



LAND USE BYLAW

No. 984/LUO/2012



**For Third Reading
November 6, 2012**

**Prepared by:
the Town of Fairview and
Mackenzie Municipal Services Agency**



TOWN OF FAIRVIEW

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TOWN OF FAIRVIEW LAND USE BYLAW No. 984/LUO/2012

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 municipality.

- (3) Application of Bylaw:

The provisions of this Bylaw apply to all land and buildings within the corporate boundaries of the Town of Fairview.

Section 2: Compliance with This Bylaw

- (1) Compliance with Bylaw:

No person shall commence any development except in compliance with this Bylaw.

Section 3: Schedule "C" District Map

- (1) The geographic area of the municipality of the Town of Fairview is hereby divided into districts listed in Section 57, and their boundaries are delineated on the map attached to and forming a part of this Bylaw, as Schedule "C".

Section 4: Definitions

In this Land Use Bylaw, the definitions and interpretation set out in the following subsections shall apply:

"ACCESSORY" when used to describe a use, building or structure, means a use, building or structure naturally and normally incidental, subordinate and exclusively devoted to the principal use or building and located on the same lot or site. A private garage, as defined in the Bylaw, is considered an accessory use.

"ACT" means the Province of Alberta Municipal Government Act.

"ADULT ENTERTAINMENT FACILITY" means a facility where entertainment is provided to the adult public, either exclusively or in combination with other activities and may, without restricting the generality of the foregoing, include a night club, live theatre or cinema, but does not include a restaurant/drinking establishment, restaurant-food service only, gaming establishment-bingo or gaming establishment-casino.

"AMUSEMENT ARCADE" means any facility where four or more mechanical or electronic games are kept for the purpose of providing entertainment or amusement to the public for a fee.

"APARTMENT BUILDING" 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.

"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.

"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 a part of a residential dwelling for overnight accommodation, where breakfast is usually served 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.

"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 SERVICE" means a development for support services to business generally, which for example include: the use of minor mechanical equipment for batch printing; processing and binding; drafting; word and photographic processing services; office maintenance or security services; business- related equipment sales and rental services or repairs.

"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.

"COMMUNITY BUILDING OR FACILITY" means a development for use by the public or public groups for cultural or community activities. Typical uses include public and private clubs

"CONDOMINIUM" means a form of property ownership that is usually based on the ownership of one unit within a multi-unit structure.

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

- (1) any preliminary operation such as excavation, filling or draining;
- (2) altering an existing building or structure by an addition, enlargement, extension or other structural change; and
- (3) any work which requires a building permit under the Building Bylaw of the Town of Fairview.

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

"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.

"DEVELOPMENT" means

- (1) an excavation or stockpile and the creation of either of them, or
- (2) 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
- (3) 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
- (4) 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 APPEAL BOARD" means a development appeal board established pursuant to the Act and by council through the adoption of a bylaw.

"DEVELOPMENT OFFICER" means:

- (1) the person appointed by a resolution of council to the office established by Section 5 of this bylaw, or
- (2) where a municipal planning commission is authorized to act as a development officer, the municipal planning commission, or
- (3) where a municipal planning commission is authorized to act as a development officer in addition to a person appointed as a development officer, either or both of them.

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

"DISCRETIONARY USE" means the use of land or a building which is listed in the column captioned "Discretionary Uses" under land use districts contained in this Bylaw for which a development permit may or may not be issued upon an application having been made.

"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 mobile home (manufactured home) or a multiple unit dwelling with associated cafeteria facilities.

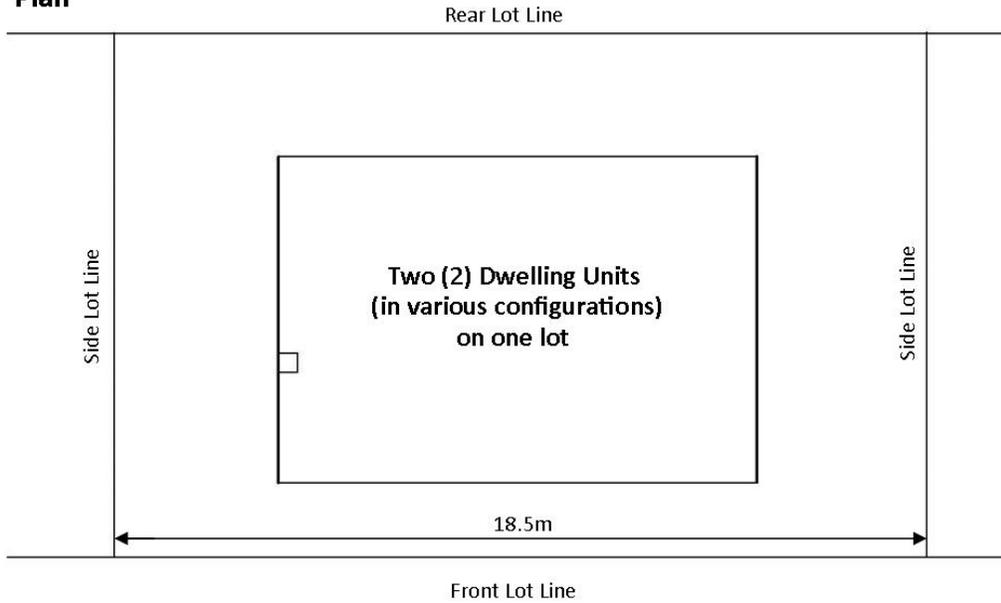
"DRIVE-IN RESTAURANT" means a business offering food for sale to the public and designed on the basis that consumption will take place either within a motor vehicle parked in a permitted parking space on the site or within a building located on the site.

"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.

