;

- (c) a part of a parcel where the boundaries of the part are separately described in a certificate of title other than by reference to a legal subdivision; or
- (d) a part of a parcel where the boundaries of the part are described in a certificate of title by reference to a plan of subdivision.

“LOT, CORNER” means a lot located at the intersection or junction of two or more streets.

“LOT COVERAGE or SITE COVERAGE” means that percentage of the area of any lot which is covered by all buildings or structures, including accessory buildings and decks. Patios and hard landscaping shall not be considered as part of the lot coverage; however, these structures shall not be so extensive that they significantly reduce the area of green soft landscaping.

“LOT DEPTH” means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line.

“LOT LINE” means a legally defined limit of any lot.

“LOT LINE, FRONT” means the boundary dividing the lot from an abutting street. In the case of a corner lot the owner of the site may select one of the street boundaries as the front.

“LOT LINE, REAR” means the lot line of a lot which is directly opposite to the front lot line.

“LOT LINE, SIDE” means any lot line other than a front or rear lot line.

“LOT, THROUGH” means any lot other than a corner lot having access on two abutting streets.

“LOT WIDTH” means the horizontal measurement between the side lot lines measured at a point 15.24 metres (50 feet) perpendicularly distant from the front lot line.

“MANUFACTURED HOME DEALERSHIP” means a development used for the display and sale of manufactured homes, which may include incidental maintenance services.

“MANUFACTURED HOME PAD” means that portion on an individual manufactured home park lot within a manufactured home park which has been reserved for the placement of the manufactured home, appurtenant structure or additions.

“MANUFACTURED HOME PARK” means a parcel under single ownership which has been designed for the placement of manufactured homes on manufactured home park lots for non-transient use.

“MANUFACTURED HOME SUBDIVISION” means a manufactured development registered as a subdivision under freehold tenure, where the responsibility for maintaining services rests with the municipality.

EXPLANATION NOTES

Lot Definitions

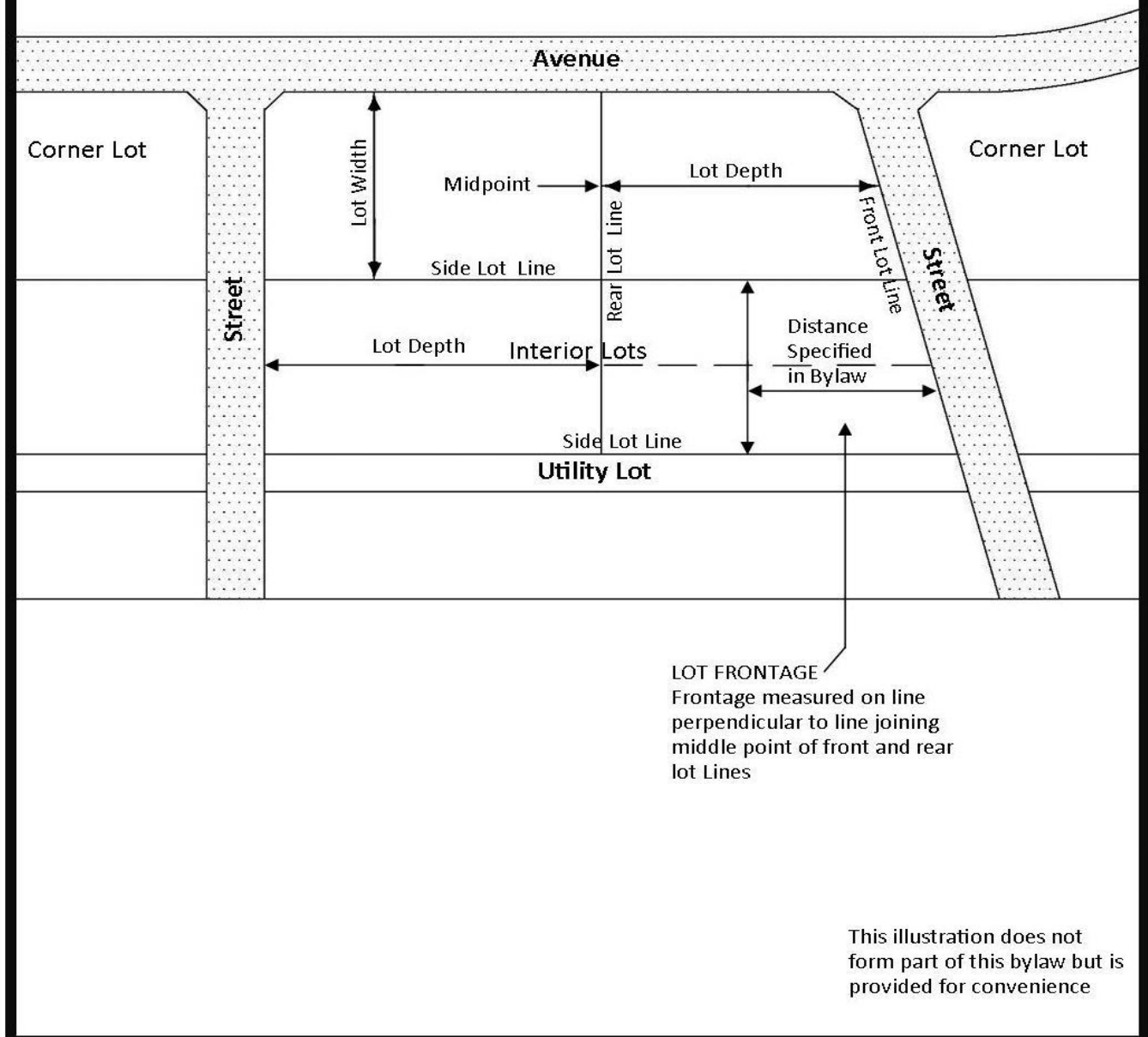


Figure 3: Lot Definitions

“MIXED COMMERCIAL/RESIDENTIAL BUILDING” means a development that is designed to accommodate a mix of one or more commercial and residential uses within a single site subject to compatibility. The residential use shall have a direct and separate access to the outside street level. The use mix may be horizontal or vertical.

“MODULAR BUILDING” means a construction type where a building is built in a factory in multiple sections and transported to the site for installation. For the purpose of this Bylaw, a modular building includes residential, commercial, industrial and institutional developments but does not include a manufactured home.

“MOTEL” means a building or group of buildings designed for the accommodation of the travelling or vacationing public containing guest rooms, each of which has a separate entrance directly from outside the building. The motel units may be built on site or built in a factory and assembled on site.

“MUNICIPAL PLANNING COMMISSION (MPC)” means a Municipal Planning Commission as established by council by bylaw pursuant to the *Municipal Government Act*.

“NATURAL RESOURCE EXTRACTION/PROCESSING” means development for the on-site removal, extraction, excavation, stock piling, primary processing and transmission of raw materials found on or under or accessible from the subject property. Resources and raw materials may include peat, sand, silt, shale, gravel, clay, marl, limestone, gypsum, other precious or semi-precious minerals, timber and coal. Facilities and uses that would be typical include gravel pits (and associated crushing operations), sand pits, clay or peat extraction, stripping of topsoil, and related timber/wood processing. This use does not include the processing of raw materials transported to the site.

“NON-CONFORMING BUILDING” means a building:

- (a) that is lawfully constructed or lawfully under construction at the date this Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and
- (b) that on the date this Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not comply with this Land Use Bylaw.

“NON-CONFORMING USE” means a lawful specific use:

- (a) being made of land or a building or intended to be made of a building lawfully under construction, at the date this Land Use Bylaw or any amendment thereof affecting the land or building becomes effective, and
- (b) that on the date this Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not comply with this Land Use Bylaw.

“PARCEL OF LAND” means the area of land described in a certificate of title or, where there has been a subdivision, any lot or block shown on a plan of subdivision that has been registered in a land titles office.

“PARK OR PLAYGROUND” means an area of land used for recreation purposes, usually including facilities such as picnic benches, slides, swings, and other playground type equipment, built in accordance with the *Alberta Safety Codes Act*.

“PARKING FACILITY” means a portion of land or of a building set aside for the parking and maneuvering of motor vehicles, which is accessible to a public thoroughfare and which may include a parking structure.

“PATIO” means a paved or concrete recreational area near the principal building on the site, such as a dwelling unit.

“PERMITTED USE” means the use of land or of a building for which a Development Permit shall be issued with or without conditions by the Development Authority, unless Exempt under this Bylaw.

“PERSONAL SERVICES” means a development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects, and includes such uses as barbershops, hairdressers, beauty salons, tanning salons, shoe repair shops, dry cleaning establishments, laundromats, but does not include health services or general retail businesses.

“PRINCIPAL BUILDING OR USE” means the main purpose for which a building or site is ordinarily used.

“PROFESSIONAL OFFICE” means a means development primarily used for the provision of professional services, but does not include health service or government services. This use class include, but is not limited to, offices providing accounting, architectural, drafting, employment, engineering, insurance, investment, legal, professional associations, business associations, real estate and travel agent services.

“PROTECTIVE AND EMERGENCY SERVICES” means development used to provide police, fire protection, and publicly operated emergency medical services. Typical uses include police stations, fire stations and ancillary training facilities.

“PUBLIC ROADWAY” means any street, avenue, service roadway, residential collector roadway, lane, walkway or rural road as defined in the Public Highways Development Act, intended to be used by the public generally, but does not include a controlled highway.

“PUBLIC USE” means a building, structure or lot used for public services by the Town of Fairview, by any local board or agency of the Town, by any department, commission or agency of any other municipal corporation or the Government of Alberta or Canada, by any railway company authorized under the *Railway Act*, or by any public utility. Typical uses include municipal buildings, courthouse, employment office, post office and welfare centre.

“PUBLIC UTILITY” means a system or works used to provide one or more of the following for public consumption, benefit convenience or use:

- (a) water or steam;

- (b) sewage disposal;
- (c) public transportation operated by or on behalf of the municipality;
- (d) irrigation;
- (e) drainage;
- (f) fuel;
- (g) electric power;
- (h) heat;
- (i) gas;
- (j) telephone;
- (k) waste management; and
- (l) telecommunications,

and includes the goods and services provided for public consumption, benefit, convenience or use.

“RECREATION FACILITY, INDOOR” means a development whose principal use is to provide active recreation and sports facilities that are conducted indoors. Typical uses include recreation centres, arenas, curling, skating or hockey rink, indoor swimming pools, gyms, mini golf and other similar activities.

“RECREATION FACILITY, OUTDOOR” means a development primarily intended for active recreation or leisure activities that are conducted outdoors, either in a facility or non-facility setting. Typical uses include tennis courts, golf courses, sports fields, skiing, hunting, trail riding, snowmobiling, hiking, and similar activities, but does not include a park or playground.

“RECYCLING DEPOT” means a development used for collecting, sorting and temporary storage of recyclable materials such as bottles, cans, paper, boxes and small household goods and appliances, but does not include an auto wrecker.

“RELIGIOUS USE FACILITY” means a building or structure primarily intended for the conducting of organized religious services and related philanthropic, educational, social and recreational activities such as group meetings, banquets and child care, but does not include a school. Accessory uses may include minister’s residence, manse, offices, parsonage, auditorium and meeting rooms.

“RESTAURANT” means the use of a building as a public eating place and may include a licensed dining lounge and other associated facilities. This use class includes drive-in/thru restaurants.

“RETAIL SALES, CONVENIENCE STORE” means development used for the retail sale of those goods required by customers on a day-to-day basis, from business premises which do not exceed 235 m² (2,530 ft²) in gross floor area. Typical uses include small food stores, drug stores, and variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter.

“RETAIL SALES, CANNABIS” means a retail store licensed by the Alberta Liquor and Gaming Commission (AGLC) where cannabis and cannabis accessories are sold to individuals who attend at the premises.

“RETAIL SALES, GENERAL” means a building where goods, wares, merchandise, substances, articles or things are offered or kept for sale, including storage of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such store, but does not include other forms of retail activity defined in this Bylaw.

“RETAIL SALES, LIQUOR” means a retail store licensed by the Alberta Liquor and Gaming Commission (AGLC) where liquor and liquor accessories are sold to individuals who attend at the premises.

“RETAINING WALL” means a structure designed and constructed to hold in place a mass of earth, loose rock or similar material, which creates a change to site grade.

“SATELLITE DISH OR ANTENNAE” means a combination of:

- (a) antennae or dish antennae whose purpose is to receive communication or other signals from orbiting satellites,
- (b) a low noise amplifier which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals, and
- (c) a coaxial cable whose purpose is to carry the signals into the interior of the building.

“SEA-CAN/SHIPPING CONTAINER” means a pre-fabricated steel container used for transporting cargo by sea, rail, road, or air and which is intended for the storage of goods or equipment, or as a moveable storage unit. For the purpose of this Bylaw, sea-can/shipping container is considered an accessory structure.

“SCHOOL” means a public school, a separate school, a university, a college or a private school authorized by the authority having jurisdiction. a publicly or privately supported or subsidized development used for education and includes its administrative offices. Typical developments are elementary and secondary schools, but do not include commercial schools.

“SCREENING” means the use of fence, berm or hedge to visually separate areas, uses and/or functions from a public roadway, highway or neighbouring land uses.

“SENIOR CITIZENS HOME” means assisted and independent style residential development in the form of self-contained units, lodges or nursing homes that provides housing for seniors.

“SERVICE STATION” means a commercial establishment where automotive fuels, lubricating oils and a limited range of vehicle parts and accessories are sold; and/or a facility where services such as the minor repair of motor vehicles, car washing and routine servicing may be offered. Accessory uses may include a convenience store, restaurant or towing

service. This use class includes gas stations/bars, car washing establishments and truck stops, but does not include Automotive, Service as defined in this Bylaw.

“SERVICING STANDARDS” means the Town of Fairview’s technical requirements that govern site access, infrastructure design, inspection, testing, construction and transfer of public works.

“SETBACK” means the distance between a structure and either a lot line, utility or road easement, another developed structure or the crest of a significant slope.

“SHED” means an accessory building used for storage having a floor area of less than 13.38 square metres (144 square feet), and is not connected to any utilities. For the purposes of this bylaw, shed also means a garden shed that can be located in the rear yard of a residential lot, obeying the setback requirements, and does not need a Development Permit.

“SHOPPING CENTRE” means an architecturally unified group of retail and personal service establishments on a site planned, developed and managed as a single operation unit or group of owners or tenants and characterized by the sharing of common parking areas and driveways.

“SIGHT TRIANGLE” means that triangle formed by a straight-line drawn between two points on the exterior boundaries of a corner lot, 9.1 metres (30 feet) from the point where they intersect.

“SIGN” means any device or structure used for the display of advertisements, pictures or messages.

“SIGN, FREE-STANDING” “means a sign which has its own supports that are independent of a building or other structure.

“SIGN, PORTABLE” means a sign mounted on an “A” frame or on a trailer, stand or similar support and which together with the support can be relocated to another location.

“SIGN, PROJECTING” means a sign that is attached to and projects more than 0.4 metres (1.3 feet) from the face or wall of a building or structure.

“SIMILAR USE” means a specific use of land or of a building that is not expressly mentioned in this Bylaw but which the Development Authority has determined to be similar in character and purpose to a use listed as a permitted or discretionary use in the district in which the use is proposed.

“SITE” means a parcel, lot, or group of lots used for or proposed to be used for the undertaking of a single development.

EXPLANATION NOTES

Sight Triangle

A "SIGHT TRIANGLE" means that triangle formed by a straight line drawn between two points on the exterior boundaries of a corner lot, 9.1 metres from the point where they intersect.

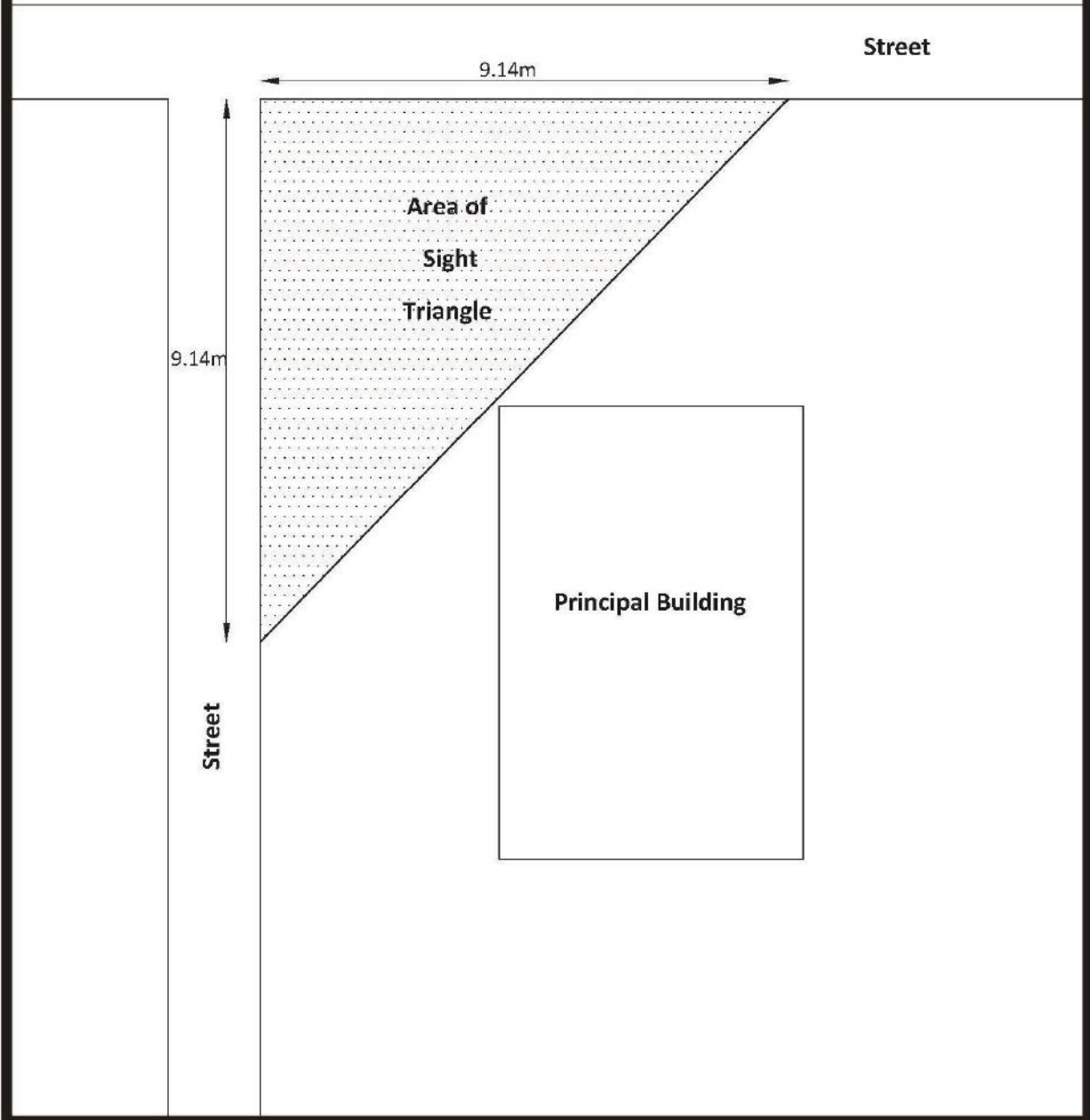


Figure 4: Sight Triangle

“SOLAR FARM” is an installation of solar panels to collect solar energy that are stand-alone assemblies mounted on racking on the ground. The total combined area of ground coverage is 0.40 ha (1.0 ac) or greater and may be located on one or more parcels of land.

“STORAGE YARD” means a use of land which may or may not be associated with a building where construction materials and equipment, solid fuels, lumber, new building materials, monuments and stone products, public service and utility equipment or other materials, goods, products, vehicles, equipment or machinery are stored, baled, piled, handled, sold or distributed, whether as a principal or an accessory use. A storage yard shall not include an automobile wrecking yard, a display yard or a junk yard.

“STOREY” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost storey shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above. If the finished floor level directly above is more than 1.83 metres (6 feet) above such grade then the portion of the building below finished floor level shall be considered a storey in calculating the height of any building.

“SWIMMING POOL” means a structure containing water maintained or used for swimming purposes, with a water depth more than 0.6 m (24 inches) at any point, whether constructed above or in the ground.

“TAXIDERMY” means a development for the preservation and mounting of animal skins in lifelike forms for sale or for personal use.

“TEMPORARY” is defined for the purposes of this Bylaw as a development or use lasting for only a limited period of time and not permanent for which an approximate or definitive end date is known and a time-limited Development Permit has been issued by the Development Authority.

“TOWNHOUSE” means a multiple dwelling comprised of three or more dwelling units separated from each other by walls extending from foundation to roof with each dwelling unit having separate direct entrance from grade and includes all row, length, patio, garden court or other housing which meet those criteria.

“UTILITY RIGHT OF WAY” means an interest in land which is commonly granted where there is a need for a continuous right of way under many parcels of land (for example, gas and oil pipelines and municipal utilities). A utility right of way is registered only against the land which is subject to the rights granted and once it is registered, the right to use the land in accordance with the terms of the grant remains with the grantee (for example, the Crown or a corporation) and its successors or assigns until a release is registered.

“VEHICLE CONSIGNMENT SALES” means the temporary use of land, building or structures for the sale of automobiles on a consignment basis.

“VETERINARY SERVICES” means a development used for the medical care and treatment of animals.

“WAREHOUSE” means the use of a building or portion thereof for the indoor storage of materials, goods, equipment or products.

“WELDING SHOP” means a facility that is used primarily for welding.

“WIND ENERGY CONVERSION SYSTEM (WECS), MACRO” means the towers, structures, or systems required to convert the power in wind to electrical or mechanical energy, where the total combined output is 0.00005 megawatts (0.5 kilowatts) or more.

“WIND ENERGY CONVERSION SYSTEM (WECS), MICRO” means a small-scale wind turbine, which is small in height and diameter and can be installed on the roof of a building or structure, where the total combined output is less than 0.00005 megawatts (0.5 kilowatts).

“YARD” means a part of a lot upon or over which no building or structure other than a boundary fence is erected except for specifically permitted accessory buildings.

“YARD, EXTERIOR SIDE” means a yard adjacent to a road, extending from the front yard to the rear yard and situated between the side lot line and the nearest exterior wall of the principal building.

“YARD, FRONT” means that portion of land extending across the full width of a lot and situated between the front lot line and the nearest portion of the principal building.

“YARD, INTERIOR SIDE” means a side yard other than an exterior side yard.

“YARD, REAR” means that portion of land extending across the full width of a lot and situated between the rear lot line and the nearest portion of the principal building.

“YARD, SIDE” means a yard extending from the front yard to the rear yard and situated between the side lot line and the nearest part of the principal building.

“YARD DEPTH, FRONT” means the least horizontal dimension between the front lot line of the lot and the nearest part of any building or structure.

“YARD DEPTH, REAR” means the least horizontal dimension between the rear lot line of the lot and the nearest part of the principal building.

“YARD WIDTH, SIDE” means the least horizontal dimension between the side lot line of the lot and the nearest part of the principal building.

EXPLANATION NOTES

Yard Definitions

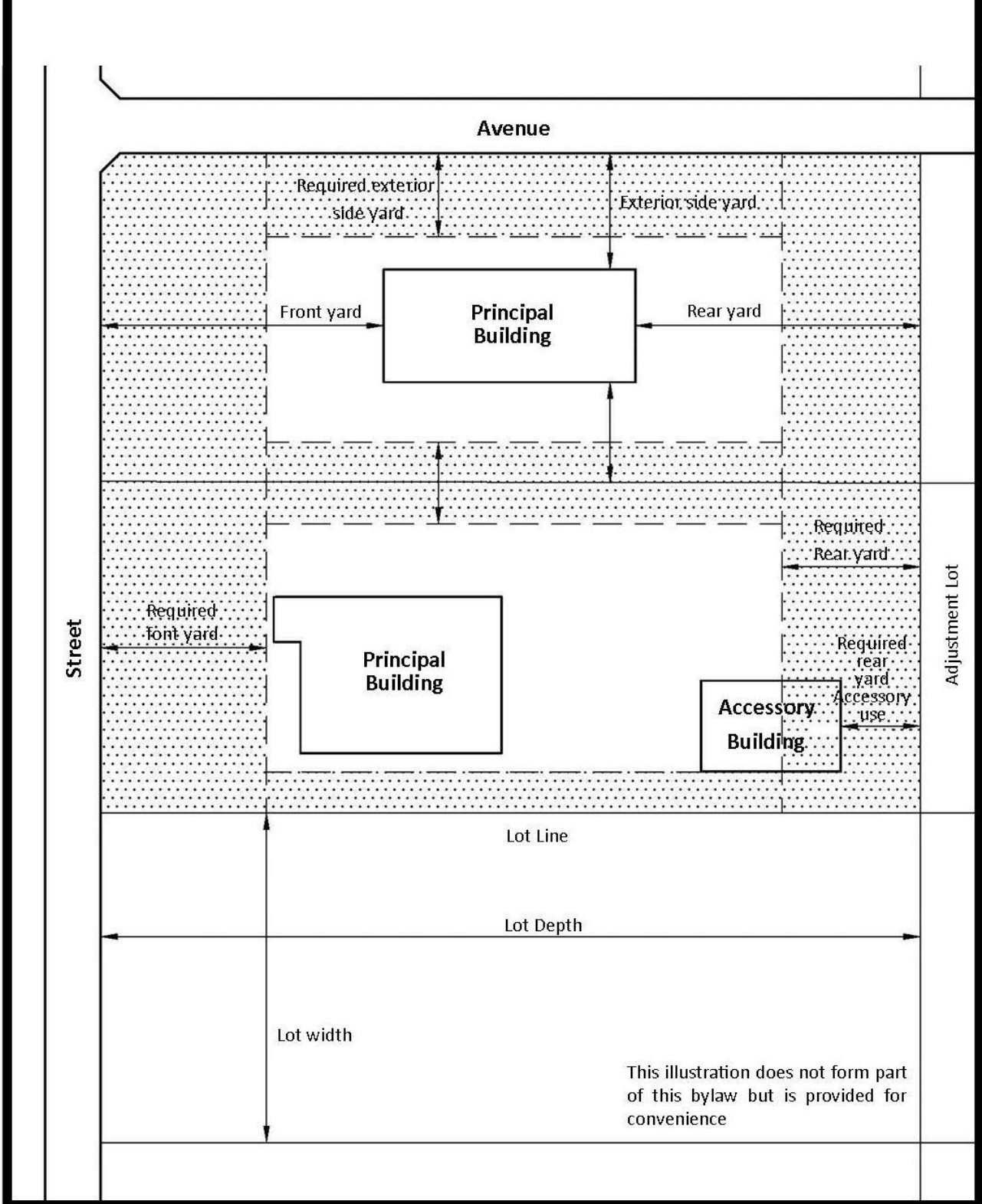


Figure 5 - Yard Definitions

DIVISION 2: AGENCIES

SECTION 5: DEVELOPMENT AND SUBDIVISION AUTHORITIES

- (1) The Development Authority for the Town of Fairview is established by separate bylaw in accordance with Section 624 of the *Municipal Government Act*.
- (2) The Subdivision Authority for the Town of Fairview is established by separate bylaw in accordance with Section 623 of the *Municipal Government Act*.

SECTION 6: DUTIES AND POWERS OF THE DEVELOPMENT AUTHORITIES

- (1) The Development Officer shall:
 - (a) receive, consider and decide upon applications for a Development Permit for “Permitted Uses” in any land use district;
 - (b) refer to the Municipal Planning Commission Development Permit applications for those uses
 - (i) listed as “Discretionary Uses” in any land use district;
 - (ii) which the Development Officer wishes to refer to the Municipal Planning Commission;
 - (c) refer any applications to the neighbouring municipality, consistent with the direction of the Intermunicipal Development Plan;
 - (d) keep and maintain, for public inspection, a copy of this Bylaw and all amendments thereto;
 - (e) ensure that copies of this Bylaw and amendments thereto are available to the public at a reasonable cost; and
 - (f) keep a register of all applications for Development Permits including the decisions and reasons for the decision, for a minimum period of seven (7) years.
- (2) For the purposes of the Act, the Development Officer is hereby declared to be a designated officer for the Town.
- (3) The Municipal Planning Commission shall:
 - (a) issue decisions for Development Permit applications for those uses listed as “Discretionary Uses” in any land use district;
 - (b) issue decisions for those uses which the Development Officer refers to the Municipal Planning Commission; and
 - (c) perform such other duties as described in this Bylaw or as may be assigned to it by Council.

SECTION 7: DEVELOPMENT AUTHORITY'S DECISION AND DESCRETION

- (1) A Development Permit application for a use which is not listed as a "Permitted Use" or a "Discretionary Use" in the subject District shall be refused, unless subject to subsection 11.
- (2) In making a decision on an application for a "Permitted Use", the Development Officer shall:
 - (a) approve the application, with or without conditions, where the proposed development conforms with this Bylaw; or
 - (b) approve the application, with or without conditions, where the proposed development conforms with this Bylaw; or
 - (c) refuse the application, if the proposed development does not conform with this Bylaw.
- (3) In making a decision on an application for a "Discretionary Use", the Municipal Planning Commission:
 - (a) may approve, with or without conditions, either permanently or for a limited period of time, a Development Permit application which meets the requirements of this Bylaw; or
 - (b) may refuse a Development Permit application, even though the proposed development meets the requirements of this Bylaw; or
 - (c) shall refuse a Development Permit application, if the proposed development does not conform with this Bylaw.
- (4) In reviewing a Development Permit application for a Discretionary Use, the Municipal Planning Commission shall have regard for:
 - (a) the purpose and intent of the Act;
 - (b) any statutory plans adopted by the municipality; and
 - (c) the circumstances and merits of the application, which may include such items as
 - (i) impact of such nuisance factors as smoke, airborne emissions, odors and noise on nearby properties;
 - (ii) the design, character and appearance of the development shall be compatible with and complementary to the surrounding area; and
 - (iii) the servicing requirements for the proposed development.
- (5) Subject to subsection (6) and (7), the Development Authority may approve an application for a Development Permit, notwithstanding that the proposed development does not comply with this Bylaw if, in the opinion of the Development Authority:
 - (a) the proposed development would not

- (i) unduly interfere with the amenities of the neighbourhood; or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties;
 - (b) the proposed development conforms with the use prescribed for the land or building in this Bylaw;
 - (c) the proposed variance is minor in nature and would not alter the spirit and intent of this Bylaw; and
 - (d) the proposed variance, if not granted, would cause undue hardship to the applicant due to location, use and character of the land or building.
- (6) The Municipal Planning Commission may allow a variance on any or all of the numerical regulations subject to subsection 5.
- (7) In the event that a variance is granted pursuant to subsection 6 or 7, the Development Authority shall indicate the type and extent of any variance granted to any Development Permit approval.
- (8) A variance will not be allowed if the granting of the variance results in a development which does not meet the requirements of the
- (a) Subdivision and Development Regulation; or
 - (b) the Alberta Building and Fire Codes in force.
- (9) There shall be no variance from the regulations prescribing density, except as otherwise provided for in this Bylaw.
- (10) Notwithstanding any provisions or requirements set out in the Bylaw, the Municipal Planning Commission may establish a more stringent standard for uses listed under the “Discretionary Uses” column when it is deemed necessary to do so.
- (11) Notwithstanding subsection 1, 2(b), and 3(c), if a proposed use of land or a building is not listed as a “Permitted Use” or “Discretionary Use” in the land use district where it is proposed, and is not defined within Section 2 of this Bylaw, the Development Officer or the Municipal Planning Commission may determine that such a use is similar in character and purpose to a use listed under that land use district, and consider and decide on a Development Permit application.

SECTION 8: COUNCIL

- (1) Council shall consider and decide on the following applications:
 - (a) Any planning application for which an amendment to this Bylaw or a statutory plan is required.
 - (b) Any applications for uses within a Direct Control district, unless delegated to the Development Authority by Council.
- (2) When reviewing and deciding upon a Development Permit application in a Direct Control District, Council shall consider the following:
 - (a) the existing and future land use of neighbouring properties;
 - (b) the suitability of the site for the proposed use;
 - (c) the provision of municipal services such as water and sewer;
 - (d) the provision of access to the subject site; and
 - (e) any considerations unique to the proposed development.
- (3) Council may approve, with or without conditions, or refuse an application for a Development Permit in a direct control district.
- (4) Council's decision upon an application for a Development Permit in a Direct Control District shall be final and binding on all parties.

SECTION 9: SUBDIVISION STANDARDS

- (1) Notwithstanding the district requirements in all Districts for lot width, lot depth, and lot size, the Council may recommend a variance to the district requirements.
- (2) Upon recommendation from Council, the subdivision approving authority may approve a subdivision application which requires a variance in accordance to subsection (1).
- (3) No variance shall create a lot which will be less than the minimum requirements of the Subdivision Regulation without a waiver from the Land and Property Rights Tribunal.
- (4) Where Council has deemed it necessary to allow for a variance, written reasons for their recommendation will be sent to the subdivision approving authority.
- (5) Prior to making a recommendation for a subdivision variance, Council may notify adjacent land owners and indicate a time and place at which they may speak for or against the proposed variance, if Council deems it necessary.
- (5) Where Council has deemed it necessary to allow for a variance, written reasons for their recommendation will be sent to the subdivision approving authority.

SECTION 10: ESTABLISHMENT OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- (1) The Subdivision and Development Appeal Board (SDAB) for the Town of Fairview is established by separate bylaw in accordance with Section 627 of the *Municipal Government Act*.
- (2) The Subdivision and Development Appeal Board for the Town of Fairview shall perform such duties as specified in the Act.

SECTION 11: FORMS AND NOTICES

- (1) For the purpose of administering the provisions of this Bylaw, the Development Authority shall prepare forms and notices as they may deem necessary.
- (2) Any such forms or notices are deemed to have the full force and effect of this Bylaw in the execution of the purpose for which they were designed, authorized, and issued.

SECTION 12: DEVELOPMENT PERMIT: PAYMENT OF TAXES

- (1) As a condition of Development Permit approval, the Development Officer or the Municipal Planning Commission shall require the applicant to make the necessary arrangements to ensure that all property taxes are in good standing at the time of Development Permit approval to the satisfaction of the Town.

SECTION 13: APPLICATION FEES

- (1) The Development Authority may refer a Development Permit application to any agency in order to receive comments and advice.

DIVISION 3: DEVELOPMENT PERMITS

SECTION 14: DEVELOPMENT REQUIRING A PERMIT

- (1) No person shall undertake development within the Town unless the development is:
 - (a) exempted by the *Act* or its regulations;
 - (b) exempted under section 15 of this Bylaw; or
 - (c) in accordance with the terms and conditions of an approved Development Permit issued pursuant to this Bylaw.
- (2) Development completed on behalf of the Town and/or on Town-owned land shall be required to obtain a Development Permit, unless exempted under section 15 of this Bylaw.
- (3) Where a development or use has commenced before an application for a Development Permit for that development or use has been submitted to the Development Officer, a late application fee shall be charged. The fee for a late application shall be double the amount of the regular application fee.

SECTION 15: DEVELOPMENT NOT REQUIRING A PERMIT

- (1) A Development Permit is not required for the following developments, provided that the development complies with the provisions and regulations of this Bylaw, and is carried out in accordance with all other applicable Federal, Provincial and Town legislation, regulations and bylaws:
 - (a) work or maintenance or repair to any building, including interior and exterior repairs provided that such works:
 - (i) does not include additions to buildings and/or impact the existing building footprint and change setbacks from property lines;
 - (ii) such works do not constitute a change in the use or the intensity of the use of a building or land; and
 - (iii) such works do not create an additional dwelling unit.
 - (b) the completion of a building which was lawfully under construction or for which a permit has been lawfully issued at the date this Bylaw came into full force and effect, and provided that the building is completed and used subject to the terms and conditions of that permit;
 - (c) the construction, completion, alteration, maintenance or repair of a street, lane or utility undertaken upon a public thoroughfare or utility easement, or

undertaken to connect the same with any lawful use of buildings or land.

- (d) the construction, maintenance and repair of walkways, pathways, driveways and similar works;
- (e) the erection, construction or maintenance of accessory gates, fences, walls (except retaining walls) or other means of enclosures;
- (f) the erection or construction of an accessory building in any residential district that is not in excess of 13.4 sq. metres (144 sq. feet) in area and no more than one storey; and
- (g) a temporary outdoor above-ground private swimming pool, including wading pools, so long as the pool
 - (i) is not located within the front yard;
 - (ii) has a total area not exceeding 15% of the parcel size;
 - (iii) does not have any above grade components, including a deck, walkway, supporting member, heater or mechanical equipment within 1.2 metres (4 feet) of any property line;
- (h) the installation of a satellite dish with a diameter of less than 1 metre (3.28 feet), which is attached to a principal or accessory building and displays no advertising other than the manufacturer's name or logo and is the only satellite dish on the said building.
- (i) the temporary erection, installation or use of structures or buildings, which are incidental to the erection or alteration of a permanent development for which a Development Permit has been issued, provided that the temporary building or sign is removed within thirty (30) days of substantial completion of the development.
- (j) signs of the following nature:
 - (i) statutory and official notices of government authorities;
 - (ii) traffic and directional authorized by Council;
 - (iii) signs for traffic control devices;
 - (iv) name and number signs on residential properties;
 - (v) temporary signs, including
 - advertising the sale or lease of dwelling unit or property;
 - advertising a yard or garage sale;
 - identifying a construction or demolition work on a site for which a Development Permit has been issued;

- identifying a charitable or political campaign; or
 - for such other temporary uses, as determined by the Development Authority.
- (k) demolition of a building or structure where a Development Permit has been issued for a new development on the same site.

SECTION 16: DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

- (1) An application for a Development Permit shall be made by submitting the following to the Development Officer of the Town of Fairview:
- (a) a completed Development Permit application on a prescribed form signed by the applicant or their agent;
 - (b) the application fee as prescribed on the form and set by Council from time to time.
- (2) The Development Officer may require the following information as deemed necessary with the application:
- (a) a site plan showing:
 - (i) the legal land description, site dimensions, front, rear, and side yards, if any;
 - (ii) the height, dimensions, and relationship to property lines of all existing and proposed buildings and structures, including retaining walls, trees, landscaping, other features and location of fencing, if deemed necessary by the Development Officer;
 - (iii) utilities, site drainage, grade elevations, existing and finished lot grades, the grades of the streets and the location of proposed sewer and water lines;
 - (b) building plans, in duplicate, showing:
 - (i) floor plans;
 - (ii) elevations;
 - (iii) exterior finishing materials; and
 - (iv) any other information deemed necessary by the Development Officer and/or the Municipal Planning Commission.
 - (c) on applications for multiple-family, commercial, industrial, recreational and institutional uses, electronic drawings showing all of the information required above, plus the following information:

- (i) loading and parking provisions;
 - (ii) access locations to and from the site;
 - (iii) garbage and storage areas and the fencing and screening proposed for same; and the
 - (iv) location and approximate dimensions of existing and proposed culverts and crossings.
- (d) unless otherwise exempted by the Highway Vicinity Management Agreement between Alberta Transportation and the Town of Fairview, a Roadside Development Permit from Alberta Transportation if the development is located within 300 metres of a provincial highway right-of-way boundary or within 800 metres of the centre point of an intersection of a provincial highway with another public road;
- (e) a statement of ownership of land and interest of the applicant therein;
- (f) the estimated commencement and completion dates;
- (g) the estimated cost of the project or contract price;
- (h) any additional information that may be required to evaluate the application, as determined by the Development Authority, including but not limited to: water testing, soil testing, a geotechnical report, an environmental site assessment, a traffic impact assessment, a stormwater management plan, a biophysical assessment, a hydrological study, site topography and drainage patterns and survey information including elevations.
- (3) Where a technical assessment or study is required by the Development Authority or Council to support an application for a Development Permit, Land Use Bylaw Amendment or statutory plan amendment
- (a) the assessment or study shall be conducted by qualified persons;
 - (b) the report may be referred to the appropriate bodies for comment;
 - (c) the findings and recommendations contained in the report may be
 - (i) used as reasons for issuing a Development Permit, with or without conditions, or not issuing a Development Permit;
 - (ii) used as a basis for recommendations to the Subdivision Authority related to applications for subdivision;
 - (iii) considered when making decisions regarding applications for Land Use Bylaw amendment;
 - (iv) considered when making decisions regarding applications for statutory plan amendment.

- (4) A Development Permit application is incomplete until the information required under subsection 1 and 2 is submitted to the Development Officer.
- (5) In the event of a discrepancy between any written description or measurement and the drawings, the written description or measurement shall prevail.
- (6) Where an application for a Development Permit is determined to contain incorrect information prior to a decision being made, the Development Permit shall not be issued until such information is corrected by the applicant.
- (7) The approval of any application, drawing, or the issuing of a Development Permit shall not prevent the Development Officer from thereafter requiring the correction of errors, nor from prohibiting the development being carried out when the same is in violation of this Bylaw.

SECTION 17: COMPLETED DEVELOPMENT PERMIT APPLICATIONS AND PROCESSING TIME

- (1) Within 20 days from the receipt of an application for a Development Permit, the Development Officer shall determine whether the application is complete or incomplete.
- (2) Notwithstanding subsection 1, the Development Officer may extend the time period for determining whether an application is complete or incomplete, based on a written agreement between the Development Officer and the applicant.
- (3) When, in the opinion of the Development Officer:
 - (a) sufficient details of a proposed development have been included with the application for a Development Permit, the Development Officer shall, in a form and manner appropriate, issue a notice of complete application to the applicant, advising that the application is complete, within the timeline provided for in subsection 1 or 2.
 - (b) sufficient details of a proposed development have not been included with the application for a Development Permit, the Development Officer shall, in a form and manner appropriate, issue a notice of incomplete application to the applicant, advising that the application is incomplete within the timeline provided for in subsection 1 or 2. The notice shall outline any outstanding information and/or documentation that must be provided by the applicant for the application to be considered complete by a date given in the notice or as agreed upon between the Development Authority and the applicant.
- (4) If the Development Officer does not issue a notice of complete or incomplete application for a Development Permit application within 20 days from the date of

receipt of the application, or the extended time period agreed upon between the Development Officer and the applicant, the application is deemed to be complete.

- (5) Notwithstanding the issuance of a notice of complete or incomplete application pursuant to subsection 3, or failure to issue a notice under subsection 4, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.
- (6) If an applicant who has been issued a notice of incomplete application:
 - (a) submits all the required information and/or documentation by the date given in subsection 3(b), the Development Officer shall, in a form and manner appropriate, issue a notice of complete application to the applicant, advising that the application is now complete.
 - (b) fails to submit all the required information and/or documents by the date given in subsection 3(b), the application is deemed refused.
- (7) Where an application for a Development Permit is deemed refused under subsection 6(b), the Development Officer shall issue a notice to the applicant, stating that the application has been refused and the reason for the refusal.
- (8) Unless extended by a written agreement between the Development Authority and the applicant, the Development Authority shall decide on a Development Permit application either:
 - (a) Within 40 days of receipt of the notice of complete application by the applicant, or
 - (b) within 40 days from the receipt of the original application, if the Development Officer did not issue a notice of complete or incomplete application pursuant to subsection 3(a) or 3(b).
- (9) If the Development Authority does not decide on an application within the time period provided for in subsection 8, the application is, at the opinion of the applicant, deemed refused.