EXPLANATION NOTES

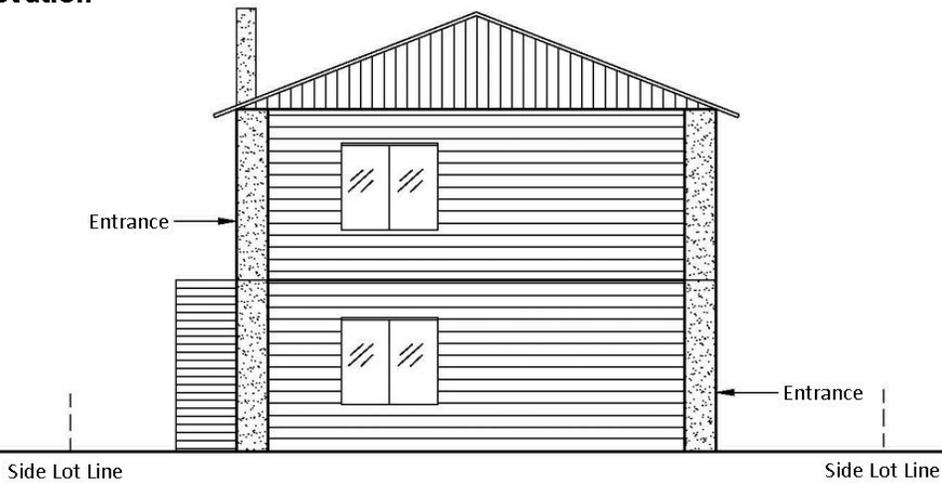
Duplex

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.

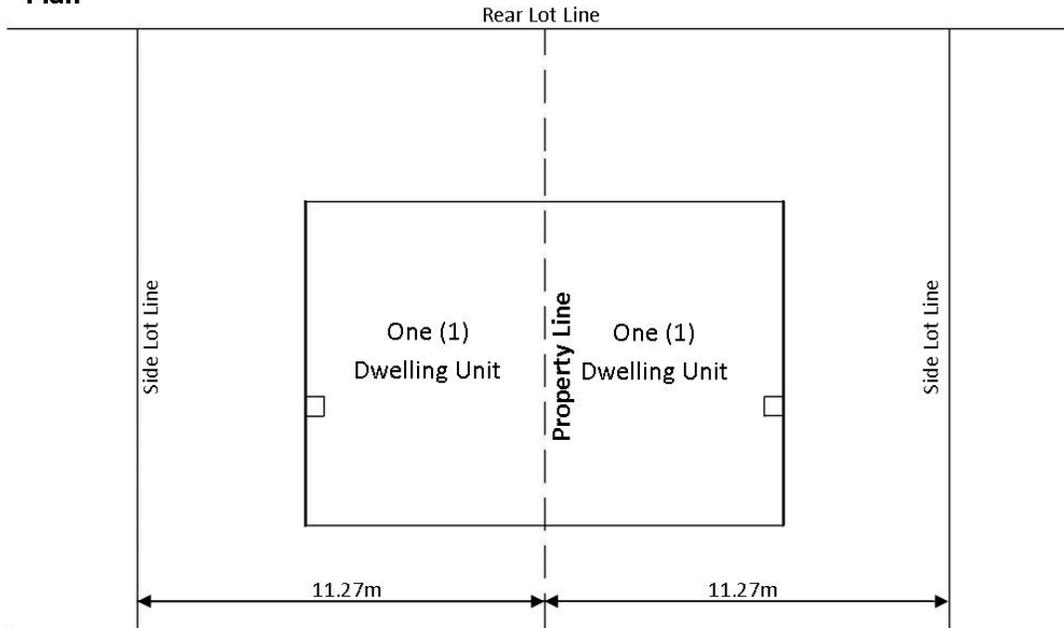
Elevation



EXPLANATION NOTES

Semi-Detached Dwelling

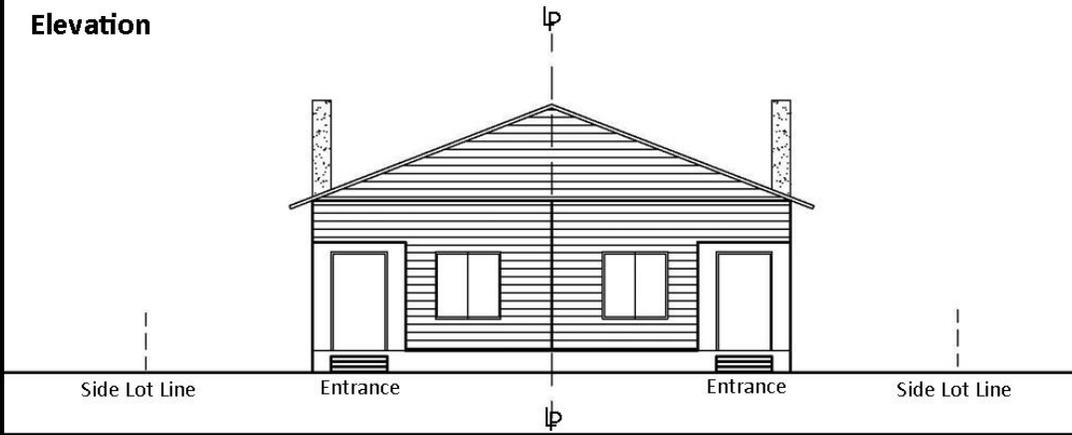
Plan



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



"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, 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, 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.

"DWELLING UNIT" means self-contained rooms designed or used exclusively as the living quarters (construed as including sleeping, cooking and toilet facilities) for one family, and with an independent entrance either directly from outside a building or through a common hallway inside a building.

"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.

"ENTERTAINMENT FACILITY" means an enclosed facility in which a fee is charged to the public for the provision of a performance, or a minimum fee is charged for admission to the facility or sale of any item, food, or beverage therein, which includes the provision of a performance and without limiting the foregoing, may include facilities for movies and live theatre, but does not include a casino or bingo hall.

"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.

"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.

"**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.