SECTION 18: DEVELOPMENT PERMIT RULES

- (1) All development is to be commenced within one year of receiving a Development Permit and completed within two years of receiving a Development Permit.
- (2) A Development Permit for a discretionary use is automatically effective twenty-one (21) days after its issuance, unless an appeal is lodged with the Subdivision and Development Appeal Board.
- (3) Where an appeal is lodged with the Subdivision and Development Appeal Board, no development shall be commenced pursuant to the Development Permit until all appeals are finally determined and the issuance of the Development Permit has been upheld.
- (4) When an appeal is made with respect to a Development Permit approved by the Development Authority, the Development Permit which has been issued shall not come into effect until the appeal has been determined, at which time the permit may be modified or nullified thereby.
- (5) 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 and for the same or similar use of the land by the same or another applicant may not be accepted by the Development Authority for at least six (6) months after the date of the refusal, unless:
 - (a) the initial application was refused for being incomplete, or
 - (b) in the discretion of the Development Authority the situation warrants a relaxation of this provision.
- (6) The Development Authority may suspend or revoke a Development Permit by issuing a written notice to the holder of the permit, if it becomes aware that:
 - (a) the application for the Development Permit contained a material misrepresentation;
 - (b) facts concerning the application or the development were not disclosed and which should have been disclosed at the time the application was considered, have subsequently become known;
 - (c) the Development Permit was issued in error;
 - (d) the applicant withdrew the application by way of written notice;
 - (e) the development was not commenced within twelve (12) months or completed within two years of issuance of the permit.

SECTION 19: DEVELOPMENT PERMIT CONDITIONS

- (1) The Development Authority may impose conditions to a Development Permit for either a permitted or a discretionary use, including but not limited to the following considerations:
 - (a) That the Developer enters into a development agreement in accordance with subsection 2;
 - (b) Ensuring that the purpose and intent of the Land Use District is met;
 - (c) Ensuring that the development is constructed and maintained in accordance with the approved plans;
 - (d) Ensuring that the development is constructed and maintained in accordance with the Town's Engineering and Design Standards;
 - (e) Landscaping;
 - (f) Lighting;
 - (g) The reduction of noise, odour, dust, smoke or other nuisances;
 - (h) Conformance to recommendations from any professional studies required as part of the permit application, relating to matters such as slope, stability, soil, traffic, flood plain, hydrology, topography, environment, traffic, utilities, stormwater, etc.;
 - (i) The compatibility of proposed traffic patterns and characteristics with those existing in the affected neighbourhood;
 - (j) Natural vegetation;
 - (k) Environmental contamination;
 - (l) Public safety;
 - (m) Existing structures;
 - (n) Easement(s), back sloping, road acquisition, road use and encroachment agreements;
 - (o) Any measures to ensure compliance with applicable federal, provincial and/or other Town legislation approvals;
 - (p) The timing of completion of any part of the proposed development;
 - (q) Parking;
 - (r) The provision of, or arrangements for, water supply, power, sewer service, vehicular and pedestrian access, in accordance with the Town's Engineering and Design Standards;

- (s) Repairs or reinstatement of original condition of road, streets or approaches which may be destroyed or otherwise altered by development or building operations upon site, to the satisfaction of the Development Officer;
 - (t) The size, location, orientation, appearance and character of a building or other structure;
 - (u) Hours of operation including hours of the day, days of the week, or parts of the year;
 - (v) The number of patrons;
 - (w) Site grading;
 - (x) To provide security in the form of an irrevocable letter of credit or cash to ensure the terms of the permit approval are carried out;
 - (y) Security deposit for completion of exterior finishes on moved-in structures;
 - (z) The consolidation of parcels;
 - (aa) Completion of detailed plans and construction drawings illustrating the site layout, landscaping, parking and building elevations, signs, stormwater management or utility servicing;
 - (bb) The provision of a current Real Property Report (within 2 years);
 - (cc) Enter into an agreement for temporary residency during construction of a principal dwelling; and
 - (dd) Any other condition to ensure that the proposed development is compatible with surrounding land uses.
- (2) Pursuant to section 650 (1) of the *Act*, the Development Authority may require that as a condition of issuing a Development Permit, the applicant enter into a Development Agreement with the Town to do any or all of the following:
- (a) to construct or pay for the construction of a road required to give access to the development;
 - (b) to construct or pay for the construction of
 - (i) a pedestrian walkway system to serve the development, or
 - (ii) 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, or both;
 - (c) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the

development, whether or not the public utility is, or will be, located on the land that is the subject of the development;

- (d) to construct or pay for the construction of
 - (i) off-street or other parking facilities, and
 - (ii) loading and unloading facilities;
 - (e) to pay an off-site levy or redevelopment levy imposed by bylaw;
 - (f) to give security to ensure that the terms of the agreement under this section are carried out.
- (3) The Development Authority may require, as a condition of a Development Permit approval, a guaranteed security to ensure that all of the required conditions are met. The security shall be in the form of an irrevocable letter of credit or cash having the value equivalent to 100% or more of the established cost of the condition.
- (4) Prior to imposing conditions upon the issuance of a Development Permit, the Development Authority may consult with Council in specifying the terms and content of the agreement in the conditions of the Development Permit.
- (5) The Development Authority may require an agreement entered into under this section to be caveated against the Certificate of Title for the land that is the subject of the development, pursuant to the provisions of the *Act* and the *Land Titles Act*. Said caveat shall be discharged when the agreement has been complied with.
- (6) Whenever, in the opinion of the Development Authority, satisfactory arrangements have not been made by a developer to meet the conditions of a Development Permit, including payment of the costs associated with the installation or construction of supporting infrastructure, the Development Authority may refuse to issue a Development Permit.

SECTION 20: DEVELOPMENT PERMIT: NOTIFICATION

- (1) When an application for a Development Permit is approved, the Development Officer shall:
- (a) deliver a notice of decision to the applicant or their agent;
 - (b) post a notice of the decision in the Town Office and on the Town website; and
 - (c) in the case of an approval for a discretionary use, require the applicant to post conspicuously, for a period of twenty-one (21) days following the approval, a notice on the property for which the application has been made;
 - (d) for a non-conforming application, publish a notice in one issue of a newspaper circulating in the Town of Fairview, indicating the nature of the application,

location, legal description of the property for which the application has been made, the nature of the non-conformity, and the decision of the Development Authority, including any variance or conditions, if approved.

- (2) When an application for a Development Permit is refused, the Development Officer shall immediately deliver a notice of decision, in writing, to the applicant or his agent stating the reasons for refusal.
- (3) For the purposes of this Bylaw, notice of the decision is deemed to have been given on the day when the notice of decision has been
 - (a) published on the Town's website,
 - (b) posted on the site of the proposed development,
 - (c) published in a newspaper,
 - (d) emailed to the applicant or their agent,
 - (e) stamped and mailed to the applicant or their agent, or
 - (f) hand-delivered to the applicant or their agent,as the case may be.

PART 2: LAND USE PROVISIONS

DIVISION 1: GENERAL LAND USE PROVISIONS

SECTION 21: ACCESSORY BUILDINGS AND USES

The following general regulations shall apply to all accessory buildings and structures, including but are not limited to garages, carports, sheds, storage buildings, gazebos, decks, sundecks, and permanently installed private swimming pools, spas and hot tubs:

- (1) An accessory building/structure shall not be used as a dwelling unit.
- (2) An accessory building/structure shall not be used for a Home Occupation, unless authorized through a Development Permit.
- (3) In residential and commercial districts, an accessory building/structure shall not be located within the front yard or exterior side yard of the principal building.
- (4) In residential districts, an accessory building shall not be developed prior to and without a principal building or use.
- (5) Detached accessory buildings/structures shall be located at least 1.83 metres (6 feet) from any principal building, unless otherwise provided for in this Bylaw.
- (6) Notwithstanding sub-section (5), when an accessory building/structure is located or proposed to be located closer to a principal building than a distance of 1.83 metres (6 feet), it shall be connected to that principal building by a structural element (including for purposes of example but not limited to: common foundation, common roof, common wall).
- (7) For the purpose of calculating yard setbacks and site coverage requirements, where an accessory building is attached to the principal building on a site by a roof, an open or enclosed structure, a floor, or a foundation, it is to be considered a part of the principal building and not as an accessory building.
- (8) Accessory buildings and uses shall meet the yard setback requirements in the applicable land use district, unless otherwise provided for under this Bylaw.
- (9) Notwithstanding subsection (8), in the case of a detached garage or portable garage,
 - (a) the minimum setback requirements for interior side yards and rear yards in the Residential 1, Residential 2, and Residential 3 Districts shall conform with figure 6.
 - (b) the total area of the garage shall not exceed 69.68 sq. metres (750 sq. feet)

or 10% of the total site area, whichever is greater.

- (c) a two-storey detached garage shall be permitted only if the principal building is two storied, and shall not exceed the height of the principal building.
- (10) Notwithstanding subsection (8), no side yard is required for any accessory building in a residential district or an industrial district where a mutual wall is erected on a common property line and is constructed of brick, stone or equivalent fire-resistant material. There will be no overhang of eaves and all drainage shall be confined to the site.
- (11) Notwithstanding subsection (8), the side yard setback requirement for carports and patios (any part of the development, including the over-hang) shall be 0.30 metres (1 foot).
- (12) Detached accessory buildings and structures shall not exceed 4.88 metres (16 feet) in height.
- (13) The site coverage for all accessory buildings and structures shall not exceed 15% of the lot area and shall not exceed the total area of the principal building.
- (14) An accessory building or use shall not be located on or over an easement or utility right-of-way unless an approved written encroachment agreement signed and registered on title.
- (15) No accessory buildings shall be constructed of straw or other, similar materials.
- (16) The external finishing materials on the roof and walls of any accessory building shall be consistent with or of better grade than the materials used in the units in the immediate area.
- (17) The construction and appearance of an accessory building shall be subject to the approval of the Development Authority.
- (18) All accessory buildings shall meet the Alberta Building Code, Fire Code and Standard and Safety Code regulations, where applicable.
- (19) The installation and use of satellite dish antennas and communication towers as accessory structures shall comply with section 49 of this Bylaw.
- (20) The installation and use of solar electric systems as accessory structures shall comply with section 50 of this Bylaw.

EXPLANATION NOTES

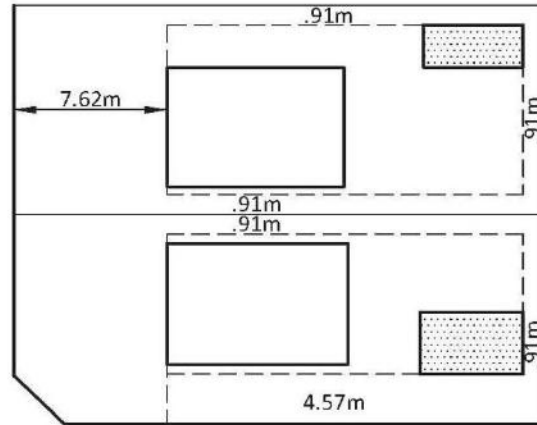
Setback Requirements For Garages

This illustration does not from part of this bylaw but provide for convenience

Note: In laneless subdivision no rear yard setback is required

Internal Lot

Corner Lot



Lane

Street

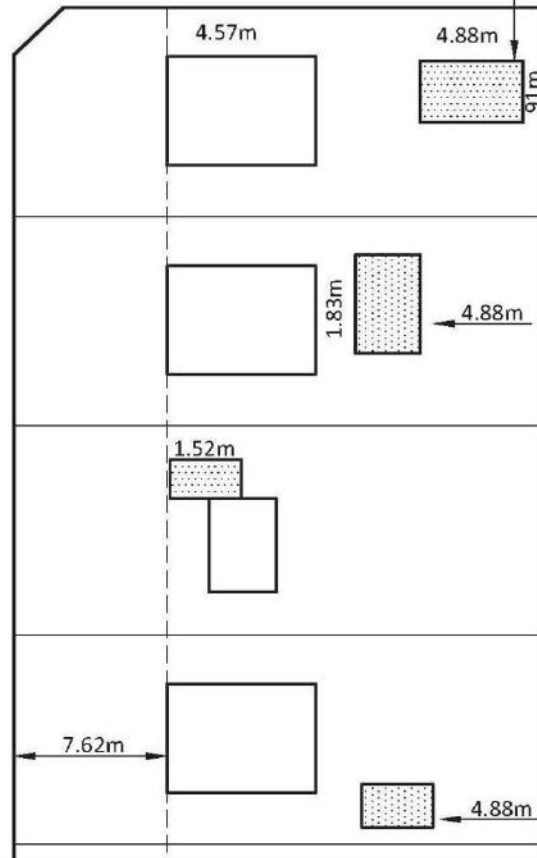
No Garages Permitted in Front Yard or Exterior Yard in R-1 and R-2 Districts

Corner Lots:
Direct Access to Street

Internal Lots:
Direct Access to Lane

Indirect Access to Lane
(mutual wall-no side yard required)

Direct Access to Street
(part of principal dwelling)



Lane

Figure 6: Setback Requirements for Garages

- (21) The installation and use of wind energy conversion systems as accessory structures shall comply with section 51 of this Bylaw.
- (22) The construction and use of gates, walls, fences and other means of enclosure as accessory structures shall comply with section 53 of this Bylaw.
- (23) The construction of swimming pools, hot tubs and spa shall comply with section 60 of this Bylaw.

SECTION 22: TEMPORARY BUILDINGS AND USES

- (1) The Development Authority may approve a time-limited Development Permit for a use or structure where, in the opinion of the Development Authority, the proposed use or structure is of a temporary nature, or should only be approved on a temporary basis.
- (2) The Development Authority may determine the length of time for a temporary development depending on the nature of the proposed structure or use up to a maximum of three (3) years, unless otherwise prescribed in this Bylaw.
- (3) A Development Permit for a temporary development,
 - (a) may contain conditions respecting the size, height, appearance and location of the building; and
 - (b) have the maximum time period that the development is allowed to exist or operate on the site.
- (4) A temporary building shall not
 - (a) be located in a front yard;
 - (b) exceed one (1) storey in height;have a basement or a cellar.
- (5) No temporary building shall be serviced by the Town's water and/or wastewater systems.
- (6) When a permit for a temporary use expires and the applicant wishes to extend the duration of the development, a new application is required. Such application shall be dealt with as a new application, and there shall be no obligation to approve it on the basis that a previous permit has been issued.
- (7) A temporary building or structure must be removed from a property upon expiration of the Development Permit issued for that purpose.

SECTION 23: ENTRANCE AND EXITS

- (1) Curb crossing or cuttings shall be subject to the prior approval of the Development Officer, subject to the applicable provisions under Section 37.

SECTION 24: SITE DIMENSIONS

- (1) No permit shall be issued for any development on a site, the area or width of which is less than the minimum prescribed for the district in which the site is located, except that a lot of separate record in the Land Titles Office containing less than the minimum area or width specified for the district may be used subject to the discretion of the Development Officer, if all other requirements of this Bylaw and amendments thereto are observed.
- (2) Notwithstanding subsection (1), public lands which are described on title as Reserve (R), Municipal Reserve (MR), School Reserve (SR), Municipal School Reserve (MSR), Environmental Reserve (ER), or Public Utility Lot (PUL) are not required to conform to minimum width or area requirements of any land use district.

SECTION 25: SETBACKS AND FIRE SAFETY

- (1) On each site, there shall be established and maintained front, side and rear yards of such dimensions as will meet the minimum requirements of this Bylaw. See DIVISION 3: LAND USE DISTRICTS
- (2) Notwithstanding the minimum setback requirements provided for in the various land use districts, where a building is proposed to be located less than 8 feet from the side or rear property line in a residential district, the Development Authority may impose additional requirements, including but not limited to fireproofing walls and limiting the number and size of windows to prevent high intensity residential fires, in accordance with the Building and Fire Codes.
- (3) Where more than one minimum setback distance is applicable under this Bylaw, the greater distance shall prevail except where the lesser setback is clearly intended to apply such as but not limited to accessory building setbacks.
- (4) Notwithstanding any specific provisions, when deemed necessary, the Development Authority may require setbacks in excess of the minimum requirements prescribed in this Bylaw.

SECTION 26: PROJECTION INTO YARDS

- (1) Notwithstanding Section 21(8), the following fixtures may project into a required yard setback in any district permitting residential uses:
 - (a) Verandas, porches, eaves, shade projections, bay or oriel windows,

chimneys, sills, balconies, unenclosed steps (without a roof and not more than 0.91 metres (3 feet) above ground level), and

- (b) any other architectural features which, in the opinion of the Development Authority, are of similar nature, providing that the total projection does not exceed 0.60 metres (2 feet).
- (2) Notwithstanding subsection (1), no fixture may project into a sight triangle.

SECTION 27: RESTRICTIONS ON CORNER LOTS

- (1) On any corner site, except in the Primary Commercial District, no building, structure, fence, hedge or other visual barrier over 0.91 metres (3 feet) high shall be allowed within the area defined as a sight triangle.
- (2) Notwithstanding sub-section (1), in the Secondary Commercial District, the Development Authority may allow a building, structure, fence, hedge or other visual barrier to be developed within the area defined as a sight triangle where such development will not interfere with the safe movement of traffic.
- (3) On any corner site, no finished grade shall exceed the general elevation of the street line by more than 0.60 metres (2 feet) within the area defined as a sight triangle.
- (4) Notwithstanding any other provision contained in this Bylaw, no person shall place or maintain any object, structure, fence, hedge, shrub or tree in or on part of a sight triangle, if such objects or structures interfere with traffic safety in the opinion of the Development Authority.

SECTION 28: HOME OCCUPATIONS

- (1) Home Occupations shall be limited to those uses which are approved by the Development Authority for the dwelling unit or accessory building incidental to the principal residential use where they are carried on.
- (2) A Home Occupation shall comply with the following provisions:
 - (a) There shall be no outside storage of materials, commodities or finished products.
 - (b) A Home Occupation shall not include any use or operation which will cause or permit a nuisance by way of dust, noise, smell, smoke, traffic generation, or electrical interruption.
 - (c) A Home Occupation shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the area in which it is located.

- (d) A Home Occupation shall not be permitted if, in the opinion of the Development Authority, it would be more appropriately located in a Commercial or Industrial District.
 - (e) A Home Occupation shall be operated as a secondary use only, and shall not change the character or external appearance of the dwelling involved, unless approved by the Development Authority.
 - (f) A Home Occupation shall not provide employment of more than two persons in the dwelling or accessory building in which it is approved.
 - (g) All Development Permits issued for Home Occupation shall only be applicable to the landowner and/or occupant for the use for which the application was approved.
- (4) One unlighted sign to identify the Home Occupation conducted on the site may be permitted and the size of the sign shall not exceed 1858 sq. centimetres (288 sq. inches).
 - (5) All Development Permits issued for Home Occupations shall be subject to the condition that the Development Permit may be revoked at any time, if, in the opinion of the Development Authority, the use is or has become detrimental to the amenities of the neighbourhood.

SECTION 29: LIGHTING

- (1) The Development Authority may require that an application for commercial, public or industrial uses include a site plan that shows the placement and type of proposed lighting.
- (2) Lighting standards and fixtures shall be of consistent design and complement the architectural theme of the buildings located on the site.
- (3) Outdoor lighting for any development shall be located and arranged so that:
 - (a) no direct rays of light are directed toward adjoining properties or interfere with the use and enjoyment of neighbouring lands,
 - (b) no light rays are directed upward or interfere with the effectiveness of any traffic control devices or the vision/safety of motorists.
- (4) Lighting practices and systems for commercial and Industrial developments should:
 - (a) minimize light pollution, glare and light trespass onto adjacent properties;
 - (b) ensure that all parking spaces, entrances and circulation routes are well-lit;
 - (c) where applicable, allow for product display during evening operating hours;
 - (d) maintain night-time, onsite safety and security;

- (e) avoid the use of flickering and flashing lights, except for seasonal displays.
- (5) All lighting design, planning, and implementation shall be to the approval and satisfaction of the Development Authority

SECTION 30: INDUSTRIAL AND COMMERCIAL STANDARDS

- (1) The Development Authority may consult with the relevant provincial authorities or any other qualified consultant prior to making a decision on an application for a Development Permit for industrial and commercial operations.
- (2) Obvious toxic or noxious materials or dust or ash shall not be released or permitted to escape to the atmosphere at such a rate as to interfere with the use and enjoyment of property or to endanger the health or safety of the public.
- (3) No industrial operation shall be carried out which would result in the projection of glare or heat onto adjacent properties.
- (4) Waste products shall not be discharged into any sewer or waste water system, private sewage disposal system if the nature of such waste products, or the manner of their discharge, would exceed the design standards for the sewer or sewage disposal system.
- (5) The Development Authority may require the installation of an oil separator as a condition of a Development Permit.
- (6) The location of bulk storage facilities for liquefied petroleum gases and anhydrous ammonia shall conform to the following:
 - (a) All provincial regulations regarding the location of such facilities on a site.
 - (b) The slope of any parcel upon which dangerous chemicals are stored shall not be such that drainage of the chemicals onto adjacent properties may occur.
- (7) Any industrial or commercial operation, including production, processing, cleaning, testing, repair, storage or distribution of any material, shall meet the landscaping requirements under Section 31 of this Bylaw.

SECTION 31: LANDSCAPING AND SCREENING

- (1) No person shall remove topsoil without first obtaining a Development Permit
- (2) The Development Authority may require a landscaping plan prepared by a landscape architect or arbourist as part of a Development Permit application for multi-residential, commercial, industrial or public uses.
- (3) Any area required to be landscaped may, at the discretion of the Development Authority, be left in its natural state or be loamed and planted with grass, trees, shrubs and/or flowers, or similar outdoor uses which enhance the appearance of the site and which complement the building thereon.
- (4) Site Elevations:
 - (a) Any area required to be landscaped shall be landscaped so that the finished surface contours do not direct surface drainage onto an adjoining lot.
 - (b) The Town may require an applicant to build a retaining wall in order to prevent surface drainage onto adjacent properties.
 - (c) The property owner shall be responsible for ensuring that surface drainage does not cause problems for adjacent properties.
- (5) Commercial and Industrial Sites:
 - (a) Where the subject parcel is adjacent to a residential district, landscaping or screening shall be required sufficient to minimize the impact and provide a buffer between uses. The construction and materials of the screen shall be of a quality to the satisfaction of the Development Authority.
 - (b) Further to 4(a), the Development Authority may require screening to be provided in order to visually separate areas which detract from the surrounding properties. Special attention shall be given to proposals which are visible from public roads.
- (6) As a condition of the Development Permit, all landscaping and planting must be carried out (weather permitting) within six months of occupancy or commencement of operation of the proposed development.
- (7) In all districts, landscaping shall include the boulevards.
- (8) In all districts, the location of an enclosure for garbage receptacles and other apparatus shall be to the satisfaction of the Development Authority.

SECTION 32: RESTRICTED OR PROHIBITED IN DISTRICTS PERMITTING RESIDENTIAL USES

- (1) No person shall allow:
 - (a) any excavation, building, or storage of material upon a site during the construction stage of any development unless all safety requirements are compiled with and the owner and developer of any such site shall assume full responsibility for on-site safety measures;
 - (b) any excavation, equipment, or construction materials to remain on a site over a period longer than is reasonably necessary for completion of construction;
 - (c) any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the area; or
 - (d) a portable garage with damage to its factory-made tubular metal frame, waterproof sheeting, synthetic or plastic film to remain on site in a permitted residential district.
- (2) No vehicle, including a Recreational Vehicle, bus, or similar vehicle, shall be used as a permanent dwelling unit or accessory building.

SECTION 33: BUILDING DESIGN, CHARACTER AND APPEARANCE

- (1) All buildings shall be attractive in appearance and shall be constructed of materials that comply with the *Safety Codes Act* or as approved by the Development Authority.
- (2) Where applicable, buildings shall comply with any architectural/design guidelines in an Area Structure Plan.
- (3) The exterior finish of a building in all residential districts shall be compatible with the surrounding uses and completed within one year from the issuance of the Development Permit unless otherwise stipulated in the Development Permit.
- (4) The design, character, siting, external finish, architectural appearance, and landscaping of all buildings, including accessory buildings or structures shall be to the satisfaction of the Development Authority.
- (5) Exterior finish shall be wood, prefabricated materials, stone, brick, architecturally finished block or concrete, stucco or other durable aesthetically pleasing material that is appropriate to the development style and to the satisfaction of the Development Authority.
- (6) All sides of a building exposed to a highway or public road shall be treated as a principal façade and finished in an aesthetically pleasing manner to the satisfaction

of the Development Authority.

- (7) Rooflines and building facades shall be articulated and varied to reduce the perceived mass and linear appearance of large buildings.
- (8) Except in the Agricultural District, all external storage, garbage containers and mechanical equipment shall be screened to the satisfaction of the Development Authority.
- (9) The appearance and finishing of all accessory structures to a manufactured home, such as patios, porches, additions, garages, skirting and storage facilities, shall complement the manufactured home to the satisfaction of the Development Authority.
- (10) The finish and appearance of all the buildings on the lot, including accessory buildings, shall complement the other structures located on the same lot.

SECTION 34: PARKING AND LOADING FACILITIES

- (1) All developments shall be required to provide adequate on-site parking to the satisfaction of the Development Authority.
- (2) The following minimum number of off-street vehicle parking spaces shall be provided and maintained for the use of lands or buildings listed in any district within this Bylaw. Any calculation of the number of parking spaces which produces a requirement for a part of a space shall be rounded up to the next highest number.

Type of Use	Minimum Parking Space Requirements
Residential Uses:	
Dwelling Unit, Apartment; Dwelling Unit, Row Housing.	1.25 spaces per dwelling unit
Boarding House, Lodging House	1 space per 2 beds
Other Residential Uses permitted by this Bylaw	1 space per dwelling unit
Commercial Uses:	
Commercial Entertainment Facility	1 space per 8 seats
Drive-in business, including drive-restaurants	Discretion of the Development Authority
Financial Institution, Business and Professional Office.	1 space per 46.45 sq. metres (500 sq. feet) of gross floor area

Type of Use	Minimum Parking Space Requirements
Retail Shops and Personal Service Shops	1 space per 46.45 sq. metres (500 sq. feet) of gross floor area
Restaurants and drinking establishments, including drive-in food services	1 space per 4 seating spaces capacity
Hotels	One (1) space per guest room, plus additional spaces as required for other uses, plus 1 space for every two employees
Motels	One (1) space per guest room, plus additional spaces as required for other uses, plus 1 space for every two employees
Public and Institutional Uses:	
Public Assembly Auditoriums, Theatres, Convention Halls, Gymnasiums, Private Clubs, Ball Parks	1 space per 3.5 seats or 1 space per 3.25 sq. metres (35 sq. feet) of floor area used by patrons, whichever is greater.
Religious Use Facilities	1 space per 15 seating spaces.
Schools: <ul style="list-style-type: none"> • Child Care Facility • Elementary • Junior High; Senior High 	<ul style="list-style-type: none"> • 1 space per employee • 1 space for each classroom • 2 spaces for each classroom.
Healthcare Facility	1 space per 92.9 sq. metres (1000 sq. feet) of gross floor area
Industrial Uses:	
Manufacturing and Industrial Plants	1 space per 3 employees on a maximum working shift
Warehousing, Wholesale and Storage Buildings and Yards,	1 space per 3 employees on a maximum working shift
Servicing and Repair Establishments and Public Utility Buildings	1 space per 3 employees on a maximum working shift
Any other uses permitted by this Bylaw	1 parking space per 37.16 sq. metres (400 sq. feet) of gross floor area

- (3) A vehicle parking space shall be located on the same site as the building or the use in respect of which it is required and shall be designed, located and constructed so that:
 - (a) it is reasonably accessible to the vehicle intended to be accommodated there;
 - (b) it can be properly maintained;
 - (c) it is satisfactory to the Development Authority in size, shape, location and construction; and
 - (d) It minimizes the negative impact of the parking on pedestrian and loading zone access to the building or use.
- (4) Notwithstanding sub-section (3), in lieu of providing off-street vehicle parking, an owner of land to be developed may, at the discretion of the Development Authority, pay to the Town such amount of money on such terms as Council considers reasonable in return for the equivalent public parking space to be provided by the municipality elsewhere in the same district and any money so received by the Town shall be used only for the development of municipal off-street parking facilities.
- (5) Notwithstanding sub-section (3), in the case where a required parking area cannot be located on the same site where the building is located, the owner shall covenant with the Town by an agreement to be registered by way of a caveat or notification pursuant to the *Land Title Act*, that any alternate site on which the parking area is located shall be used for such purposes as long as it is required under this Bylaw.
- (6) A vehicle parking space shall not be less than 18.58 sq. metres (200 sq. feet) in area and shall be 3.05 metres (10 feet) wide.
- (7) Any vehicle loading space shall have at least 27.87 sq. metres (300 sq. feet) of area, 3.66 metres (12 feet) in width and 4.27 metres (14 feet) of overhead clearance.
- (8) Any parking space or any loading space provided shall be developed and surfaced to the satisfaction of the Development Authority, within 12 months of the completion of the development for which the Development Permit was issued.
- (9) Notwithstanding anything contained in this section, if the street or land from which access is available to any required parking space is hardsurfaced after the time at which the parking space is provided or required, the person owning the land on which the parking space is located shall forthwith hardsurface such parking space and the access thereto and the whole area contained within the

municipal land to which the curb crossing applies.

- (10) Every off-street parking space provided or required in any residential district and the access thereto, including the whole area contained within the municipal land to which the curb crossing applies, shall be hardsurfaced if the number of parking spaces exceeds two and if the access thereto is from a street or land which is hardsurfaced.
- (11) When a building is enlarged or the use of the building is altered in such a manner that additional parking spaces are required, provision shall be made for the total number of parking spaces required by the provisions of this Bylaw.
- (12) Adequate curbs or fences shall be provided to the satisfaction of the Development Authority if it is or becomes necessary to protect adjacent fences, walls, boulevards, landscaped areas or buildings on the site, or an abutting site, from contact with vehicles using such parking space or area.
- (13) Off-street parking shall be provided in the manner shown on the approved site plan, with the entire area to be graded so as to ensure that drainage will be confined to the site and disposed of in a manner satisfactory to the Development Authority.
- (14) If in the opinion of the Development Authority, all other requirements of the Land Use Bylaw have been observed, the Development Authority may, in its discretion, allow a relaxation of required parking spaces as set forth in this Bylaw.

SECTION 35: RELOCATION OF BUILDINGS

- (1) Unless a Development Permit has been approved by the Development Authority, no person shall
 - (a) place on a site a building which has been previously erected or placed on a different site, or
 - (b) alter the location on a site of a building which has already been erected on the site.
- (2) Notwithstanding that the use may be listed as a permitted use within the district, with the exception of manufactured homes that are five years old or less, any development with a relocated building shall be considered as discretionary uses and decided on by the Municipal Planning Commission.
- (3) An application for a Development Permit for the relocation of an existing building within or from another site shall include:
 - (a) recent coloured photographs showing all sides of the building proposed

- to be re-located that accurately depict the condition of the building;
- (b) a statement of the age, size, structural condition and present location of the building;
 - (c) a site plan indicating where the re-located building will be placed on the subject property, along with foundation and floor plans; and
 - (d) a statement of any proposed improvements to the building, including a description of the colour, texture and/or finish applied to exterior surfaces, and a description of proposed landscaped areas.
- (4) When deciding on applications for relocated buildings, the Development Authority shall give consideration to:
- (a) the age and appearance of the building;
 - (b) building condition/materials;
 - (c) compliance with the applicable land use district regulations;
 - (d) the compatibility of the building with surrounding uses and with the adjacent area; and
 - (e) any other information unique to the building proposed to be re-located.
- (5) A relocated building and foundation shall be inspected, at the applicant's expense, by a professional engineer and/or certified inspector who will provide the Town with written certification that all codes, bylaws and regulations have been complied with.
- (6) The Municipal Planning Commission
- (a) may require a letter of credit or other acceptable form of security of such amount as to ensure completion of any renovations set out as a condition of Development Permit approval; and
 - (b) shall release the letter of credit or other form of security after the inspection report has been submitted to the satisfaction of the Town.
- (7) Any renovations or improvements set out as a condition of an approved Development Permit for a relocated building shall be completed within one year of the date of the issuance of the Development Permit, unless otherwise authorized by the Municipal Planning Commission.

SECTION 36: SIGN CONTROL

- (1) Except as exempted under section 15 of this Bylaw, no person shall erect a sign on private property unless it is in accordance with the terms and conditions of an approved Development Permit issued for such a purpose.
- (2) Except as considered necessary by the Development Officer, no person shall erect a sign on public property without prior approval.
- (3) In considering an application for a Development Permit for a sign, the Development Officer shall have due regard to the amenities of the district in which it is located.
- (4) Quality, aesthetic character and finishing of sign construction shall be at the discretion of the Development Officer.
- (5) No sign shall be illuminated unless the source of light is suitably shielded so as not to adversely affect neighbouring properties, and strobe type lighting shall not be permitted for sign lighting purposes.
- (6) No private sign, including awnings, shall project over public property or across title boundaries unless the applicant has filed a certificate of insurance co-insuring the Town of Fairview to amounts satisfactory to the Council with the Town.
- (7) **Wall Signs**
 - (a) Wall signs shall not extend above a building roof or beyond a building wall.
 - (b) Not more than one wall sign shall be allowed per building face and the sign shall be only used to identify the building or principal tenant of the building.
 - (c) Notwithstanding (b), in Commercial and Industrial districts, two signs may be allowed per building face.
 - (d) Wall signs shall be placed not less than 2.44 metres (8 feet) above grade.
 - (e) The area of the sign shall not exceed 30% of the building face.
- (8) **Projecting Signs**
 - (a) Projecting signs shall be limited to a maximum of one (1) sign per each premises within a building.
 - (b) Projecting signs maintain a minimum clearance of 2.45 metres (8 feet), measured from grade to the bottom of the sign.
 - (c) The maximum height of a projecting sign shall be 6 metres (20 feet), measured from grade to the top of the sign.

- (d) The maximum area for a projecting sign shall be 2.8 square metres (30 square feet).
- (e) Notwithstanding (d), the vertical height of a projecting sign shall not exceed 2 metres (6.5 feet) on a single storey building or 3.67 metres (12 feet) on multistorey buildings.
- (f) Projecting signs shall be mounted perpendicularly to the surface of the building, except for corner lots where they may be mounted at an angle at the corner of the building.
- (g) Where a projecting sign is not directly attached to the wall of a building, the edge of the sign closest to the building wall shall be within 0.3 metres (1 foot) from the exterior surface of the wall.
- (h) A projecting sign shall not extend above the parapet or roofline of the building to which it is attached.
- (i) Projecting signs shall not project more than 1.52 metres (5 feet) from the building wall.
- (j) No projecting sign shall extend horizontally within 0.6 metres (2 feet) from the curb line of a street.
- (k) A Development Permit application for a projecting sign shall include the following information, in the form of a digital drawing or drawings showing:
 - (i) the dimensions and area of the sign structure;
 - (ii) the design of the copy face;
 - (iii) the manner of illumination and/or animation, if applicable;
 - (iv) the type of construction and finish to be utilized.
 - (v) the method of attaching or supporting the sign.
 - (vi) the position of the sign on the wall or roof of the building or structure it is proposed to be attached to.

(9) Freestanding Signs

- (a) Freestanding signs shall be situated wholly upon the site to which it refers.
- (b) One freestanding sign shall be allowed per site.
- (c) Notwithstanding (b), one additional freestanding sign may be allowed where a site has in excess of 182.88 metres (600 feet) frontage or where a site is considered to be double fronting by the Development Officer.
- (d) The total area of all freestanding signs shall not exceed 0.09 sq. metres (1 sq. foot) in area for each linear foot of street frontage of the site, to a

maximum of 18.58 sq. metres (200 sq. feet).

- (e) Freestanding signs shall have a maximum height of 7.62 metres (25 feet) above grade and shall not cross a property line of the site.

(10) Roof Signs

- (a) Roof signs shall be finished in such a manner so that the visual appearance from all sides makes the roof sign appear to be part of the building.
- (b) No supporting structures shall be visible.
- (c) Roof signs shall not project beyond any portion of the exterior walls of any building.

(11) Special Regulations for Highway Entrance Routes:

- (a) Where a sign (including the large hook-type signs) is located along a highway entrance route, the following regulations shall apply:
 - (i) such signs shall be located on private property only;
 - (ii) such signs shall be setback from the highway at least 9.14 metres (30 feet) or greater when, in the opinion of the Development Officer, the sign may cause traffic movement and/or safety problems;
 - (iii) such signs may be illuminated where they do not cause problems with the operation of the highway, subject to the approval of Alberta Transportation; and
 - (iv) appearance and size shall be at the discretion of the Development Officer or Municipal Planning Commission.

SECTION 37: CURB CUTS

- (1) Curb cuts shall be set back a minimum distance of 6.09 metres (20 feet) from the intersection of site boundaries on corner lots.
- (2) Notwithstanding sub-section (1), the setback distance for curb cuts may be increased where, in the opinion of the Development Authority, such increase is necessary for reasons of public safety and convenience.
- (3) The maximum width of curb cutting shall not exceed 10.67 metres (35 feet). *See Explanation Notes: Curb Cuts*
- (4) The sides of driveway approaches crossing sidewalks or boulevards may be constructed on an angle with the curb line, but the angle extended between the curb and the edge of the driveway shall in no case be less than 60 degrees. *-See Explanation Notes: Curb Cuts*

EXPLANATION NOTES

Curb Cuts

The maximum width of curb cutting shall not exceed 10.7 meters (35 feet).

The sides of driveway approaches crossing sidewalks or boulevards may be constructed on an angle with the curb line, but the angle extended between the curb and the edge of the driveway shall in no case be less than 60 degrees.

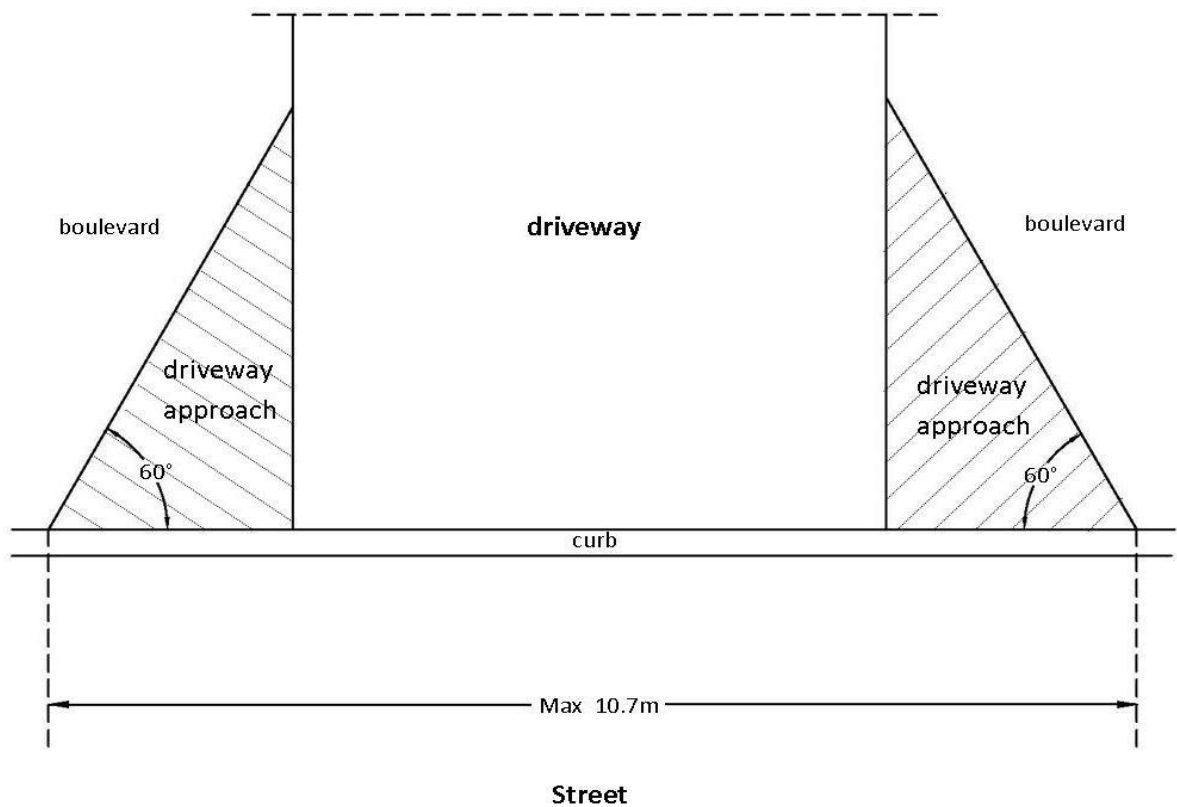


Figure 7: Curb Cuts

- (5) The minimum distance between adjacent curb cuttings on the same side of the property shall be not less than a distance of 6.09 metres (20 feet) from each other, measured at the property line. The Development Authority may increase said minimum clear distance in any cases where, because of width of adjacent sidewalks or boulevards or traffic conditions, such increase is necessary for reasons of public safety and convenience
- (6) All parts of the site to which vehicles may have access shall be developed so as to provide a durable dust free surface.

SECTION 38: DEMOLITION AND REMOVAL OF BUILDINGS

- (1) Except as provided for under section 15 of this Bylaw, no person shall carry out demolition or removal of a building or structure without having an approved Development Permit.
- (2) The Development Permit application shall include a statement indicating:
 - (a) in the case of demolition, how the demolition will be carried out;
 - (b) in the case of demolition or removal of a building, how the parcel will be reclaimed and/ redeveloped or used.
- (3) Prior to the demolition or removal of the building, the applicant shall:
 - (a) ensure that all utility services are disconnected from the building or structure, and
 - (b) in the case of a planned demolition, ensure that the demolition area is fenced off to protect against any health or safety hazard, if the demolition will result in an excavation greater than 1 metre in depth, nuisance dust or a partial structure that may be considered unsafe until such time as the excavation is filled in and the site is properly levelled or safe.
- (4) Subsequent to the demolition or removal of the building, the applicant will be responsible for:
 - (a) replacing any boulevard trees that are damaged or cut down to effect the demolition or removal of a structure or building from the site.
 - (b) removing all building, structural and foundation materials or debris from the site to a suitable landfill area.
 - (c) filling in the excavation area with suitable fill material.
 - (d) levelling of the site to provide for proper drainage.
 - (e) replacing, at their own expense, any sidewalk, curb and gutter, fire hydrants and water and sewer lines damaged as a result of the said

demolition or removal of the building or structure from the site.

- (5) Demolitions shall be completed within six-months from the date of approval.
- (6) All the above conditions shall be carried out to the satisfaction of the Development Officer. The Development Officer may carry out an inspection of the site during and/or after the said demolition or building removal, to ensure that all the above requirements are complied with.
- (7) When a Development Permit is to be approved for the demolition or removal of a building or structure, the Development Authority may require the applicant to provide a cash deposit, irrevocable letter of credit or other acceptable form of security in such amount as to cover the costs of reclamation to any public utility or Town property.

SECTION 39: DWELLING DENSITY

- (1) No person shall construct or cause to be constructed more than one (1) dwelling unit per lot, except as otherwise provided for under subsection (2).
- (2) Subsection (1) shall not apply to:
 - (a) multi-unit residential dwelling units (apartments, duplexes, four-plexes, etc.); and
 - (b) accessory dwelling unitsdeveloped on a lot in accordance with the provisions of this Bylaw.

SECTION 40: NON-CONFORMING BUILDINGS AND USES

- (1) In accordance with the *Act*, the following shall apply to non-conforming uses and structures:
- (2) If a Development Permit has been issued on or before the day on which a Land Use Bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the Development Permit continues to be in effect in spite of the bylaw coming into force.
- (3) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the Land Use Bylaw in effect.
- (4) A non-conforming use of part of a building may be extended throughout the building, whether or not it is a non-conforming building, but may not be enlarged or added to and no structural alterations may be made to it or in it.

- (5) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.
- (6) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
 - (a) to make it a conforming building;
 - (b) for routine maintenance of the building, if the development authority considers it necessary; and/or
 - (c) in accordance with a Land Use Bylaw that provides minor variance powers to the Development Authority for the purposes of this Section.
- (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 may not be repaired or rebuilt except where allowed under this Bylaw.
- (8) The land use or the use of the building is not affected by a change in ownership or tenancy of the land or building.