"**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.

"**GARDEN SUITE**" means a secondary dwelling unit being an additional residence on a parcel of land on which there is already a principal residence.

"**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.

"**HOME-BASED BUSINESS**" 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-based business.

"**HOTEL**" means a building designed for the accommodation of the travelling or vacationing public containing guest rooms served by a common entrance as well as general kitchen and dining or other public rooms.

"**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.

"**LAUNDROMAT**" means a development used for self-service laundry but does not include dry cleaners.

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

"**LIQUOR STORE**" means the retail sale of alcoholic beverages including beer, wine, spirits or other provincially approved alcoholic 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:

- (1) a quarter section.
- (2) 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.
- (3) 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
- (4) 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 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.

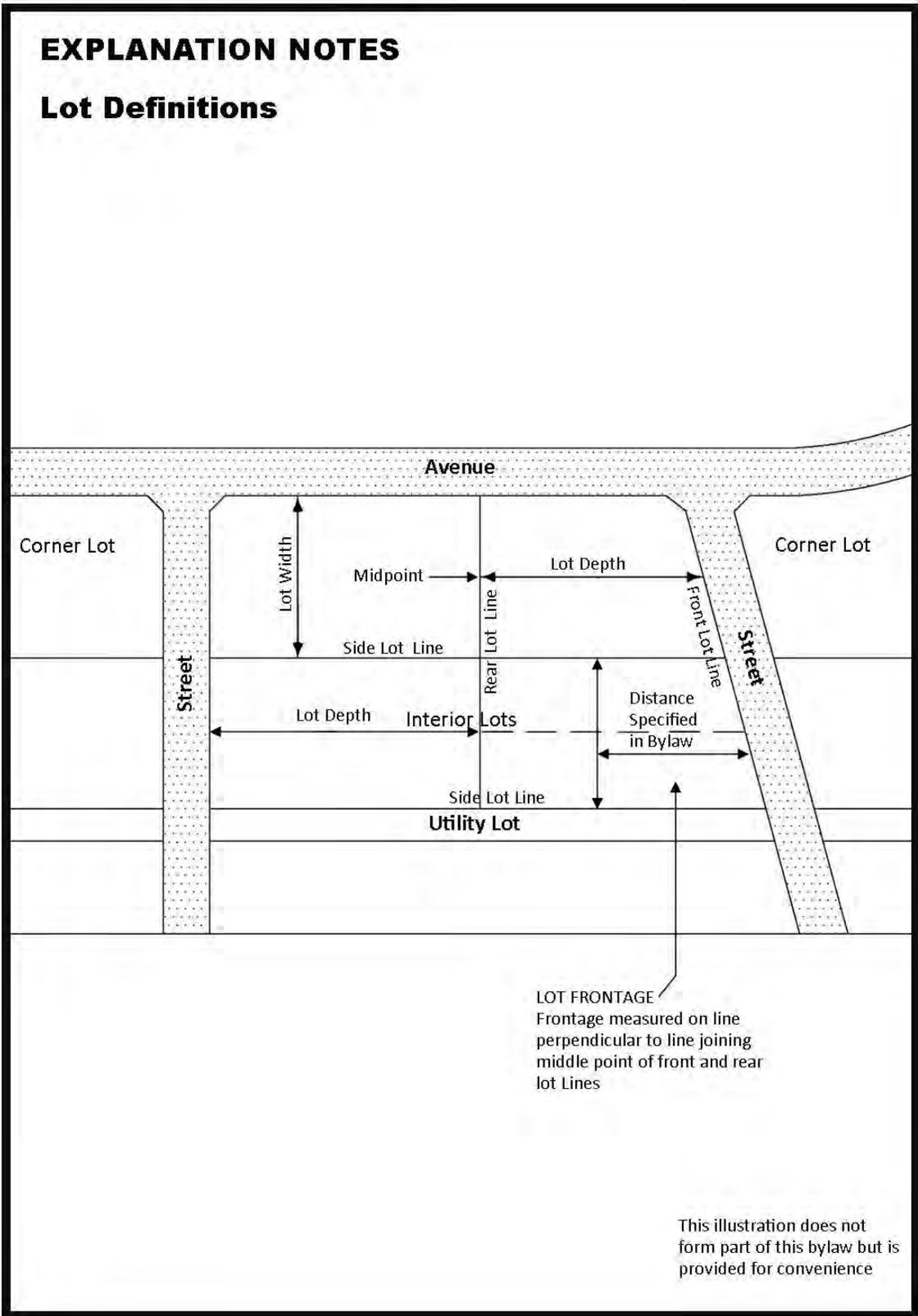
"**LOT LINE, SIDE**" means any lot line other than a front or rear lot line.

"**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.

EXPLANATION NOTES

Lot Definitions



LOT FRONTAGE
Frontage measured on line perpendicular to line joining middle point of front and rear lot Lines

This illustration does not form part of this bylaw but is provided for convenience

"MEDICAL OFFICE" means an office or offices for the professional practice of medicine, psychiatry, dentistry or optometry and/or osteopathy or chiropractic treatment services on an outpatient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counselling nature. Typical uses include medical and dental office, and diagnostic services.

"MOBILE HOME (MANUFACTURED HOME) (SINGLE WIDE)" means a compact and transportable detached dwelling unit which can be transported after fabrication on a trailer, detached wheels or its own wheels, is designed to be towed in a single load and to be used with or without a permanent foundation as a dwelling when connected to indicate utilities. The term mobile home (manufactured home) as used here does not apply to multiple sectional mobile homes (manufactured homes) (double wides) but does apply to swing out and expandable room section mobile homes (manufactured homes).

"MOBILE HOME (MANUFACTURED HOME) (DOUBLE WIDE)" means a mobile home (manufactured home) composed of two sections, separately towable, but designed to be joined together into one integral unit at the site.