DIVISION 2: SPECIFIC LAND USE PROVISIONS

SECTION 41: CAR WASHING ESTABLISHMENTS

- (1) Site Area:
 - (a) The minimum site area shall be 743.22 sq. metres (8,000 sq. feet) and shall contain storage space for two vehicles prior to their entry into any part of the cleaning process. In the case of service stations, which provide a car wash, the minimum site area shall be 1114.83 sq. metres (12,000 sq. feet).
 - (b) A Development Permit application for a Car Washing Establishment shall be accompanied by a detailed plan for containing and managing the material washed off vehicles before it is disposed of.
 - (c) All slurry from the car wash sump shall be disposed of at an approved landfill, subject to the prior permission of the landfill operator.

SECTION 42: SEA-CANS AND SHIPPING CONTAINRES

When used as an accessory building or dwelling unit, sea-can or shipping containers shall be subject to the following additional regulations.

- (1) Notwithstanding that the use may be listed as a permitted use within the district, any development involving the use of a sea-can or shipping container is discretionary.
- (2) A sea-can may not be located on a lot where there is no principal use.
- (3) The maximum number of sea-cans that may be placed on a residential lot is one (1) and that container may not exceed 6.06 metres (20 feet) in length.
- (4) The maximum number of sea-cans that may be placed on a commercial or industrial lot is at the discretion of the Development Authority.
- (5) A maximum of one (1) shipping container may be allowed, at the discretion of the Development Authority, for a temporary period not exceeding six (6) months during the construction of the principal dwelling on a lot.
- (6) The use of sea-cans and shipping containers for permanent buildings, including dwelling units, shall comply with the Alberta Building Code in place at the time of application and subject to a certified engineering report.
- (7) Excepting as part of a storage area in an industrial district, sea-cans shall not be stacked. The maximum height for a sea-can is 3.0 m (9.8 ft.).
- (8) Sea-cans shall not eliminate or interfere with parking, loading or the maneuvering

of vehicles or pedestrians on the site, and may block or obstruct any exits or access to public utilities and/or right of ways.

- (9) The exterior finish of a shipping container sited within a commercial or residential district must be consistent with or complimentary to the finish of the principal building.
- (10) Sea-cans shall be well-maintained and in good condition, or alternatively, must be adequately buffered to the satisfaction of the Development Authority. The Development Authority may require that a sea-can be given a fresh coat of paint as a condition of the issuance of a Development Permit.
- (11) As a condition of a Development Permit, the Development Authority shall prohibit the storage of combustible materials in a sea-can.
- (12) Sea-cans shall not be used for the purpose of advertising or display.
- (13) Sea-cans shall comply with provincial and national building codes g containers must comply with all provincial and national acts and regulations including the National Building Code and the Uniform Building and *Accessibility Standards Act*.

SECTION 43: RELIGIOUS USE FACILITIES

- (1) Maximum height requirements may be exceeded only if 0.30 metres (1 foot) of additional side yard per 0.30 metres (1 foot) over maximum height requirements is provided.
- (2) The site upon which a religious use facility is situated shall have a frontage of not less than 30.48 metres (100 feet) and an area of not less than 929.03 sq. metres (10,000 sq. feet).
- (3) In the case where a manse, rectory, parsonage or other building for a minister's residence is to be erected on the same site as the religious use facility, the combined area of the site shall not be less than 1393.54 sq. metres (15,000 sq. feet).
- (4) The front, side and rear building lines in the case of a religious use facility site shall be those permitted within the district in which such religious use facility site is located.

SECTION 44: DRIVE-IN/THRU DEVELOPMENT

- (1) Drive-in/thru developments, including drive-in restaurants and car washing facilities, shall be located only where the Development Authority is satisfied that the development and resulting vehicle circulation patterns will not adversely affect the function of public roadways, internal roadways, or internal vehicle circulation routes.
- (2) The minimum parcel area for a business with a drive-in/thru shall be 1,500.0 sq.metres.
- (3) The minimum front yard setback shall be 3.0 metres.
- (4) The minimum side and rear yard setbacks shall be at the discretion of the Development Authority, and must be sufficient to make provision for queuing spaces, on-parcel traffic circulation, turning and maneuvering.
- (5) A minimum of two (2) inbound and two (2) outbound queuing spaces shall be provided.
- (6) All queuing spaces shall be a minimum of 5.5 metres (18 feet) long and 3.05 metres (10 feet) wide
- (7) The on-parcel layout of vehicle circulation patterns shall be to the satisfaction of the Development Authority.
- (8) Areas required for parking or circulation of vehicles shall be hard surfaced to the satisfaction of the Development Authority.
- (9) The lot shall be drained to the satisfaction of the Development Authority.
- (10) On-site waste bins shall be stored in weather-proof containers in a location easily accessible for pickup and be screened to the satisfaction of the Development Authority.
- (11) Exits and entrances shall be as approved by the Development Authority, and circulation within the lot shall be one-directional and adequately signed.
- (12) Where a business with a drive-in/thru is located adjacent to a residential district, screening shall be provided to the satisfaction of the Development Authority and any proposed lighting shall be directed upon the parcel only.

SECTION 45: MOTELS

	Minimum Site Area	Minimum Setback Requirements	Minimum Unit Area
Motels in Primary Commercial (C-1) District:			
1 storey	74.32 sq. m. (800 sq. ft.) per unit	Same as C-1 District	26.48 sq. m. (285 sq. ft.)
2 storey	51.09 sq. m. (550 sq. ft.) per unit		
Motels in Secondary Commercial (C-2) and Transitional Commercial (C-1A) Districts:			
1 storey	110.55 sq. m. (1190 sq. ft.) per unit	Front Yard: 3.05 m. (10 ft.) Rear Yard: 1.52 m. (5 ft.) Side Yard: 1.52 m. (5 ft.)	6.48 sq. m. (285 sq. ft.)
2 storey	72 sq. m. (775 sq. ft.) per unit		
Motels in Highway Commercial (C-3) District:			
1 storey	139.35 sq. m. (1500 sq. ft.) per unit	Front Yard: 7.62 m. (25 ft.) Rear Yard: 3.05 m. (10 ft.) Side Yard: 3.05 m. (10 ft.)	26.48 sq. m. (285 sq. ft.)
2 storey	92.9 sq. m. (1000 sq. ft.) per unit		

SECTION 46: DWELLING UNIT, MANUFACTURED HOMES

- (1) A manufactured home shall not be more than fifteen (15) years old at the time of application.
- (2) All manufactured homes shall meet the Canadian Standards (CSA) certification and the Alberta Building Code in force at the time of construction.
- (3) An application for a manufactured home shall include:
 - (a) recent coloured photographs showing all sides of the manufactured home that accurately depict the condition of the building;
 - (b) a statement of the age of the building; and
 - (c) a picture or copy of the CSA A277 sticker or the Alberta Municipal Affairs sticker within the manufactured home shall be required as part of the Development Permit application to verify that the manufactured home was constructed in compliance with the CSA A277 Standard and the Alberta Building Code.
- (4) Notwithstanding that the use is listed as a discretionary use within the district, all Development Permit applications for manufactured homes that are five (5) years old or less shall be decided on by the Development Officer.

- (5) Notwithstanding subsection (1) and (3), if the stickers cannot be provided or where the manufactured home is more than 15 years old, the Development Authority may require an inspection by an Alberta Safety Codes Officer or a structural engineer certified to conduct such inspection, prior to the application being considered complete.
- (6) Where an inspection is required and the inspection determines that upgrades are necessary to bring the home into compliance with the Alberta Building Code, all required upgrades shall be completed prior to the issuance of a Development Permit.
- (7) The appearance of the home shall be to the satisfaction of the Development Authority, having regard for the condition of the finishing materials, the proposed skirting materials, roofing, the placement and size of windows and doors, and any other considerations deemed necessary. The Development Authority may refuse a Development Permit application on the basis of poor appearance.
- (8) The undercarriage and foundation of a manufactured home shall be completely screened from view by the foundation, or by skirting compatible in appearance with the manufactured home or by such other means satisfactory to the Development Authority.
- (9) Axles, wheels, running gear and towing tongue shall be removed prior to final installation of the manufactured home on piers, blocking or foundation or in a satisfactory manner in the opinion of the Development Authority.
- (10) All accessory structures, additions, porches and skirting shall be of a quality and appearance equivalent to the manufactured home and additions shall not exceed 30 percent of the gross floor area of the manufactured home.
- (11) Any required aesthetic upgrades to the manufactured home must be completed before the issuance of the Development Permit. The installation of foundation or skirting material must be completed within thirty (30) days of the placement of the manufactured home on a site.
- (12) All manufactured homes shall be connected to a water supply, sewage system, and utilities to the satisfaction of the Development Authority.
- (13) When considering a Development Permit for a manufactured home, the Development Authority shall consider the following:
 - (a) the age and character of the manufactured home;
 - (b) compliance with provincial building standards, and health and safety regulations;

- (c) existing, surrounding land uses and the character of the neighbourhood in which the manufactured home is located;
- (d) the proposed landscaping of the lot on which the manufactured home is to be located;
- (e) the appearance of the building;
- (f) integration of proposed development with the character of adjacent properties and land use districts;
- (g) certification from an accredited inspection company that the manufactured home complies with the current building code.

SECTION 47: SERVICE STATIONS, GAS STATIONS AND GAS BARS

(1) Site Location

- (a) Service stations and gas stations may only be located at the intersection of a street and avenue, as part of a shopping centre, or along a highway with a service road.

(2) Site Area and Coverage

- (a) The minimum site area shall be 557.42 sq. m. (6,000 sq. ft.) and the maximum building coverage shall be 15 percent of the site area.
- (b) Where a service station forms part of a shopping centre development, the minimum site area and maximum building coverage may be varied at the discretion of the Development Officer.

(3) Site and Building Requirements

- (a) All parts of the site to which vehicles may have access shall be hardsurfaced and drained to the satisfaction of the Development Authority.
- (b) The site drainage shall be designed and constructed to ensure that all runoff from all hardsurfaced portions of the site flows to an oil separator.
- (c) No activity may be carried on which constitutes a nuisance or annoyance to persons occupying land in the immediate vicinity of the site, by reason of dust, noise, gases, odours, smoke or vibration.
- (d) The site of the building shall be maintained in a clean and tidy condition and free from all rubbish and debris.
- (e) Landscaping shall be provided and maintained to the satisfaction of the Development Officer.

- (f) Screening of at least 1.52 metres (5 feet) in height but no higher than 2.13 metres (7 feet) shall be provided along the boundary of a site where it abuts a residential area.
 - (g) All pump islands shall be located at least 6.09 metres (20 feet) from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site.
 - (h) A canopy over a pump island may extend to within 3.05 metres (10 feet) of the boundary of the site.
- (4) The installation of below ground and/or above ground tanks shall be in accordance with all provincial legislation and regulations.

SECTION 48: MODULAR BUILDINGS

- (1) Regulations within this section do not apply to development of a Dwelling Unit, Manufactured Home.
- (2) All modular buildings shall conform to the *Alberta Safety Codes Act*.
- (3) Notwithstanding that the use may be listed as a permitted use within the district, any development with a modular building is discretionary.
- (4) A modular building shall be manufactured no later than twenty (20) years prior to the date of the application.
- (5) Notwithstanding subsection (4), where the modular building is more than twenty (20) years old, the Development Authority may require an inspection by an Alberta Safety Codes Officer or a structural engineer certified to conduct such inspection, prior to the application being considered complete.
- (6) Where an inspection is required and the inspection determines that upgrades are necessary to bring the building into compliance with the Alberta Building Code, all required upgrades shall be completed prior to the issuance of a Development Permit.
- (7) All modular buildings shall be presentable in the opinion of the Development Authority and of an appearance similar to neighbouring properties.
- (8) All modular buildings are to be serviced by a water supply, sewage system and utilities to the satisfaction of the Development Authority.
- (9) In addition to conforming to the site provisions for each district, modular buildings proposed for use as dwelling unit in the R-1, R-2, R-3, and R-CR Districts and Modular Apartments proposed in the R-3 District shall conform to the following additional site provisions:

- (a) The height of the main floor above grade shall be consistent with the height of the main floor of dwelling units in the immediate area.
- (b) The overall height and massing of the building shall be consistent with the dwellings in the immediate area.
- (c) The slope of the roof shall provide adequate drainage and shall be consistent with the slopes in the immediate area.
- (d) The external finishing materials on the roof and walls shall be consistent with, or of a better grade than, the materials used in units in the immediate area.
- (e) The minimum overhang or eaves shall be 30 centimetres (11.8 inches) from the external surface of the walls.
- (f) Modular buildings shall be placed on a permanent full perimeter foundation that complies with the Alberta Building Code, unless the building is designed for longitudinal floor beams, wherein an alternate foundation system as described in the CSA Z240.10.1 shall be permitted.
- (g) The full perimeter foundation shall be parged with a consistent appearance to that found in the foundations of single detached dwellings.

SECTION 49: SATELLITE DISHES AND ANTENNAS

- (1) Satellite dishes or antennas are an accessory use which requires an approved Development Permit, unless exempted from the requirement of a Development Permit subject to Section 15 of this Bylaw.
- (2) Private non-commercial radio and television antennas may be permitted to be constructed to a maximum height of 15% higher than the maximum building height allowed in the district, provided that the development complies with the other requirements set out in this Bylaw.
- (3) All satellite dishes and antennas, except for those identified in Section 15 (g), shall be required to meet setbacks as determined by the Development Authority, taking into account
 - (a) the amenities of the neighbourhood;
 - (b) the use and enjoyment of neighbouring properties; and
 - (c) the location of overhead power and telephone lines.
- (4) Satellite dishes and antennas shall not be allowed in the front yard or side yard of any lot.

- (5) Satellite dishes and antennas shall be structurally sound and securely anchored.
- (6) A site plan, showing the location of the satellite dish or antennae on the lot and in relation to other buildings on the lot, shall be submitted at the time of application for a Development Permit.

SECTION 50: SOLAR ELECTRIC SYSTEMS (SOLAR PANELS AND FARMS)

- (1) Development, building and electrical permits shall be required for the installation of a solar-electric system within the Town, unless the system is part of the design of a new building or development for which a permit is required.
- (2) Solar panels shall be permitted where the panels are:
 - (a) affixed to a roof or wall of an existing building, provided the solar panel does not extend into a setback area or beyond the building height limit; or
 - (b) free-standing and which, combined with any associated equipment, covers a total area of less than 10 metres squared (100 feet sq.); anddiscretionary in all other cases.
- (3) Solar farms are discretionary and only allowed in the Agricultural (Urban Reserve) District.
- (4) An application for a Development Permit for a solar electric system shall be required to include a site plan showing, in addition to the standard information required on a site plan under section 15 of this Bylaw:
 - (a) the location of the solar panels within the property boundaries;
 - (b) the distance that the solar panels extend beyond the wall, if it is mounted on a wall; and
 - (c) a list of any and all caveats, covenants, and easements shown on the title of the property.
 - (d) the site plan may be hand drawn or computer drawn. A photo from Google Earth (or similar) may be used as the basis of the site plan, and the solar electric panels can be shown on it, along with the information required in the above list. The dimensions do not have to be from a legal survey.
- (5) Where the solar panels are affixed to the roof or wall of a building, they shall
 - (a) be integrated so as to mimic the roof or wall/structure;

- (b) not vertically project more than 1.0 m (3.28 ft) above the roof line in residential districts, and not more than 1.8 m (6.0 ft) above the roof line in all other districts; and
 - (c) not extend beyond the outermost edge of the roof or wall to which it is mounted.
- (6) Where the solar panels are free standing or not attached to a building, they shall:
- (a) be located in a side or rear yard only;
 - (b) adhere to the height requirements of the district; and
- be screened from adjacent properties with a fence or landscaping, to the satisfaction of the Development Authority.
- (7) Ground mounted solar panels shall only cover up to 0.40 hectares (1.0 acres) of land on a parcel unless approved as part of a solar farm.
- (8) Approval from the Alberta Utilities Commission (AUC) and any other provincial or federal agency or utility company is required prior to the operation of the ground mounted solar panels/project as required.
- (9) The Development Authority may require the applicant to provide an Environmental Assessment Review to be prepared by a qualified professional
- (10) In no way is a ground mounted solar panel/project to unduly interfere or effect the enjoyment or value of neighbouring parcels.
- (11) If the panels/project is decommissioned the applicant is required to return the project location to the same or better land capability it had before the project started. For example; top soil, altered drainage systems, or compacted soil resulting from construction, operation, or decommissioning of the site should be mitigated. A decommissioning and/or mitigation plan may be required as part of the Development Permit application.

SECTION 51: WIND ENERGY CONVERSION SYSTEMS (WECS)

- (1) A Development Permit, along with building and electrical permits, shall be required for the installation of a wind energy conversion system within the Town, unless the system is part of the design of a new building or development for which a Development Permit is issued.
- (2) An application for a Development Permit for a wind energy conversion system shall be required to include a site plan required showing:
- (a) the location of the device within the property boundaries; and

- (b) a list of any and all caveats, covenants, and easements shown on the title of the property;
- (3) The site plan may be hand drawn or computer drawn. A photo from Google Earth (or similar) may be used as the basis of the site plan, and the solar electric panels can be shown on it, along with the information required in the above list. The dimensions do not have to be from a legal survey.
 - (4) Where the development of a wind energy conversion system requires approval from a provincial authority, the Development Authority should require the developer to submit the provincial application information as part of the Development Permit application.
 - (5) WECS, Micro devices attached to a building shall observe the following:
 - (a) the combined total height of the device and the building shall not exceed the height restriction in the land use district in which it is located;
 - (b) when mounted to the roof, the device shall not extend beyond the outermost edge of the roof.
 - (c) when mounted to the wall of a building, the device shall be located on the building wall facing the rear yard; and
 - (d) where located on residential lots, the device shall be designed specifically to be for such use.
 - (6) WECS, micro devices not attached to a building shall:
 - (a) not be located in front of the principal building;
 - (b) be located in a side or rear yard only;
 - (c) conform to the setback requirements for accessory buildings within the district;
 - (d) be sized appropriately to the district in which they are located. Devices located on residential lots shall be designed specifically to be for such use; and not generate any noise that extends beyond the property boundary in a residential district
 - (7) WECS, macro devices shall observe the following minimum setbacks:
 - (a) From any Provincial Highway, as per Alberta Transportation;
 - (b) From any Roadway;
 - i. The base must be a minimum of 41 m (134 ft.) from any road right-of-way or
 - ii. 110% the total height of the tower from any road right-of-way, whichever is greater.

- (c) From an adjacent dwelling;
 - i. The base must be a minimum of 45.72 m (150.0 ft.) from any adjacent dwelling or
 - ii. 2 x total height of the tower from any adjacent dwelling, whichever is greater
 - (d) From any property boundary the outside of the rotor's arc must be a minimum of 7.62 m (25.0 ft.) from the vertical projection of the property boundary line.
 - (e) If in the opinion of the Development Authority, the setbacks are not sufficient to reduce the impact of a WECS from any roadway, boundary or dwelling, the Development Authority may increase the requirement.
- (8) Any WECS system installed within the Town shall observe the following safety considerations:
- (a) Minimum blade clearance shall be at least 7.62 m (25.0 ft.) to the ground.
 - (b) All power lines on the WECS site(s) between towers and/or substation facilities should be underground.
 - (c) All WECS shall be finished in a non-reflective matte finish.
 - (d) All WECS applicants shall provide proof of Fall Protection and High Angle Rescue Certification, or equivalent certification, to the satisfaction of the Development Authority.
 - (e) All WECS applicants may require additional safety certification or training to the satisfaction of the Development Authority.
- (9) To ensure public safety, the Development Authority may require that
- (a) a secure fence not less than 1.8 metres (5.9 feet) in height with a lockable gate surround a wind energy conversion tower, if the tower is climbable or subject to vandalism that could threaten tower integrity;
 - (b) no ladder or permanent tower access device be located less than 3.7 metres (12.1 feet) from grade;
 - (c) a locked device be installed on the tower to preclude access to the top of the tower;
 - (d) such additional safety mechanism or procedures be provided considered appropriate and reasonable by the Development Authority.
- (10) All WECS systems must comply with:
- (a) all provincial legislation and guidelines.
 - (b) any other requirement deemed necessary by the Development Authority

(11) **Abandonment or Termination**

- (a) Upon abandonment or termination of a WECS tower the site and soils shall be restored to its preconstruction condition including but not limited to the removal of foundations; and
- (b) The Development Authority may require a decommissioning plan to be submitted in support of the application.

SECTION 52: ACCESSORY DWELLINGS

- (1) The following provisions shall apply to all Accessory Dwellings, including Garage Suites, Garden Suites and Secondary Suites.
- (2) Accessory Dwellings are accessory developments and shall only be allowed on lots containing a single-detached dwelling.
- (3) Accessory Dwellings shall be considered as discretionary use.
- (4) A maximum of one (1) type of Accessory Dwelling may be developed in conjunction with a principal dwelling.
- (5) With the exception of Secondary Suites, no Accessory Dwelling shall be attached to the principal building.
- (6) Garden Suites and Garage Suites shall not exceed the height of the principal dwelling.
- (7) Garden Suites shall maintain a minimum setback distance of 1.52 metres (5 feet) from any side property line and 0.9 metres (3 feet) from any rear lot.
- (8) Garage Suites shall maintain the same setback requirements for Garage in the applicable district.
- (9) Secondary Suites are contained within the principal building and shall meet the setback requirements for the principal building.
- (10) Garden and Garage Suites shall have a minimum separation distance of 2.4 metres (8 feet) from the principal building and 1.2 metres (4 feet) from all other buildings on the same parcel of land.
- (11) The minimum floor area for any Accessory Dwellings shall be 30 metres squared (323 sq. feet).
- (12) The maximum floor area for all Accessory Dwellings, excluding any stairways, balconies, decks and shared mechanical or common areas, shall be as follows:
 - (a) for Secondary Suites, not greater than the floor area of the principal

building;

- (b) for Garage Suites, not greater than the floor area of the garage.
 - (c) for Garden Suites, 70.0 sq. metres (753.5 sq. feet).
- (13) Windows contained within a Garage or Garden Suite shall be sized and placed to minimize overlook into yards and dwellings of abutting properties.
 - (14) Accessory Dwellings must have a separate and direct access to grade. A Garage Suite must have an entrance separate from the vehicle entrance to the garage.
 - (15) Accessory Dwellings shall meet the minimum parking requirements under section 34 of this Bylaw.
 - (16) Accessory Dwellings shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision. As permitted under section 651 of the Act, a restrictive covenant may be required registered against the certificate of title for the subject property to ensure that the accessory dwelling unit shall not be subject to separation from the principal dwelling through condominium conversion or subdivision.
 - (17) The exterior of Accessory Dwellings shall relate to principal building by utilizing similar design elements, colours and finishing materials. Secondary Suites shall be developed in such a manner that the exterior of the principal dwelling appears as a single dwelling.
 - (18) The construction of Accessory dwellings shall be in accordance with the Alberta Building Code, the Fire Code, and all Municipal and Provincial regulations.