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

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

"MOBILE HOME (MANUFACTURED HOME) PARK LOT" means that leasable or rentable portion of land within a mobile home (manufactured home) park which has been reserved for the placement of a mobile home (manufactured home).

"MOBILE HOME (MANUFACTURED HOME) SUBDIVISION" means a mobile home (manufactured home) development registered as a subdivision under freehold tenure, where the responsibility for maintaining services rests with the municipality.

"MODULAR APARTMENT" means a factory-fabricated, apartment unit, designed to be transported on a flat-bed truck and assembled on a permanent foundation at the building site and which meets the standards of the current edition of the Alberta Building Code.

"MODULAR HOME" means a factory-fabricated, single-detached dwelling designed to be transported and assembled on a permanent foundation at the building site and meets the standards of the current edition of the Alberta Building Code. A mobile home (manufactured home) shall not be considered to be a modular home for the purpose of this Bylaw.

"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.

"MOVED-IN BUILDING" means a building previously constructed and occupied on another site from any area that has, or is proposed to be, relocated to a site within the Town.

"MUNICIPAL PLANNING COMMISSION (M.P.C.)" means a Municipal Planning Commission as established by council by bylaw pursuant to the Municipal Government Act.

"NON-CONFORMING BUILDING" means a building:

- (1) 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
- (2) 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:

- (1) 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
- (2) 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 which is listed in the column captioned "Permitted Uses" for land use districts contained in the Bylaw for which a development permit shall be issued upon an application having conformed to the provisions of 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, but does not include medical offices, health services or general retail businesses.

“PORTABLE GARAGE” 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 or plastic film, which shall meet all the requirements of the Alberta Safety Codes.

"PORTABLE SIGN" 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.

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

“PRIVATE CLUB OR LODGE” means development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business, or fraternal organization, without on-site residences. A Private Club or Lodge may include rooms for eating, drinking and assembly.

"PROFESSIONAL OFFICE" means a building that has within it an office or offices that are used to accommodate a professional service, more specifically as identified by a governing statute of the Province of Alberta, e.g. doctor, dentist, or accountant.

“PUBLIC OR CIVIC USE” means the use of any lot, building or structure or portion thereof for public use and shall include public parks, community or recreation centres, a cemetery, fire halls, police stations, ambulance stations, government offices, public works yards, public libraries, including building and facilities accessory thereto, but does not apply to essential infrastructure such as the provision of waterlines, sewer lines, road or utility lines provided by agencies such as gas, hydro power, cable or the telephone company, and does not include schools.

"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 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.

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

- (1) water or steam;
- (2) sewage disposal;
- (3) public transportation operated by or on behalf of the municipality;
- (4) irrigation;
- (5) drainage;
- (6) fuel;
- (7) electric power;
- (8) heat;
- (9) gas;
- (10) telephone;
- (11) waste management; and
- (12) telecommunications,

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

"RELIGIOUS USE FACILITY" means a building or structure primarily intended for the conducting of organized religious services, and may include as accessory uses social, recreational and community activities such as group meetings, banquets and child care.

"RESTAURANT" means the use of a building as a public eating place and may include a licensed dining lounge and other associated facilities.

"RETAIL STORE" means the use of a building for the purpose of selling goods to consumers.

"ROW DWELLING" 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.

"SATELLITE DISH OR ANTENNAE" means a combination of:

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

"SCHOOL" means 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 a fence, berm or hedge used to visually separate areas, uses and/or functions from a public roadway, highway or neighbouring land uses.

"SECONDARY SUITE" means a second, self-contained dwelling unit that is located within a primary dwelling unit either above or below grade level. Further, a secondary suite shall also constitute a proposed dwelling unit situated above a garage. Secondary suites shall meet the standards of the Alberta Building Code.

"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.

"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.

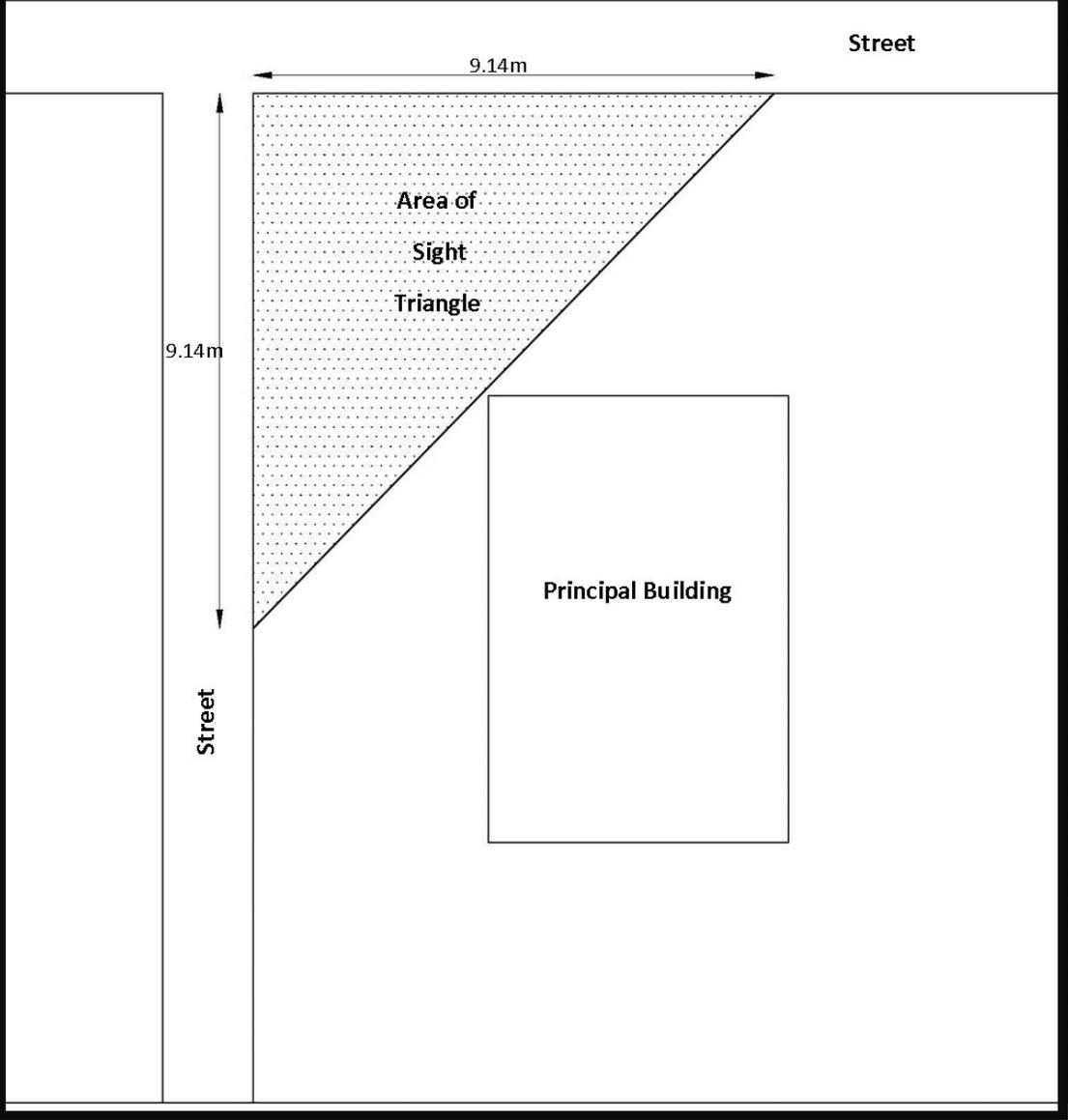
"SHED" means an accessory building used for storage having a floor area of less than 13.38 square metres (144 square feet), and is not connected to any utilities. For the purposes of this bylaw, shed also means a garden shed that can be located in the rear yard of a residential lot, obeying the setback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

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.



"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 anything that serves to indicate the presence or the existence of something, including but not limited to lettered board, a structure, or a trademark displayed, erected or otherwise developed and used or serving or intended to serve to identify, to advertise, or to give direction.

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.

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

"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.

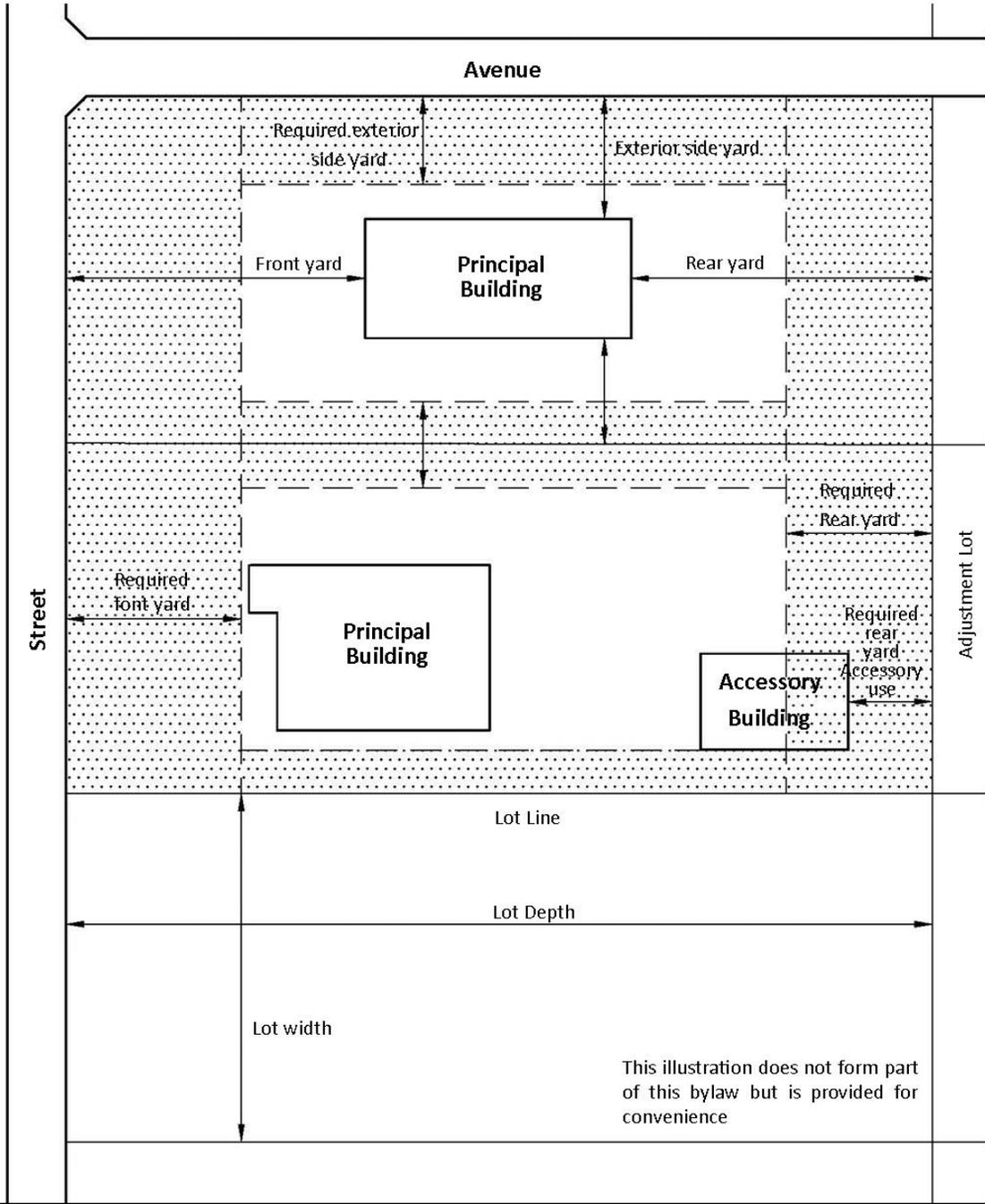
"SWIMMING POOL" means a structure containing water maintained or used for swimming purposes, whether constructed above or in the ground.