SECTION 53: GATES, WALLS, FENCES OR OTHER MEANS OF ENCLOSURE

- (1) All portions of gates, walls, hedges, fences, or other means of enclosure that does not extend beyond the foremost portion of the principal building abutting a front yard shall not exceed 1.83 metres (6 feet) in height.
- (2) All portions of gates, walls, hedges, fences, or other means of enclosure that extend beyond the foremost portion of the principal building abutting a front yard shall not exceed 0.9 metres (3 feet) in height.
- (3) Notwithstanding clauses (1) and (2) above, the restrictions under clauses (1) and (2) may be waived, modified, extended, or reduced if in the opinion of the Development Officer it is necessary to shut out the sight of a retaining wall in a front, rear, or side yard, or a similar obstruction.

- (4) Retaining walls shall:
 - (a) respect overland draining patterns established for the lot at the time of creating the lot;
 - (b) maintain positive overland drainage on all portions of the site;
 - (c) not divert overland drainage onto adjacent properties;
 - (d) not encroach onto public land or utility right-of-way;
 - (e) if greater than 1 metre (3.2 feet) in height, comply with the setback requirements for the principal building within the land use district.

SECTION 54: CHILD CARE FACILITIES

- (1) All childcare facilities, as defined in this Bylaw, shall be licensed by the appropriate provincial department and/or agency, and shall meet provincial health requirements and fire protection requirements.
- (2) When deciding on a Development Permit application for a childcare facility, the Development Officer or Municipal Planning Commission shall take into consideration the following:
 - (a) provision of adequate parking for staff members and visitors;
 - (b) provision of a safe and adequate loading/unloading area for children;
 - (c) provision for a safe play area(s);
 - (d) surrounding land uses and the character of the area; and
 - (e) other matters deemed necessary by the Development Officer or Municipal Planning Commission.

SECTION 55: FIRE PITS

- (1) Any person wanting to build a permanent fire pit shall require a Fire Pit Permit.
- (2) A fire pit shall:
 - (a) be setback 3.0 metres (10 feet) from fences, property lines and buildings;
 - (b) be located in the rear yard;
 - (c) be constructed of non-combustible materials, including a proper screen;
 - (d) not be constructed over a gas line; and
 - (e) be constructed in accordance to any provincial and/or municipal codes, bylaws or regulations.

- (3) Only clean combustibles shall be burned in the fire pit.
- (4) The issuance of a Fire Pit Permit shall be at the sole discretion of the Town of Fairview Fire Chief.
- (5) The fee for a Fire Pit Permit shall be in accordance with the Town of Fairview Fire Bylaw.

SECTION 56: BED AND BREAKFAST ACCOMMODATION

- (1) Any person wanting to establish and/or develop a bed and breakfast accommodation operation shall require a Development Permit as well as a business license.
- (2) The following regulations shall apply to the development of a bed and breakfast accommodation operation:
 - (a) maximum sign size: 0.28 sq. metres (3 sq. feet);
 - (b) one (1) on-site parking stall shall be provided for each bed and breakfast unit, unless otherwise approved by the Development Officer or Municipal Planning Commission, and;
 - (c) the bed and breakfast operation shall be contained entirely within the principal building.
- (3) When reviewing a Development Permit application for a bed and breakfast accommodation operation, the Development Authority shall consider the following:
 - (a) the impact of the bed and breakfast operation on surrounding properties; and
 - (b) parking and/or traffic generated from the operation and its effect on the general area.

SECTION 57: DECKS

- (1) A deck shall be developed to the satisfaction of the Development Officer and must meet the following requirements:
 - (a) a deck must meet the required front, side and rear yard setbacks of the principal building. However, an uncovered deck may project a maximum of 3.0 metres (10 feet) into a required front yard, provided its location and appearance are satisfactory to the Development Officer;
 - (b) a deck may not be located within the 9.14 metres (30 feet) corner sight triangle;

- (c) a deck must comply with the Alberta Building Code;
- (d) a covered or enclosed deck shall be considered an addition to the principal building and is required to meet the requirements for a principal building;
- (e) a deck shall be included in the calculation of lot coverage;
- (f) a deck shall be limited in height to no more than the main floor level of the principal building.

SECTION 58: CANNABIS RETAIL SALES

- (1) The owner or applicant must obtain any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.
- (2) Cannabis Retail Sales use shall not be located within 100 metres from:
 - (a) a private or public school; or
 - (b) a provincial health care facility.
- (3) The separation distance between uses shall be measured from lot line to lot line.
- (4) The development shall not operate in conjunction with another approved use.
- (5) Customer access to the store is limited to a store-front that is visible from the street.
- (6) No customer parking shall be located behind a facility and all parking areas in front of the building shall be well lit.
- (7) Parking shall be provided in accordance with the minimum requirements under Section 34(2) Commercial Uses: Retail Shops and Personal Service Shops.

SECTION 59: CANNABIS PRODUCTION FACILITY

- (1) The owner or applicant must provide as a condition of development a copy of the current licence for all activities associated with cannabis production as issued by the Federal Government.
- (2) The owner or applicant must obtain any other approval, permit, authorization, consent or licence that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.
- (3) The development shall not operate in conjunction with another approved use.

- (4) The Development Officer may require, as a condition of a Development Permit, a waste management plan, completed by a qualified professional, which includes but not limited to, details on:
 - (a) the incineration of waste products and airborne emissions, including smell;
 - (b) the quantity and characteristics of liquid and waste material discharged by the facility; and
 - (c) the method and location of collection and disposal of liquid and waste material discharged by the facility.
- (5) Parking shall be provided in accordance with the minimum requirements under Section 34 Industrial: Manufacturing and Industrial Plants, Warehousing, Wholesale and Storage Buildings and Yards, Servicing and Repair Establishments and Public Utility Buildings.

SECTION 60: SWIMMING POOLS, HOT TUBS AND SPAS

- (1) Permanent below-ground swimming pools, hot tubs, and spas shall require a Development Permit, unless they are part of the design of a new building or development for which a Development Permit is issued.
- (2) Outdoor swimming pools, hot tubs, and spas shall be located at least 1.52 metres (5 feet) from side and rear property lines.
- (3) Hot tubs shall be provided with a cover that has a structural strength to support the weight of an adult walking across it when it is the closed position. The cover must be equipped with lockable devices to prevent access to the water by unauthorized persons. The cover shall be in place and locked at all times when the hot tub is unsupervised.
- (4) The entire area of an outdoor swimming pool shall be fenced to the satisfaction of the Development Authority. The fence shall have a minimum height of 1.83 metres (6 feet) for private swimming pool and 2.4 metres (7.8 feet) for all other swimming pools, and shall have provision for lockable gates to prevent access to the water by unauthorized persons.
- (5) Swimming pools, hot tubs, and spas shall:
 - (a) be constructed in accordance with the Alberta Building Code safety requirements; and
 - (b) require appropriate building, electrical and plumbing permits.

PART 3: LAND USE DISTRICTS

DIVISION 1: ESTABLISHMENT OF DISTRICTS

SECTION 61: DISTRICT CLASSIFICATION

- (1) For the purpose of this Bylaw, all lands within the municipality are divided into Districts and classified as follows:

<u>District</u>	<u>Symbol</u>
Residential 1.....	R-1
Residential 2.....	R-2
Transitional Residential – Commercial District	RC-T
Residential 3.....	R-3
Residential Manufactured Subdivision.....	R-MHS
Residential – Manufactured Home Park.....	R-MHP
Country Residential.....	R-CR
Primary Commercial.....	C-1
Transitional Commercial.....	C-1A
Secondary Commercial.....	C-2
Highway Commercial.....	C-3
Light Industrial.....	M-1
Heavy Industrial.....	M-2
Community.....	COM
Agricultural – Urban Reserve.....	A-UR
Direct Control Commercial.....	DC-C

SECTION 62: DISTRICT MAPS

- (1) The District Maps, amended or replaced from time to time, are those maps attached and forming part of this Bylaw as Schedule “B”.
- (2) In the event that a dispute arises over the boundary of any District as shown on the District Map, the Municipal Planning Commission shall decide upon the location of the boundary.

SECTION 63: DISTRICT REGULATIONS

- (1) In addition to all applicable General and Specific regulations, as contained in Part 2 of this Bylaw, the regulations provided in each District shall govern any Permitted and Discretionary Uses listed in that District.

LAND USE MATRIX

This Land Use Matrix is meant for reference purpose only. If there is a discrepancy between the matrix and the uses listed in a district, the district shall prevail.

Use P: Permitted Use D: Discretionary Use	District															Defined?	Regulated?
	R-1	R-2	RC-T	R-3	R-MHS	R-MHP	R-CR	C-1	C-1A	C-2	C-3	M-1	M-2	COM	A-UR		
Accessory building/use	P	P	P	P	P	P	P	P	P	P	P	P	D	P	P	Y	Y
Aquaculture facility										D		D			D	Y	
Agriculture, extensive															P	Y	
Agriculture, industry												D	D		D	Y	
Agriculture, intensive															D	Y	
Agriculture, sales and service										P	D					Y	
Apartment hotel			P													Y	
Artisan studio								P	D	D						Y	
Auction mart								P		D						Y	
Automotive, retail									P	P	D					Y	
Automotive, service									P	P	D	P				Y	
Bed and breakfast accommodation	D	D	D	D	D											Y	Y
Boarding or rooming house		D	D													Y	
Bus depot			P					P		P						Y	
Business/office support service			P					P	P	P	D					Y	
Bulk fuel depot										D	D	P	D			Y	
Cannabis production facility												D	D			Y	Y
Child care facility	D	D	P		D											Y	Y
Commercial entertainment facility			P					P								Y	
Community or cultural facility			P					P						P		Y	
Contractor services, major												D	D			Y	
Contractor services, minor										D	D	D	D			Y	
Dormitory residence														D		Y	
Drinking establishment			D					P								Y	
Dwelling group		D	D	D												Y	
Dwelling unit, apartment			P	P												Y	
Dwelling unit, duplex	D	P	P	D												Y	
Dwelling unit, garage suite	D	D	D													Y	Y
Dwelling unit, garden suite	D	D	D													Y	Y
Dwelling unit, manufactured home					P	P	D									Y	Y
Dwelling unit, row				P												Y	

LAND USE MATRIX

Use P: Permitted Use D: Discretionary Use	District															Defined?	Regulated?	
	R-1	R-2	RC-T	R-3	R-MHS	R-MHP	R-CR	C-1	C-1A	C-2	C-3	M-1	M-2	COM	A-UR			
Dwelling unit, secondary suite	D	D		D			D										Y	Y
Dwelling unit, semi-detached	D	P	P	D													Y	
Dwelling unit, single detached	P	P	D	D			P										Y	
Farmers/flea market								D	D	D						D	Y	
Farm residence																P	Y	
Financial institution			D					P									Y	
Fleet services			D					D	D	D	P	P						
Funeral home			D					D	D	D	D	D					Y	
Group home	D	D	D														Y	
Health services			P					P	P								Y	
Heavy equipment sales and service												P	D				Y	
Home Occupation	D	D		D	D												Y	Y
Hotel								P	P	D	P						Y	Y
Household repair services			P					P									Y	
Laboratory			P					P									Y	
Manufacturing establishment												P	D				Y	
Mixed commercial/residential building			P					D		D							Y	
Manufactured home dealership										P							Y	
Motel			D					D	P	D	P						Y	Y
Natural resource extraction																D	Y	
Parking facility			P				P								D		Y	
Park or playground	P	P	P	P	P	P									P		Y	
Personal services			P					P	P	P							Y	
Professional office		D	P	D					P	P							Y	
Protective and emergency services			D				P		P	P								
Public use	D	D	P	D	P	P	P		P	P	P	P	D	P	P	Y		
Recreation facility, indoor															P			
Recreation facility, outdoor															P	D	Y	
Recycling depot												D					Y	
Religious use facility		D	D	D				D							P		Y	Y
Restaurant			P				P		P	P	P						Y	
Retail sales, cannabis								D	D	D							Y	Y
Retail sales, convenience store									P	D	D						Y	

LAND USE MATRIX

Use P: Permitted Use D: Discretionary Use	District															Defined?	Regulated?
	R-1	R-2	RC-T	R-3	R-MHS	R-MHP	R-CR	C-1	C-1A	C-2	C-3	M-1	M-2	COM	A-UR		
Retail sales, general			P					P	P	P						Y	
Retail sales, liquor			P					P								Y	
School	D	D	D		D									P		Y	
Sign	D	D	D	D	D		D	D	D	D	D	D	D			Y	Y
Shopping centre			D					D								Y	
Solar farm															P	Y	
Storage yard										D	D	P	D			Y	
Taxidermy			P					P								Y	
Vehicle consignment sales								D								Y	
Veterinary services			D					D	D	D						Y	
Warehouse										D		P				Y	
WECS, macro															D		
WECS, micro	D	D	D	D			D	D	D	D	D	D	D	D	P	Y	Y
Welding shop												P				D	

SECTION 64: RESIDENTIAL 1 DISTRICT (R-1)

(1) **Purpose**

The purpose of this District is to provide for low-density, single-unit residential development, in the form of single-detached dwellings and compatible uses, herein listed, which are connected to municipal sewer and water systems.

(2) **Uses**

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses

- accessory building or use
- dwelling, single-detached
- park or playground

(b) Discretionary Uses

- bed and breakfast accommodation
- dwelling unit, duplex
- dwelling unit, semi-detached
- dwelling unit, garage suite
- dwelling unit, garden suite
- group home
- home occupation
- child care facility
- public use
- school
- secondary suite
- senior citizens home
- sign
- WECS, micro

(3) **Site Provisions**

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system and except in accordance with the following provisions:

(a) Minimum Lot Dimensions

Use Type	Width	Depth
Dwelling, single-detached	15.23 m. (50 ft.)	33.53 m. (110 ft.)
Duplex	18.29 m. (60 ft.)	33.53 m. (110 ft.)
Dwelling unit, semi-detached	11.28 m. (37 ft.)	33.53 m. (110 ft.)
Other uses	as specified by the Development Officer or elsewhere in this Bylaw	

(b) Notwithstanding sub-section 3(a), the lot width for a corner site shall not be less than 19.81 metres (65 feet) for a single-detached dwelling, a duplex and a semi-detached dwelling unit.

(c) Front Yard Depth (minimum): 7.62 metres (25 feet).

(d) Rear Yard Depth (minimum): 7.62 metres (25 feet).

(e) Side Yard Width (minimum):

(i) Exterior side yard width: 4.57 metres (15 feet)

(ii) Interior side yard width: 1.52 metres (5 feet)

A developer of a residence on a lot in a laneless subdivision should take into account the siting of a garage, especially if it is planned for the rear of the lot.

(f) Accessory Uses:

(i) The minimum setback distance for an accessory building or structure shall be 0.9 metres (3 feet) from any side lot line or rear lot line.

(ii) Notwithstanding the above, in the case of a garage or portable garage, where direct access from the vehicle entrance of a garage or portable garage to a street or lane exists, then a 4.88 metres (16 feet) setback from this entrance and the sidewalk, side street or lane shall be required.

(g) Floor Area (minimum):

(i) 97.55 sq. metres (1050 sq. ft.);

(ii) Notwithstanding subsection (g)(i), an attached garage may be considered as part of the square footage requirement. If a garage is attached to a house by a breezeway, it does not qualify (i.e. a common wall must be in existence). The dwelling must be a minimum of 83.61 sq. metres (900 sq. feet) when the garage is included in the overall floor area requirement; and

(iii) In the case of a two-storey dwelling, the minimum ground level floor area must be 83.61 sq. metres (900 sq. feet).

- (h) Building Height (maximum):
Two (2) storeys or 10.67 metres (35 feet), whichever is greater.
- (i) Coverage of Site (maximum): 35 percent

SECTION 65: RESIDENTIAL 2 DISTRICT (R-2)

(1) **Purpose**

The purpose of this District is to provide for single and two dwelling residential development in the form of single-detached dwellings, semi-detached dwellings, and duplex dwellings and compatible uses, herein listed, which are connected to municipal sewer and water systems.

(2) **Uses**

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses:

- accessory building or use
- dwelling unit, duplex
- dwelling unit, semi-detached
- dwelling unit, single-detached
- park or playground

(b) Discretionary Uses:

- bed and breakfast accommodation
- boarding or rooming house
- dwelling group
- dwelling unit, garage suite
- dwelling unit, garden suite
- group home
- home occupation
- child care facility
- public use
- professional office
- religious use facility
- school
- secondary suite
- senior citizens home
- sign
- WECS, micro

(3) **Site Provisions**

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system and except in accordance with the following provisions:

(a) Minimum Lot Dimensions

Use Type	Width	Depth
Dwelling, single-detached	15.23 m. (50 ft.)	33.53 m. (110 ft.)
Dwelling unit, duplex	18.29 m. (60 ft.)	33.53 m. (110 ft.)
Dwelling unit, semi-detached	11.28 m. (37 ft.)	33.53 m. (110 ft.)
Other uses	as specified by the Development Officer or elsewhere in this Bylaw	

(b) Notwithstanding sub-section (2) the lot width for a corner site shall not be less than 19.81 metres (65 feet) for a single-detached dwelling, a duplex and a semi-detached dwelling unit.

(c) Front Yard Depth (minimum): 7.62 metres (25 feet)

(d) Rear Yard Depth (minimum): 7.62 metres (25 feet)

(e) Side Yard Width (minimum):

(i) Exterior side yard width: 4.57 metres (15 feet)

(ii) Interior side yard width: 1.52 metres (5 feet)

A developer of a residence on a lot in a laneless subdivision should take into account the siting of a garage, especially if it is planned for the rear of the lot.

(f) Notwithstanding sub-section (e) in a laneless subdivision at least one side yard shall be a minimum of 3.05 metres (10 feet) in width to provide for vehicular access.

(g) Accessory Uses:

(i) The minimum setback distance for an accessory building or structure shall be 0.9 metres (3 feet) from any side lot line or rear lot line.

(ii) Notwithstanding the above, in the case of a garage or portable garage, where direct access from the vehicle entrance of a garage or portable garage to a street or lane exists, then a 4.88 metres (16 feet) setback from this entrance and the sidewalk, side street or lane shall be required.

(h) Floor Area (minimum): 83.61 sq. metres (900 sq. feet)

(i) Building Height (maximum):

Two (2) storeys or 10.67 metres (35 feet), whichever is greater.

(j) Coverage of Site (maximum): 40%

(4) **Special Provisions: Professional Office**

- (a) When considering a Development Permit for a professional office, the Development Authority shall consider the following:
- (i) existing, surrounding land uses and the character of the neighbourhood in which the professional office is to be located;
 - (ii) the availability of on-site parking;
 - (iii) the proposed landscaping of the lot on which the professional office is to be located;
 - (iv) the appearance of the building;
 - (v) the height of the building in relation to surrounding buildings; and
 - (vi) the location, size, appearance and type of signs to be located on site.

SECTION 66: TRANSITIONAL RESIDENTIAL - COMMERCIAL DISTRICT (RC-T)

(1) **Purpose**

The purpose of this District is to provide for the development of mixed low intensity commercial and multi-family residential uses in the fringe Primary Commercial District (C-1), and to allow the conversion of existing commercial uses to residential and related uses. It is intended that development in this District be sensitive to, and in scale with, existing commercial and residential developments in the District.

(2) **Uses**

No person shall use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following:

(a) Permitted Uses:

- accessory building or use
- apartment hotel
- bus depot
- business/office support service
- child care facility
- commercial entertainment facility
- community or cultural facility
- dwelling unit, apartment
- dwelling unit, duplex
- dwelling unit, semi-detached
- health services
- household repair services
- laboratory
- mixed commercial/residential building
- park or playground
- parking facility
- personal services
- professional office
- public use
- restaurant
- retail sales, general
- retail sales, liquor
- taxidermy

(b) Discretionary Uses:

- bed and breakfast accommodation
- boarding house
- drinking establishment
- dwelling group
- dwelling unit, garage suite
- dwelling unit, garden suite
- dwelling unit, single-detached
- financial institution
- fire station
- fleet services
- funeral home
- group home
- motel
- religious use facility
- school
- senior citizens home
- shopping centre
- sign
- veterinary services
- WECS, micro

(3) **Site Provisions**

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system and except in accordance with the following provisions:

- (a) Front Yard Depth (minimum): 3.05 metres (10 feet) except where adjacent commercial buildings abut the site boundary to form a pedestrian oriented shopping street, a building may be built to the site boundary.
- (b) Rear Yard Depth (minimum): 6.10 metres (20 feet).
- (c) Side Yard Width (minimum): 3.05 metres (10 feet) except where a firewall is provided or it is adjacent to a public road allowance, in which case no side yard is required.
- (d) Building Height (maximum): Two Storeys, or at the discretion of Development Authority.
- (e) Floor Area Ratio (maximum): 2.0 (two times the site area).
- (f) Parking Spaces: Parking shall be in accordance with Section 34 of the Land Use Bylaw, or at the discretion of the

Development Authority.

- (g) Vehicular Access: Vehicular access to properties shall be from abutting lanes (except where there is no Lane), in order to maintain uninterrupted flow of pedestrian traffic along pedestrian walkways or boulevards.

(4) **Building Requirements**

- (a) Street-facing exterior walls shall be no less than frame stucco standard, or equivalent. All other exterior walls may be constructed of the materials of the developers choosing, provided that the requirements of the *Alberta Safety Codes Act* are met.
- (b) No commercial building of all metal construction shall be allowed in this district.
- (c) All commercial buildings must be constructed on a continuous permanent concrete foundation.