"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.

EXPLANATION NOTES

Yard Definitions



"**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 side yard immediately adjoining a street.

"**YARD, FRONT**" means a yard 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 a yard 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.

DIVISION 2: AGENCIES

Section 5: Development Authority

Development Authority shall be established by separate bylaw and be coordinated by the Municipal Planning Commission and Development Officer on behalf of the Town.

Section 6: Development Officer

- (1) The office of the Development Officer is hereby established.
- (2) The Council shall, by resolution, appoint a person to the office of Development Officer.
- (3) The Development Officer shall be considered an "authorized person" in accordance with the Act.

Section 7: Duties and Responsibilities of the Development Officer

- (1) In accordance with the Act, the Development Officer shall:
 - (a) receive, consider and decide upon applications for a development permit for "permitted uses";
 - (b) where deemed necessary by the Development Officer, applications for a development permit for a "permitted use" may be referred to the Municipal Planning Commission;
 - (c) keep and maintain, for public inspection, a copy of this bylaw and all amendments thereto;
 - (d) ensure that copies of this bylaw and amendments thereto are available to the public at a reasonable cost; and
 - (e) 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) In making a decision the Development Officer may:
 - (a) approve an application unconditionally, or
 - (b) approve an application subject to conditions, or
 - (c) refuse an application.

Section 8: Duties and Responsibilities of the Municipal Planning Commission

- (1) The Municipal Planning Commission may perform only such powers and duties as are specified: in this bylaw; in the bylaw establishing the Municipal Planning Commission; by resolution of Council; and the following:
 - (a) receive, consider and decide upon applications for a development permit for a "discretionary use"; and
 - (b) consider and decide upon applications for a development permit for "permitted uses" when such applications are referred to the Municipal Planning Commission by the Development Officer; and
 - (c) where the Municipal Planning Commission deems that a variance provides a community or neighbourhood benefit and that the proposed development would not unduly interfere with the amenities of the area or materially interfere with, or affect the use, enjoyment, safety, aesthetics, or value of neighbouring properties, the Municipal Planning Commission may grant a variance of up to 20%, where the variances are related to the following regulations:
 - (i) maximum height of building
 - (ii) minimum front yard setback
 - (iii) minimum rear yard setback
 - (iv) minimum side yard setback
 - (v) maximum lot coverage
 - (vi) maximum density
 - (vii) minimum densities
 - (viii) minimum parking requirements

- (2) In making a decision on an application for a use listed under the "discretionary uses" column, the Municipal Planning Commission may:
 - (a) approve the application unconditionally, or
 - (b) approve the application subject to conditions, or
 - (c) refuse the application.
- (3) The Municipal Planning Commission may decide upon an application for a development permit notwithstanding that the proposed development does not comply with this bylaw if, in the opinion of the Municipal Planning Commission:
 - (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, and
 - (b) the proposed development does not conflict with the use prescribed for the land or building in this bylaw.

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 Municipal Government Board.
- (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.

Section 10: Subdivision and Development Appeal Board

The Subdivision and Development Appeal Board (S.D.A.B.) shall be established by separate bylaw and perform its duties in accordance to that bylaw and the provisions of the Act.

Section 11: The Director of the Mackenzie Municipal Services Agency

The Director, or a representative of the Director, shall serve as an advisor to the Town, its Council and agencies.

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 paid in full at the time of development permit approval to the satisfaction of the Town.

Section 13: Forms and Notices

- (1) The forms and notices contained in Schedule "A" to this Bylaw shall be published, issued, served or delivered by the Development Officer or an official of the municipality.

DIVISION 3: DEVELOPMENT PERMITS

Section 14: Development Requiring a Permit

- (1) A development permit is required prior to the commencement of development as defined in the definition section of this Bylaw (Division 1, Section 4).
- (2) No development other than that designated in Section 15 below shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.
- (3) A late application fee shall be charged when a development or use is started before a development permit application for the proposed development or use has been submitted to the Development Officer. The fee for a late application shall be double the regular application fee.

Section 15: Development Not Requiring a Permit

- (1) Notwithstanding Section 13, sub-section (1) above, a development permit is not required for any development of the nature described as follows:
 - (a) the maintenance or repair of any building if the work does not include structural alterations or major work or renovations which materially alter the external appearance of the building;
 - (b) the completion or use of a building which was lawfully under construction, or for which a permit has been lawfully issued, (at the effective date of this Bylaw);
 - (c) the completion, alteration, maintenance or repair of a public utility, undertaken upon a public thoroughfare or public 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 gates, fences, walls (except retaining walls) or other means of enclosures;
 - (f) the erection or construction of a shed in any residential district, provided that the gross floor area of the shed is not more than 13.4 sq. metres (144 sq. feet); and
 - (g) the installation of a satellite dish with a diameter of less than 1 metre (3.28 feet).

Section 16: Application for Development Permit

- (1) An application for a development permit shall be made to the Development Officer in writing in the prescribed form, signed by the owner and/or his agent and may be required to be accompanied by the following:
 - (a) 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.
 - (b) site plans, in duplicate, showing:
 - (i) the legal description and municipal address;
 - (ii) dimensions of the site;
 - (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;
 - (iv) 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;
 - (c) on applications for multiple-family, commercial, industrial, recreational and institutional uses, the applicant shall submit electronic drawings, showing all of the information required in Section 16 (1) (a) & (b) 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) the application fee for a Development Permit, application to amend the Land Use Bylaw and recovery of costs associated with appeals and notices and advertisements thereof shall be in accordance with Schedule "D" and shall be established by a resolution of Council that may be made from time to time to accommodate future changes.
 - (e) a statement of ownership of land and interest of the applicant therein;

- (f) the estimated commencement and completion dates; and
- (g) such additional information as the Development Officer may require.