(5) **Additional Requirements**

- (a) Accessory Buildings or Uses

The minimum setback distance for an accessory building or structure shall be 0.9 metres (3 feet) from any side lot line or rear lot line.

- (b) Screening and Fencing

- (i) All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Development Authority.
- (ii) All apparatus on the roof of any building shall be screened to the satisfaction of the Development Authority;
- (iii) Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from adjacent sites and public thoroughfares to the satisfaction of the Development Authority.

- (c) Building Appearance

The design, construction and architectural appearance of any building shall be subject to the satisfaction of the Development Authority.

- (d) Residential Uses

- (i) The site provisions for R-2 District of this Bylaw shall apply to residential developments in this district;
- (ii) If a development in this District abuts a Residential District, the

abutting yard of such a development shall be a minimum of 4.60m (15ft) and shall be landscaped to the satisfaction of the Development Authority.

(iii) Apartment Housing with commercial uses on the main floor shall have access at grade, separate from the commercial component.

(iv) The Municipal Planning Commission shall consider new single detached dwellings if they are being replaced with insurance.

(e) Commercial Uses

(i) The site provisions for C-1 District of this Bylaw shall apply to all commercial developments in this district.

(ii) No outdoor eating or drinking area shall be located within 15.20m (50ft) of an adjacent residential property.

(f) Any yard abutting the property line of a public roadway other than a Lane may require an additional yard setback and landscaping, in accordance with Section 27: Restrictions on Corner Sites and Section 30: Industrial and Commercial Standards, of this Land Use Bylaw.

(g) The Development Authority may decide on such other requirements as are necessary to implement the intent of site requirements in this district, having regard to the nature of the proposed development.

SECTION 67: RESIDENTIAL 3 DISTRICT (R-3)

(1) **Purpose**

The purpose of this District is to provide for a variety of multi-family dwelling types at a moderate to high residential density, such as apartment or attached dwellings, and compatible uses, herein listed, which are connected to the municipal sewer and water systems.

(2) **Uses**

(a) Permitted Uses:

- accessory building or use
- dwelling unit, apartment
- dwelling unit, row
- park or playground
- senior citizens home

(b) Discretionary Uses:

- bed and breakfast accommodation
- dwelling unit, duplex
- dwelling group
- dwelling unit, semi-detached
- dwelling unit, single-detached
- home occupation
- professional office
- public use
- religious use facility
- secondary suite
- sign
- WECS, micro

(3) **Site Provisions**

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system and except in accordance with the following provisions:

(a) Minimum Lot Dimensions

Use Type	Width	Depth
Dwelling, single-detached	15.23 m. (50 ft.)	33.53 m. (110 ft.)
Dwelling unit, duplex	18.29 m. (60 ft.)	33.53 m. (110 ft.)
Dwelling unit, semi-detached	11.28 m. (37 ft.)	33.53 m. (110 ft.)

Minimum Area per Dwelling Unit

- apartment: 92.9 sq. metres (1000 sq. feet) of site area
- row dwelling: 232.26 sq. metres (2500 sq. feet) of site area

(b) Front Yard Depth (minimum): 7.62 metres (25 feet)

(c) Rear Yard Depth (minimum): 7.62 metres (25 feet)

(d) Side Yard Width (minimum):

(i) Apartments, row dwellings, senior citizens home: 4.57 metres (15 feet)

(ii) Single-detached dwelling, duplex, semi-detached dwelling:

- interior side yard: 1.52 metres (5 feet)
- exterior side yard: 4.57 metres (15 feet)

(iii) In a laneless subdivision at least one yard shall be a minimum of 3.05 metres (10 feet).

(e) Coverage of site (maximum): 40 percent

(f) Building Height (maximum): 3 1/2 storeys or 13.72 metres (45 feet)

(g) Density (maximum): 36 units per net acre

(h) Accessory Uses:

(i) The minimum setback distance for an accessory building or structure shall be 0.9 metres (3 feet) from any side lot line or rear lot line.

(ii) Notwithstanding the above, in the case of a garage or portable garage, where direct access from the vehicle entrance of a garage or portable garage to a street or lane exists, then a 4.88 metres (16 feet) setback from this entrance and the sidewalk, side street or lane shall be required.

- (4) **Additional Requirements:**
- (a) The distance between two row dwelling units facing each other shall be a minimum of 27.43 metres (90 feet).
 - (b) The distance between two row dwelling units backing onto each other shall be a minimum of 33.53 metres (110 feet).
 - (c) A minimum of 10 percent of a lot containing an apartment building or row dwelling shall be devoted to landscaped open space. A maximum of 50 percent of this landscaped open space may contain recreational and playground equipment.
 - (d) Notwithstanding the above regulations, any apartment projects shall satisfy the Development Authority as to:
 - (i) provision for garbage storage, with appropriate access;
 - (ii) access for fire engines;
 - (iii) light between buildings;
 - (iv) privacy for dwelling units in and adjacent to development;
 - (v) orientation of buildings and general appearance of project;
 - (vi) safe pedestrian access to and from the public sidewalk fronting the building; and
 - (vii) adequate lighting of parking areas.
- (5) **Special Provisions: Professional Office:**
- (a) When considering a Development Permit for a professional office, the Development Authority shall consider the following:
 - (i) existing, surrounding land uses and the character of the neighbourhood in which the professional office is to be located;
 - (ii) the availability of on-site parking;
 - (iii) the proposed landscaping of the lot on which the professional office is to be located;
 - (iv) the appearance of the building;
 - (v) the height of the building in relation to surrounding buildings; and
 - (vi) the location, size, appearance and type of signs to be located on site.

SECTION 68: RESIDENTIAL-MANUFACTURED HOME SUBDIVISION DISTRICT (R-MHS)

(1) **Purpose**

The purpose of this District is to provide for a manufactured home residential estate development and associated uses on larger lots herein listed, which are connected to the municipal sewer and water systems. The intent is to create a single-family residential area primarily using manufactured homes rather than conventionally built houses.

(2) **Uses**

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses:

- accessory building or use
- manufactured home
- park or playground
- public use

(b) Discretionary Uses

- bed and breakfast accommodation
- child care facility
- home occupation
- school
- sign

(3) **Site Provisions**

(a) The side yard provisions and lot dimensions in a manufactured home subdivision shall be the same as for a single-detached dwelling in an R-1 district.

(b) Front Yard Depth (minimum): 7.62 metres (25 feet)

(c) Rear Yard Depth (minimum): 3.05 metres (10 feet)

(d) Accessory Uses:

- (i) The minimum setback distance for an accessory building or structure shall be 0.9 metres (3 feet) from any side lot line or rear lot line.
- (ii) Notwithstanding the above, in the case of a garage or portable garage, where direct access from the vehicle entrance of a garage or portable garage to a street or lane exists, then a 4.88 metres (16 feet) setback

from this entrance and the sidewalk, side street or lane shall be required.

- (e) Coverage of Site (maximum): 35 percent of site area
- (f) An adequately sized opening in the skirting of a mobile home shall be provided, to allow easy access to the utilities. The access opening shall be a minimum of 0.91 metres (3 feet) wide, and shall be close enough to the service connections to provide direct access to them.

SECTION 69: RESIDENTIAL- MANUFACTURED HOME PARK DISTRICT (R-MHP)

(1) **Purpose**

To provide areas for and to regulate the development and use of land for manufactured homes, and compatible uses, herein listed, either on separately registered parcels or within comprehensively designed multiple site parks, wherein sites are rented or owned as part of a condominium, and which are connected to the municipal sewer and water systems, and shall be serviced by natural gas.

(2) **Uses**

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses:

- accessory building or use
- manufactured home
- park or playground
- public use

(3) **Site Provisions**

(a) Manufactured Home Park Buffer:

- (i) Every manufactured (mobile) home park adjacent to a district other than a residential manufactured home park district shall maintain on its own property a treed buffer of a width to be determined by the Development Officer.
- (ii) In no circumstances shall this treed buffer be less than 4.57 metres (15 feet) in width.

(b) Every manufactured home park shall:

- (i) be at least three acres in size;
- (ii) have a lighted storage area of 9.29 sq. metres (100 sq. ft.) per mobile home (manufactured home) lot;
- (iii) devote 10 percent of the gross site area to landscaped open space and at least 50 percent of the open space may contain playground equipment;
- (iv) devote 10 percent of the gross site area to landscaped open space and at least 50 percent of the open space may contain playground equipment;

- (v) shall provide and maintain easy access near service connections to municipal utility services, to the satisfaction of the Development Officer. The access opening shall be a minimum of 0.91 metres (3 feet) wide, and shall be close enough to the service connections to provide direct access to them.
- (vi) shall provide and maintain a paved private road system to the satisfaction of the Development Officer;
- (vii) shall provide and maintain street lighting to the satisfaction of the Development Officer;
- (viii) shall provide a method of garbage collection and disposal to the satisfaction of the Development Officer;
- (ix) shall have direct access to a major road;
- (x) shall provide a surface water drainage system to the satisfaction of the Development Officer.

(c) Manufactured Home Park Lot Dimensions (minimum):

Use Type	Width	Depth
Single wide manufactured home	10.67 m. (35 ft.)	33.53 m. (110 ft.)
Double wide manufactured home	12.19 m. (40 ft.)	33.53 m. (110 ft.)
Modular building	12.19 m. (40 ft.)	33.53 m. (110 ft.)

- (d) Front Yard Depth (minimum): 6.09 metres (20 feet)
- (e) Rear Yard Depth (minimum): 6.09 metres (20 feet)
- (f) Side Yard Width (minimum): 1.52 metres (5 feet)
- (g) Notwithstanding clause (f) every manufactured home park lot shall have one 3.05 metres (10 feet) side yard for fire access and there shall be a minimum distance of 4.57 metres (15 feet) between permitted principal residential dwelling units.
- (h) Every mobile home park lot shall:
 - (i) front onto a private road with a minimum carriageway of 9.75 metres (32 feet); and
 - (ii) be clearly marked by means of stakes, fences, hedges or other means satisfactory to the Development Officer; and
 - (iii) have at least one off-street parking space, 3.05 metres (10 feet) wide and 6.09 metres (20 feet) in depth.

- (i) Accessory Uses:
 - (i) No accessory building or structure shall be located in the front yard;
and
 - (ii) No accessory building or structure shall be located closer than 0.91 metres (3 feet) from any side lot line or rear lot line.

SECTION 70: COUNTRY RESIDENTIAL DISTRICT (R-CR)

(1) **Purpose**

The purpose of this District is to provide for multi-parcel country residential development.

(2) **Uses**

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses:

- accessory building or use
- dwelling, single-detached
- public use

(b) Discretionary Uses:

- manufactured home
- secondary suite
- sign
- WECS, micro

(3) **Site Provisions**

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by a water source acceptable to Alberta Environmental Protection and a sewage disposal system acceptable to the Provincial Plumbing Inspector and except in accordance with the following provisions:

- (a) Front Yard Depth (minimum): 15.24 metres (50 feet)
- (b) Rear Yard Depth (minimum): 7.62 metres (25 feet)
- (c) Side Yard Width (minimum): 4.57 metres (15 feet)
- (d) Floor Area: Minimum 97.55 sq. metres (1050 sq. feet)
- (e) Site Coverage: Maximum of 35 percent.
- (f) Building Height (Maximum): Two (2) storeys or 10.67 metres (35 feet), whichever is greater

Notwithstanding the above, the building height of accessory buildings including garages shall not exceed the height of the principal dwelling.

(4) **Re-Subdivision of Lots**

The re-subdivision of lots may be allowed, subject to the following considerations:

- (a) the provision of water distribution and sewage collection services;
- (b) access;
- (c) compatibility with surrounding land uses and lot sizes; and
- (d) other considerations unique to the property proposed to be re-subdivided.

(5) **Design Character and Appearance of Buildings**

The exterior finish shall be wood, vinyl, brick, stucco or other similar siding materials, to the satisfaction of the Development Authority. The finish and appearance of the building should complement surrounding structures and natural site features of the subject development.

(6) **Additional Requirements**

- (a) When reviewing an application for subdivision or a Development Permit, the Development Authority may consider the following:
 - (i) the provision of an internal subdivision road;
 - (ii) development of parks and recreation areas;
 - (iii) provision of services and site drainage;
 - (iv) water supply for firefighting purposes.
- (b) The Development Authority may decide on other requirements as are necessary, having regard to the nature of the proposed development and the intent of the district.
- (c) The Development Authority may require an Area Structure Plan.

SECTION 71: PRIMARY COMMERCIAL DISTRICT (C-1)

(1) **Purpose**

The purpose of this District is to provide a variety of retail and office commercial as well as public and private service uses in the downtown.

(2) **Uses**

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses:

- accessory building or use
- artisan studio
- auction mart
- bus depot
- business/office support services
- commercial entertainment facility
- community or cultural facility
- drinking establishment
- financial institution
- fire station
- hotel
- health services
- household repair services
- laboratory
- parking facility
- park or playground
- personal services
- post office
- professional office
- protective and emergency services
- restaurant
- retail sales, general
- retail sales, liquor
- taxidermy

(b) Discretionary Uses:

- farmers/flea market
- fleet services
- funeral home

- mixed commercial/residential building
- motel
- religious use facility
- shopping centre
- sign
- retail sales, cannabis
- vehicle consignment sales
- veterinary services
- WECS, micro

(3) **Site Provisions**

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system and except in accordance with the following provisions:

- (a) Width of Site (minimum): 4.57 metres (15 feet)
- (b) Front Yard Depth (minimum): none required
- (c) Rear Yard Depth (minimum): 6.09 metres (20 feet)
- (d) Side Yard Depth (minimum):
 - (i) Side adjacent to a residential district: 3.05 metres (10 feet)
 - (ii) All other locations: 3.05 metres (10 feet), but where a firewall is provided or it is adjacent to a public road allowance, no side yard is required.
- (e) Building Height (maximum): at the discretion of the Development Officer.
- (f) Site Coverage: There is no maximum site coverage in this District. Here, the site coverage is determined on a site and use specific basis by siting requirements such as setbacks, parking, and provision for adequate vehicular traffic circulation.

(4) **Additional Requirements**

- (a) All sites abutting a residential district shall be screened from view of the residential district to the satisfaction of the Development Officer.
- (b) All apparatus on the roof shall be screened to the satisfaction of the Development Officer.
- (c) Outside storage areas shall be screened from adjacent sites and public thoroughfares.

- (d) If a landscaped area is provided, it must be in accordance with the plan approved by the Development Officer.
- (e) Dwelling accommodation in a C-1 district shall:
 - (i) have direct and separate access to the outside street level; and
 - (ii) not be located below a non-residential use.
- (f) The exterior design and appearance of buildings and structures shall meet with the satisfaction of the Development Officer or Municipal Planning Commission as follows:
 - (i) No metal clad commercial building shall be allowed in this district
 - (ii) All commercial buildings must be constructed on a continuous permanent concrete foundation
- (g) Accessory Buildings:

The minimum setback distance for an accessory building or structure shall be 0.9 metres (3 feet) from any side lot line or rear lot line.
- (h) Vehicle consignment sales may be approved by the Municipal Planning Commission.

SECTION 72: TRANSITIONAL COMMERCIAL DISTRICT (C-1A)

(1) **Purpose**

The purpose of this District is to accommodate commercial developments with specific lot dimensions while providing visual access from the Highway.

(2) **Uses**

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses:

- accessory building or use
- automotive, retail
- automotive, service
- business/office support services
- health services
- hotel
- motel
- personal services
- professional office
- protective and emergency services
- public use
- retail sales, convenience store
- retail sales, general
- service station

(b) Discretionary Uses:

- artisan studio
- contractor services, minor
- farmers/flea market
- fleet services
- funeral home
- veterinary services
- retail sales, cannabis
- sign
- WECS, micro

(3) **Site Provisions**

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system and except in accordance with the following provisions:

- (a) Front Yard Depth (minimum): 7.62 metres (20 feet)
 - (i) Where on-site parking is proposed on the side of a site, instead of the front, a reduction in the required front yard depth will be granted.
- (b) Side Yard Depth (minimum): 3.05 metres (10 feet)

Notwithstanding sub-section 3(a) and (b), when an appropriate fire wall is provided, or it is adjacent to a road allowance, the side yard depth may be reduced to zero when the adjacent lots are located in a Commercial District and all other provisions of this Bylaw are met, to the satisfaction of the Development Officer.

- (c) Rear Yard Depth (minimum): 6.09 metres (10 feet)
- (d) Building Height (maximum): 3 storeys or 10.67 metres (35 feet), whichever is greater.
- (e) Site Coverage: There is no maximum site coverage in this District. Here, the site coverage is determined on a site and use specific basis by siting requirements such as setbacks, parking, and provision for adequate vehicular traffic circulation.
- (f) Accessory Uses:

The minimum setback distance for an accessory building or structure shall be 0.9 metres (3 feet) from any side lot line or rear lot line.

(4) **Additional Requirements**

- (a) No use shall be established that is or will become obnoxious by way of the following:
 - (i) noise;
 - (ii) vibration;
 - (iii) smoke, dust and other kinds of particulate matter;
 - (iv) radiation hazards;
 - (v) heat, humidity, glare; or
 - (vi) any other nuisance factors.

- (b) All sites abutting a residential district shall be screened from view of the residential district to the satisfaction of the Development Officer.
- (c) All apparatus on the roof shall be screened to the satisfaction of the Development Officer.
- (d) All storage yards shall be enclosed or completely screened by buildings, trees, landscaped features or fences or a combination thereof.
- (e) Landscaping shall be provided as approved by the Development officer.
- (f) Provision for adequate vehicular traffic circulation shall be provided on all sites to the satisfaction of the Development Officer.
- (g) The exterior design and appearance of buildings and structures shall meet with the satisfaction of the Development Officer or Municipal Planning Commission as follows.
 - (i) No commercial building of all-metal construction shall be allowed in this district
 - (ii) All commercial buildings must be constructed on a continuous permanent concrete foundation.

SECTION 73: SECONDARY COMMERCIAL DISTRICT (C-2)

(1) **Purpose**

The purpose of this District is to provide a variety of retail and office commercial as well as public and private service uses outside of the downtown core.

(2) **Uses**

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses:

- accessory building or use
- agriculture, sales and service
- automotive, retail
- automotive, service
- bus depot
- business/office support services
- car washing establishment
- manufactured home dealership
- personal services
- professional office
- protective and emergency services
- public use
- recreation vehicle sales and service dealership
- restaurant
- retail sales, general
- service station

(b) Discretionary Uses:

- aquaculture facility
- artisan studio
- auction mart
- bulk fuel depot
- contractor services, minor
- farmers/flea market
- fleet services
- funeral home
- hotel
- motel
- mixed commercial/residential building

- retail sales, cannabis
- retail sales, convenience store
- sign
- storage yard
- veterinary services
- warehouse
- WECS, micro

(3) Site Provisions

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system and except in accordance with the following provisions:

(a) Front Yard Depth (minimum): 7.62 metres (25 feet)

(b) Side Yard Depth (minimum): 3.05 metres (10 feet)

Notwithstanding sub-section 73(2)(a) and (b), when an appropriate fire wall is provided, or it is adjacent to a road allowance, the side yard depth may be reduced to zero when the adjacent lots are located in a Commercial District and all other provisions of this Bylaw are met, to the satisfaction of the Development Officer.

(c) Rear Yard Depth (minimum): 6.09 metres (20 feet)

(d) Building Height (maximum): 3 storeys or 10.67 metres (35 feet), whichever is greater.

(e) Site Coverage: There is no maximum site coverage in this District. Here, the site coverage is determined on a site and use specific basis by siting requirements such as setbacks, parking, and provision for adequate vehicular traffic circulation.

(f) Accessory Uses:

The minimum setback distance for an accessory building or structure shall be 0.9 metres (3 feet) from any side lot line or rear lot line.

(4) Additional Requirements

(a) No use shall be established that is or will become obnoxious by way of the following:

- (i) noise;
- (ii) vibration;
- (iii) smoke, dust and other kinds of particulate matter;

- (iv) radiation hazards;
 - (v) heat, humidity, glare; or
 - (vi) any other nuisance factors.
- (b) All storage yards shall be enclosed or completely screened by buildings, trees, landscaped features or fences or a combination thereof.
- (c) Landscaping shall be provided, as approved by the Development Officer.
- (d) Provision for adequate vehicular traffic circulation shall be provided on all sites to the satisfaction of the Development Officer.

SECTION 74: HIGHWAY COMMERCIAL DISTRICT (C-3)

(1) **Purpose**

The purpose of this District is to facilitate a wide range of commercial, light industrial and compatible uses along Provincial Highways to provide high visibility.

(2) **Uses**

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses:

- accessory building or use
- hotel
- motel
- public use
- restaurant

(b) Discretionary Uses:

- agriculture, sales and service
- automotive, retail
- automotive, service
- bulk fuel depot
- business/office support services
- contractor services, minor
- fleet services
- funeral home
- retail sales, convenience store
- service station
- sign
- storage yard
- WECS, micro

(3) **Site Provisions**

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system and except in accordance with the following provisions:

(a) Lot Frontage:

(minimum) 45.72 metres (150 feet)

(maximum) 152.4 metres (500 feet)

(b) Lot Depth:

(minimum) 60.96 metres (200 feet)

(maximum) 182.88 metres (600 feet)

(c) Front Yard Depth (minimum): 9.14 metres (30 feet)

(d) Side Yard Width (minimum): 3.05 metres (10 feet)

(e) Rear Yard Depth (minimum): 6.09 metres (20 feet)

(f) Building Height (maximum): 10.67 metres (35 feet)

(g) Site Coverage: There is no maximum site coverage in this District. Here, the site coverage is determined on a site and use specific basis by siting requirements such as setbacks, parking, and provision for adequate vehicular traffic circulation.

(h) Accessory Buildings:

The minimum setback distance for an accessory building or structure shall be 0.9 metres (3 feet) from any side lot line or rear lot line.

(4) **Additional Requirements**

(a) Landscaping shall be provided, as approved by the Development Officer.