Section 17: Environmental Audits

- (1) The Town may require an applicant to conduct an environmental audit and submit an environmental audit report as part of a development permit application, an application to amend this Bylaw, an application for subdivision or an application to amend a statutory plan.
- (2) The Town shall require an applicant to conduct an environmental audit and submit an environmental audit report as part of a development permit application, an application to amend this Bylaw, an application for subdivision or an application to amend a statutory plan, if the Town has identified the land that is the subject of the application as a contaminated or potentially contaminated site.
- (3) Environmental audit means a comprehensive site analysis to determine:
 - (a) if there are any hazardous substances above, on or below the surface of the subject property that may pose a threat or risk to the environment and/or human health;
 - (b) if there are any breaches of federal, provincial and/or municipal environmental standards; and
 - (c) what remedial actions may be required to reduce the level of risk posed by a contaminated site to an acceptable level.
- (4) The environmental audit report shall include:
 - (a) a history of the subject property's ownership and use;
 - (b) a description of the natural environment and social environment surrounding the subject property which may be sensitive to contamination;
 - (c) an inventory of all hazardous materials that may have been handled or stored on the subject property, including a review of on-site and off-site disposal operations and facilities;
 - (d) documentation of the existence, location and use of above ground and underground storage tanks and other related facilities;
 - (e) a history of environmental regulatory activity affecting the subject property;

- (f) a review of the condition and uses of adjoining properties;
 - (g) a completed sampling program to determine type and level of contamination of soil, ground and surface water, site facilities, etc.;
 - (h) determination of the extent of contamination; and
 - (i) comprehensive site and area maps noting the locations of natural and built features and other elements of the site audit, as noted above.
- (5) The environmental audit shall be conducted by qualified persons.
 - (6) The environmental audit report shall be referred to Alberta Environmental Protection for comment.
 - (7) The Town may use the recommendations contained in the environmental audit report as:
 - (a) reasons for issuing or not issuing a development permit, with or without conditions;
 - (b) reasons to amend or not amend this Bylaw;
 - (c) as a basis for recommendations to the Subdivision Authority related to applications for subdivision; and
 - (d) reasons to amend or not amend statutory plans.

Section 18: Development Permit Rules

- (1) A Development Permit lapses and is automatically void if the development authorized is not commenced within twelve (12) months from the date of issuing the permit.
- (2) A development permit is automatically effective seventeen (17) days after its issuance unless an appeal is lodged with the Subdivision and Development Appeal Board.
- (3) When an appeal is made with respect to a development permit approved by the Development Officer, 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.
- (4) 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 a similar use of the land

by the same or another applicant may not be accepted by the Development Officer for at least six (6) months after the date of the refusal.

- (a) There shall be a fee for the appeal of a decision on an application for a development permit, and that fee shall be as shown in Schedule D.
- (5) Notwithstanding sub-section (4), the Development Officer may receive an application for a development permit within the said six (6) month period if, in his discretion, the situation warrants a relaxation of this provision.

Section 19: Development Permit: Conditions Imposed

- (1) The Development Officer and/or the Municipal Planning Commission may impose, with respect to a permitted use, such conditions as are required to ensure compliance with this bylaw.
- (2) The Municipal Planning Commission may impose, with respect to a discretionary use, such conditions as are required to ensure compliance with this bylaw.
- (3) The Development Officer and/or the Municipal Planning Commission may, as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of water, electric power, sewer service, vehicular and pedestrian access, or any of them, including payment of costs of installing or constructing any such utility or facility by the applicant.
- (4) The Development Officer and/or Municipal Planning Commission may, as a condition of issuing a development permit, require an applicant to enter into an agreement, which shall be attached to and form part of such development permit, to do all or any of the following:
 - (a) to construct, or pay for the construction of, a public roadway 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;
 - (ii) pedestrian walkways that will 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 specify the location and number of vehicular and pedestrian access points to sites from public roadways;
 - (d) to install, or pay for the installation of utilities that are necessary to serve the development;
 - (e) to construct, or pay for the construction of, offstreet or other parking facilities, or loading and unloading facilities; or

- (f) to repair or reinstate, or to pay for the repair or reinstatement to original condition, any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by development or building operations upon the site.
 - (g) to complete the exterior finish of a building within twelve (12) months of commencing the building's construction.
 - (h) to complete the landscaping within twenty-four (24) months of commencing the building's construction.
- (5) The Development Officer and/or the Municipal Planning Commission may, as a condition of issuing a development permit, require that an applicant enter into an agreement which shall be attached to and form part of such permit, to pay an off-site levy or redevelopment levy or both, imposed by bylaw adopted pursuant to the Act.
 - (6) The Development Officer and/or the Municipal Planning Commission may require an agreement entered into pursuant to sub-section (4) and (5) of this section of this bylaw to be caveated against the title to the site at the Land Titles Office.
 - (7) When, in the opinion of the Development Officer and/or the Municipal Planning Commission, insufficient details of the proposed development have been provided by the application for a development permit, the Development Officer or Municipal Planning Commission may return the application to the applicant for further details. The application so returned shall be deemed not to have been in its complete and final form until all required details have been submitted to the satisfaction of the Development Officer and/or the Municipal Planning Commission.
 - (8) The Development Officer and/or the Municipal Planning Commission shall consider and decide on the development permits within forty (40) days of receipt of the application in its complete and final form.
 - (9) Whenever, in the opinion of the Development Officer and/or the Municipal Planning Commission, satisfactory arrangements have not been made by a developer for the supply of water, electrical power, sewage and street access, or any of them, including payment of the costs of installation or construction, the Development Officer and/or the Municipal Planning Commission may refuse to issue a development permit.
 - (10) The Development Officer and/or the Municipal Planning Commission shall, as a condition of issuing a development permit for a commercial or industrial development, require that an applicant provide a letter of credit to the Town for an amount of money sufficient to cover the cost of landscaping the development site to the satisfaction of the Development Officer.