(b) Provision for adequate vehicular traffic circulation shall be provided on all sites to the satisfaction of the Development Officer.

(c) No portion of a lot shall be closer than 60.96 metres (200 feet) from the centre line of a highway.

(d) A service road shall be provided for all highway commercial developments fronting onto a highway.

SECTION 75: LIGHT INDUSTRIAL DISTRICT (M-1)

(1) **Purpose**

The purpose of this District is to provide for a variety of industrial uses that do not adversely affect adjacent land uses or cause any external, objectionable, or dangerous conditions outside of any building or the industrial business site.

(2) **Uses**

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses:

- accessory building or use
- automotive, service
- bulk fuel depot
- contractor services, minor
- fleet services
- heavy equipment sales and service
- manufacturing establishment
- public use
- service station
- storage yard
- warehouse
- welding shop

(b) Discretionary Uses:

- aquaculture facility
- agriculture, industry
- cannabis production facility
- contractor services, major
- funeral home
- secondary commercial use
- sign
- recycling depot
- WECS, micro

(3) **Site Provisions**

No person shall use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) Front Yard Depth (minimum): 6.09 metres (20 feet)
- (b) Side Yard Depth (minimum):
 - (i) 4.57 metres (15 feet)
 - (ii) The Development Officer may reduce the above side yard requirements whenever there is an abutting railway line, lane or utility lot provided fire prevention regulations are not violated.
- (c) Rear Yard Depth (minimum):
4.57 metres (15 feet) except:
 - (i) in the case where there is no rear lane, the distance shall not be less than 1.15 metres (5 feet);
 - (ii) where the rear boundary of a site abuts a railway right-of-way no rear yard is required.
- (d) Site Coverage (maximum): 60 percent
- (e) Building Height (maximum): At the discretion of the Development Authority.

(4) **Additional Requirements**

- (a) Principal Building:
Only one principal building per lot.
- (b) Accessory Buildings:
 - (i) Where a structure is attached to the principal building on a site by a roof, a floor or a foundation, it is part of the principal building, even though separated from it by a passage which is open at both ends.
 - (ii) No person shall erect an accessory building unless and until the Development Officer has approved the position of such building in relation to the boundaries of the site on which it is located and to the other buildings on the site.

- (c) Landscaping:
- (i) Landscaping shall be to the satisfaction of the Development Authority.
 - (ii) All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Development Officer.
 - (iii) Any industrial development located on a site bordering a main arterial roadway or highway shall be buffered from these roadways by a strip of treed land or a raised berm of a height to be determined by the Development Authority.
 - (iv) Other than for landscaping, a developer shall apply in writing to the Development Officer for a Development Permit for excavation, stripping and grading with the following details:
 - the location of the site on which the excavation, stripping or grading is to take place;
 - the location of the stockpile on the site; and
 - the present height of the land on the site in relation to any abutting thoroughfares and with relation to adjoining sites.
- (d) Appearance:
- (i) Any building or accessory building shall employ some of the same elevation elements, materials and colours to achieve a complementary design that will tie the structures together.
 - (ii) A building shall have its exterior walls finished with a material or materials that are acceptable to the Development Officer or Municipal Planning Commission.
 - (iii) The appearance of the building shall be finished with brick masonry, siding, wood and/or steel type building materials.
- (e) Premises Used for Outdoor Display or Storage:
- (i) The Development Authority may require that goods be displayed in an orderly manner.
 - (ii) The Development Authority may require that the display area in whole or in part be enclosed by a fence or wall of a design and height approved by the Development Officer.

(f) Oil Separators:

The Development Authority may require the installation of an oil separator as a condition of a Development Permit.

(g) Garbage Storage:

Garbage and waste materials shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares.

(h) Utilities:

(i) The necessary rights-of-way shall be proved at the time of development or subdivision of the site.

(ii) Utility upgrades shall be coordinated to accommodate new development.

(i) Access:

All accesses shall be constructed by the developer, at the developer's expense, to the Town of Fairview engineering standards.

(4) Alberta Safety Codes Act:

All development shall conform to the *Alberta Safety Codes Act*.

SECTION 76: HEAVY INDUSTRIAL DISTRICT (M-2)

(1) **Purpose**

The purpose of this District is to provide for intensive industrial uses which frequently require significant outdoor storage and may generate heavy truck traffic and/or offsite nuisance.

(2) **Uses**

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses

- none

(b) Discretionary Uses

- accessory building or use
- agriculture, industry
- bulk fuel depot
- cannabis production facility
- contractor services, major
- heavy equipment sales and service
- manufacturing establishment
- public use
- storage yard
- warehouse
- WECS, micro

(3) **Site Provisions**

No person shall use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) Area of Site (minimum): 603.87 sq. metres (6,500 sq. feet)
- (b) Front Yard Depth (minimum): 4.57 metres (15 feet)
- (c) Rear Yard Depth (minimum): 4.57 metres (15 feet)
- (d) Side Yard Depth (minimum): 4.57 metres (15 feet)
- (e) Building Height (maximum): 22.86 metres (75 feet)

(4) **Additional Requirements**

- (a) All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Development Officer.
- (b) Any and all apparatus on the roof shall be screened to the satisfaction of the Development Officer.
- (c) Outside storage areas shall be screened from adjacent sites and public thoroughfares.
- (d) Any industrial establishment located on a site bordering a main arterial roadway or highway shall be buffered from these roadways. This buffer may consist of a strand of treed land of a width to be determined by the Development Officer.
- (e) The exterior finishing materials of the proposed development must be those shown on the approved plan.

SECTION 77: COMMUNITY DISTRICT (COM)

(1) **Purpose**

The purpose of this District is to provide recreational, educational, and community service developments for the community as a whole.

(2) **Uses**

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses:

- accessory building or use
- arena
- community or cultural facility
- park or playground
- private religious institution
- public use
- recreation facility, indoor
- recreation facility, outdoor
- religious use facility
- school

(b) Discretionary Uses:

- dormitory residence
- WECS, micro
- parking facility

(3) **Site Provisions**

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system and except in accordance with the following provisions:

- (a) The design, setting, construction, architectural appearance and yard dimensions of any building or structure, accessory building, signs and landscaping must be to the satisfaction of the Development Officer and/or Municipal Planning Commission; and
- (b) Any federal, provincial or municipal fire, health and safety regulations.

SECTION 78: AGRICULTURAL-URBAN RESERVE DISTRICT (A-UR)

(1) **Purpose**

The purpose of this District is to provide for the continuation of existing rural pursuits prior to transitioning to a more urban form through subdivision or development within the framework of an Area Structure Plan and/or land use resignation.

(2) **Uses**

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses:

- accessory building or use
- agriculture, extensive
- farm residence
- public use
- WECS, micro

(b) Discretionary Uses

- aquaculture facility
- agriculture, industry
- agriculture, intensive
- farmers market
- natural resource extraction
- recreation facility, outdoor
- solar farm
- WECS, macro

(3) **Site Provisions**

No person shall use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) Front Yard Depth (minimum): 7.62 metres (25 feet)
- (b) Side Yard Depth (minimum): 4.57 metres (15 feet)
- (c) Rear Yard Depth (minimum): 7.62 metres (25 feet)

(d) Residential Buildings on Same Site:

One residential building per site except when the site is exclusively for agriculture and the use requires an additional dwelling or dwellings for full time farm help.

(e) Notwithstanding anything in this Bylaw, no person shall use land in this district for an intensive agricultural use such as a feed lot, a chicken hatchery or a hog farm.

SECTION 79: DIRECT CONTROL-COMMERCIAL (DC-C)

(1) **Purpose**

The purpose of this District is to provide Council with decision making powers for the development of commercial lands that are inappropriate for control through traditional land use districts, consistent with section 641(1) of the Act.

(2) **Site Provisions**

- (a) A development application shall be evaluated on its own merits by Council which will establish the appropriate development standards.
- (b) In assessing a development application in a Direct Control-Commercial District, Council shall have regard to but not to be bound by:
 - (i) The Fairview Intermunicipal Development Plan;
 - (ii) The Fairview Municipal Development Plan; and
 - (iii) The Fairview Land Use Bylaw.
- (c) Council may impose conditions deemed necessary concerning:
 - (i) parking
 - (ii) buffers
 - (iii) fencing
 - (iii) landscaping and screening
 - (iv) site coverage and building orientation
 - (v) servicing
 - (vi) internal circulation
 - (vii) accessory uses
 - (viii) types of development allowed
 - (ix) signs
 - (x) exterior architecture and appearance
 - (xi) number of business establishments,or any other requirements deemed necessary having due regard for the nature of a proposed development and the purpose and intent of this district.

- (d) An application for development shall include such information as required in Section 16 of this Bylaw.
- (e) Council shall inform the applicant upon decision on an application for a Development Permit that the decision cannot be appealed to the Development Appeal Board.

PART 4: ENACTMENT

DIVISION 1: AMENDING THIS BYLAW

SECTION 80: AMENDMENT PROCESS

- (1) All applications for amendment to this Land Use Bylaw shall be made to the Development Officer in writing on the prescribed form, and shall be accompanied by the following:
 - (a) **Text Amendment**

If the amendment involves text changes,

 - (i) a statement indicating the specific amendment requested;
 - (ii) reasons in support of the application, as well as a statement outlining how the text amendment may impact land use and development throughout the Town.
 - (b) **Land Use Re-designation**

If the amendment involves the re-designation of land to a different land use district,

 - (i) a description of the intended use(s);
 - (ii) reasons in support of the proposed redesignations;
 - (iii) a copy of the certificate of title for the lands affected, or any other document satisfactory to the Development Officer verifying that the applicant has a legal interest in the land;
 - (iv) where the applicant is an agent acting on behalf of the owner, a letter from the owner(s) authorizing the agent to make the application;
 - (v) a properly dimensioned map, indicating the following applicable details, unless otherwise specified by the Development Officer;
 - (vi) the location, dimensions and boundaries of the affected site, and its relationship to existing land uses on adjacent properties;
 - (vii) the dimensions and boundaries of existing rights-of-way (i.e., public utilities, roads, pipelines, etc.);
 - (viii) the location, use and dimension of existing buildings on the site;

- (c) such additional information as the Development Officer may require; and
 - (d) a signed certificate, by the applicant, authorizing the right of entry by the Development Authority to such lands or buildings as may be required for investigation of the proposed amendment.
- (2) Applications to amend this Bylaw shall be accompanied by a fee, as set by a resolution of Council from time-to-time.
 - (3) If it appears that the proposed amendment is one which is applicable to and for the benefit of the Town at large, or most of the persons affected in one area or to the entire Town, then Council may direct that the application fee be returned to the applicant and the Town pay or cost-share expenses related to the proposed amendment.
 - (4) The Development Officer may refuse to process an application to amend the Bylaw if the information required has not been supplied or if, in their opinion, it is of inadequate quality to properly evaluate the application.
 - (5) Pursuant to the *Act*, the Council may, at any given time, initiate an amendment to, or repeal of, this Bylaw.
 - (6) Upon receipt of a complete application, it shall be referred to:
 - (a) the Town administration for the drafting of a proposed Land Use Bylaw amendment;
 - (b) the Municipal Planning Commission for consideration and recommendation to be made to Council; and
 - (c) the Council for introduction and to establish a Public Hearing date.
 - (7) The application may be referred to any agency as deemed necessary for comment and advice.
 - (8) A notice of the application shall be published in accordance with section 606 of the *Act*, and shall contain:
 - (a) the legal description of the land, if applicable;
 - (b) the purpose of the proposed amending Bylaw;
 - (c) the location where a copy of the proposed amending Bylaw may be inspected by the public;
 - (d) the date, place and time that the Council will hold a public hearing on the proposed amending Bylaw; and

- (e) an outline of the procedures to be followed by anyone wishing to be heard at the public hearing.
- (9) Council, after considering any
- (a) representations made at the public hearing,
 - (b) any intermunicipal development plan, municipal development plan, area structure plan or area redevelopment plan affecting the application,
 - (c) the provisions of this Bylaw, and
 - (d) the recommendations of the MPC,
- may make such changes as it considers necessary to the proposed amendment, if any, and/or proceed to pass the proposed amendment; or defeat the proposed amendment.
- (10) Where the Land Use Bylaw has been amended for the purpose of enabling a proposed development or subdivision proposal, and the proposal has been withdrawn by the applicant or refused by a third-party institution, Council may consider an amendment to the Land Use Bylaw to restore its previous wording or land use designation.
- (11) Where an application for an amendment to this Bylaw has been refused by Council, the Development Officer shall refuse to accept another application on the same or similar amendment until six (6) months have passed from the date of such refusal.

DIVISION 2: CONTRAVENTION AND ENFORCEMENT

SECTION 81: CONTRAVENTION

- (1) No person shall contravene this Bylaw by commencing or undertaking a development or use that is not permitted under this Bylaw.
- (2) No person shall authorize or do any development that is at variance with the description, specifications or plans that were the basis for the issuing of a Development Permit under this Bylaw.
- (3) No person shall contravene a condition of a permit issued under this Bylaw.
- (4) The Development Authority may enforce the provisions of this Bylaw, the *Act* and its regulations, the conditions of a subdivision approval or Development Permit approval.
- (5) A Designated Officer may inspect premises in accordance with the provisions of the *Act* where there are reasonable grounds to believe that the premises are being used in contravention of this Bylaw. Without limiting the generality of the foregoing, such reasonable grounds would include:
 - (a) written or verbal complaints that premises are being used in contravention of this Bylaw;
 - (b) the observations of a Designated Officer that there is excessive traffic, parking problems, accumulated debris in a yard or other apparent breach of this Bylaw.
- (6) Pursuant to the *Act*, the Town may enforce or contact the relevant agency to enforce the provisions of the *Act* and its regulations, other government regulations, a subdivision approval, the conditions of a Development Permit, and all of the rules and regulations of this Bylaw:
 - (a) All rules, regulations, policies, or conditions which are applicable pursuant to this Bylaw, a Development Permit, subdivision approval, or any other enactment the Town has the authority to enforce, may be subject to enforcement action if found to be in contravention;
 - (b) Enforcement may take the form of a written notice of contravention, written stop order notice, financial penalty or any other authorized action to ensure compliance.

SECTION 82: MUNICIPAL ENFORCEMENT

- (1) Where the Development Officer finds that a development or use of land or buildings is not in accordance with the *Act*, the Subdivision Regulation, a Development Permit or subdivision approval, or this Bylaw, the Development Officer shall provide, in writing, a Stop Order which orders the registered owner or the person in possession of the land or buildings or the person responsible for the contravention of all or any of them to:
 - (a) stop the development or use of the land or buildings in whole or in part as directed by the notice;
 - (b) demolish, remove or replace the development; or
 - (c) take such other measures as are specified in the notice so that the development or use of the land or building is in accordance with the *Act*, the Subdivision Regulation, a Development Permit or subdivision approval, or this Bylaw, as the case may be.
- (2) Where a Stop Order is issued under the *Act*, the Stop Order shall state the following and any other information considered necessary by the Development Authority:
 - (a) an explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the *Act* the order is being carried out;
 - (b) the alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention;
 - (c) a time frame in which the contravention must be corrected prior to the Town pursuing action; and
 - (d) advise the person of their right to appeal the notice to the Subdivision and Development Appeal Board.
- (3) Any written notice, order, or decision that is required to be provided to any person, by any provision of this Bylaw, shall be deemed to have been so provided if it is:
 - (a) delivered personally to the person or their agent it is directed to; or
 - (b) delivered by registered mail to the last known address of the person it is directed to; or
 - (c) left with any agent or employee or resident at the last known address of the person to whom it is directed.

- (4) Where a person fails, or refuses to comply with an order directed to him pursuant to this Bylaw or an order or decision of the Subdivision and Development Appeal Board under the *Act* within the time specified, Council or a person appointed by it may, in accordance with the *Act*:
- (a) register a caveat against the title of the subject property related to the order; or
 - (b) enter upon the land or building and take such action as is necessary to carry out the order; and
 - (c) add the costs and expenses incurred in carrying out the order to the tax roll for the subject property and shall be collected in the same manner as property taxes.

SECTION 83: APPEALING A DECISION

- (1) A decision on a Development Permit application or a Stop Order notice may be appealed to the Subdivision and Development Appeal Board, in accordance with the *Act*.
- (2) When a notice of appeal has been served to the Subdivision and Development Appeal Board with respect to a decision to approve an application for a Development Permit, the Development Permit shall not be effective before:
 - (a) the decision on the Development Permit has been sustained by the Appeal Board, or
 - (b) the Clerk to the Appeal Board has received written notification from the appellant that the appeal has been abandoned.
- (3) When a notice of appeal has been served to the Subdivision and Development Appeal Board with respect to a Stop Order, the Stop Order shall not be effective before:
 - (a) the order has been confirmed by the Appeal Board, or
 - (b) the Clerk to the Appeal Board has received written notification from the appellant that the appeal has been abandoned.
- (4) If the decision to approve a Development Permit application is reversed by the Appeal Board, the Development Permit shall be null and void.
- (5) If the decision to refuse a Development Permit application is reversed by the Appeal Board, the Development Authority shall issue a Development Permit in accordance with the decision of the Board.
- (6) If the decision to approve a Development Permit application is varied by the Appeal Board, the Development Officer shall issue a Development Permit in accordance with the terms of the decision of the Board.
- (7) If a Stop Order issued by the Development Authority is revoked by the Appeal Board, the Stop Order shall be null and void.
- (8) If a Stop Order issued by the Development Authority is confirmed by the Appeal Board, the Development Authority may undertake such measures as outlined under section 82 (4) of this Bylaw.

SECTION 84: COURT ENFORCEMENT AND APPEAL

- (1) A person who:
 - (a) contravenes any provision of the *Act* or the regulations under the *Act*;
 - (b) contravenes this Bylaw;
 - (c) contravenes a Development Permit or subdivision approval or a condition attached thereto; and/or
 - (d) obstructs or hinders any person in the exercise or performance of his powers or duties under the *Act*, the regulations under the *Act* or this Bylaw;is guilty of an offense and is liable to a fine prescribed in the *Act*.
- (2) If a person is found guilty of an offense under this Bylaw or the *Act*, the Court may, in addition to any other penalty imposed, order the person to comply with:
 - (a) the *Act* and the regulations under the *Act*;
 - (b) this Bylaw;
 - (c) a Development Permit or subdivision approval or a condition attached to a Development Permit or subdivision approval.
- (3) Fine and penalty amounts which shall apply and accrue as a result of non-compliance/ enforcement of orders issued under this section shall be established by Council at their discretion through a separate bylaw. Where not defined, the fine and penalty structure provided in the *Act* shall apply.
- (4) A decision of the to the Subdivision and Development Appeal Board may be appealed to an Alberta Court of Appeal on the question of law or jurisdiction, in accordance with the *Act*.
- (5) If an application for a permission to appeal is granted by a judge and the appeal is heard, the court may confirm, vary, reverse or cancel the decision.
- (6) In the event that the Court cancels the decision of the Subdivision and Development Appeal Board, the Court must refer the matter back to the Board, and the Board must rehear the matter and deal with it in accordance with the opinion of or any direction given by the Court on the question of law or jurisdiction.
- (7) If the Court confirms the decision of the Subdivision and Development Appeal Board, the Court shall issue an order indicating that the decision takes effect from the time and on the terms that the Court considers appropriate.

TOWN OF FAIRVIEW

LAND USE BYLAW

No. 1064/LUO/2021

SCHEDULE “B”:

DISTRICT MAP

TOWN OF FAIRVIEW

LAND USE BYLAW

No. 1064/LUO/2021

**SCHEDULE “C”:
LIST OF AMENDMENTS**

TOWN OF FAIRVIEW

LAND USE BYLAW

No. 1064/LUO/2021

**SCHEDULE “D”:
DEVELOPMENT AGREEMENTS**

Development Agreements and Bylaws

Name of Agreement	Residential Area	Bylaw	Date
Gerard Biegel Bickell's Subdivision	Lots 3-13 BK 6 082 1634 Lots 40-56 BK 5 082 1634	None	August 2007
Jobry Enterprises Area Structure Plan Development Agreement	Country View Estates Country View Estates	879/DP/2003	2003 October 2006
West Side Area Structure Plan	North of 105 Ave West of 118 Street	784/D&P/95	October 1995
Midlands Park Area Structure Plan	Lot 1-24 BK 6 812 2301 Lots 1-11 BK 7 812 2301 Lots 1-17 BK 8 812 2301 Lots 1-8 BK 5 812 2301	719/D&P/88	November 1988
Fairview Golf & Country Club Estates Area Structure Plan	NW 3 82-3-6 North of golf course	718/D&P/88	November 1988
D.D Thompson Insurance Agency Ltd. Dev. Agreement	Lot 3-8 BK 18 96201677	none	March 1996
Dafhra Developments Development Agreement	BK1 812 1549 BK1 042 6980	none	February 1981
W-B Developments Ltd. Development Agreement	Lots 27-43 BK4 992 0270 Lots 33-39 BK5 992 0270 Lot 1 BK6 082 1634	none	June 1998
GDC (Fairview LTD) Development Agreement	Lot 11 BK 20 Plan 0425587	none	July 8, 2020

Town of Fairview
Land Use Bylaw
No. 1064/LUO/2021

- Town Boundary
- Agricultural- Urban Reserve (A-UR)
- Community (COM)
- Direct Control Commercial (DC-C)
- Heavy Industrial (M-2)
- Light Industrial (M-1)
- Primary Commercial (C-1)
- Secondary Commercial (C-2)
- Highway Commercial (C-3)
- Residential 1 (R-1)
- Residential 2 (R-2)
- Residential 3 (R-3)
- Country Residential (R-CR)
- Residential Mobile Home Park (R-MHP)
- Residential Mobile Home Subdivision (R-MHS)
- Transitional Residential Commercial (RC-T)
- Transitional Commercial District (C-1A)

Land Use Bylaw Districts

Adopted by Council this xx day of xxx, 2021
Last Updated: xxx, 2021

MAYOR - Gordon MacLeod

CHIEF ADMINISTRATIVE OFFICER - Daryl Greenhill

Amendments

Bylaw No.	Date	Bylaw No.	Date