Section 20: Development Permit: Notification

- (1) When a development permit is approved by the Development Officer or the Municipal Planning Commission for a "permitted use" in a residential district, for a "permitted use" in a non-residential district or when a development permit is approved by the Municipal Planning Commission for a "discretionary use" under any district, then the Development Officer shall:
 - (a) Require the applicant to post conspicuously, for a period of 14 days following approval, a notice on the property for which the application has been made; and
 - (b) Post a notice of the decision in the Town Office and on the Town website; and
 - (c) Publish a notice in one issue of a newspaper circulating in the Town of Fairview stating the location of the property for which a non-conforming application has been made and use approved.
- (2) "Notice of Public Hearings and Appeals" The Development Officer, Chief Administrative Officer or any other person administratively responsible for sending out a "Notice of Public Hearing" on appeals and amendments, will ensure:
 - (a) That the "Notice of Public Hearing" is published once a week for 2 consecutive weeks in the Fairview Newspapers as well as bulk mailed out using utility mailing list and including mail to non-residents on mailing list for matters that affect the entire Town.
 - (b) That the "Notice of Public Hearing" is advertised in a local newspaper and notice is also mailed to all adjoining and adjacent property owners for matters that concern a single property.
 - (c) The cost of all advertisement for the public hearing on matters of appeal and amendments to the Bylaw shall be borne by the applicant.
- (3) When an application for a development permit is refused, the Development Officer shall immediately mail a notice of decision, in writing, to the applicant or his agent stating the reasons for refusal and shall immediately publish a notice in one issue of a newspaper circulating in the Town of Fairview respecting the decision of refusal by the Development Officer and/or the Municipal Planning Commission.
- (4) For the purposes of this bylaw, notice of the decision of the Development Officer is deemed to have been given on the day when Notice of Decision has been published in a newspaper, and/or posted on the site, and/or received by the affected property owners, and upon a decision of refusal, received by the applicant.

- (5) Notwithstanding Section 30(1) and for further clarity, when a development permit is issued for any of the following permitted uses, the applicant will be required to post notice of that approval on his property for 14 days following the issuance of a building permit:
- (a) Home renovation including additions over a value of \$20,000 (Twenty thousand dollars)
 - (b) New residential and commercial buildings
 - (c) Garages

PART 2: LAND USE PROVISIONS

DIVISION 1: GENERAL LAND USE PROVISIONS

Section 21: Accessory Buildings (Including Garages)

- (1) For the purpose of calculating yard setbacks and site coverage requirements, when 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.
- (2) Any accessory building shall be located at least 1.83 metres (6 feet) from any principal building.
- (3) Notwithstanding sub-section (2), when a building used or proposed to be used as an accessory building 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).
- (4) Any accessory building erected on a site in a district permitting residential uses shall not be used as a dwelling.
- (5) In the case of a detached garage or portable garage, the minimum setback requirements for interior side yards and rear yards in the Residential 1, Residential 2, and Residential 3 districts shall conform with diagram 4 on the following page.
- (6) 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 is confined to the site.
- (7) Notwithstanding the above sub-sections, 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).

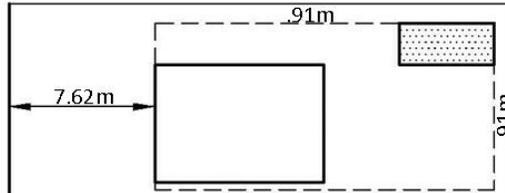
EXPLANATION NOTES

Setback Requirements For Garages

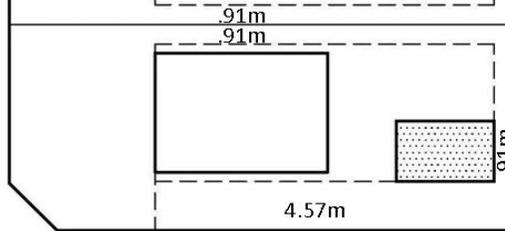
This illustration does not from part of this bylaw but provide for convenience

Note: In laneless subdivision no rear yard setback is required

Internal Lot



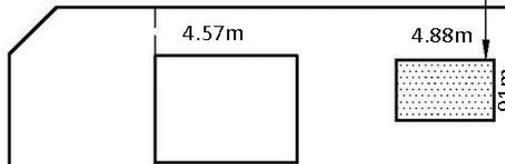
Corner Lot



Street

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

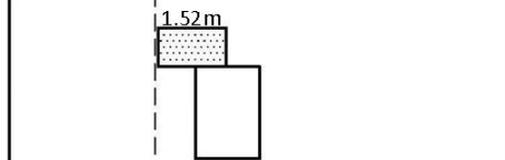
Corner Lots:
Direct Access to Street



Internal Lots:
Direct Access to Lane



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



Direct Access to Street
(part of principal dwelling)



- (8) In the case of a swimming pool, the side yard setback requirement shall be 1.52 metres (5 feet).
- (9) The construction and appearance of an accessory building shall be subject to the approval of the Development Officer or Municipal Planning Commission.
- (10) Accessory buildings shall not be constructed of straw or other, similar materials.

Section 22: Special Provisions to Be Considered For The Approval Of Accessory Buildings (Including Garages)

In additions to the current site provisions, Accessory Buildings (including garages) shall conform to the following site provisions:

- (1) No accessory buildings, including detached garages, shall be permitted to be situated within the required front yard setback for the principal building of the appropriate district.
- (2) In the case of a detached garage/accessory building, the total area of all accessory buildings shall not exceed 69.68 sq. metres (750 sq. feet) or 10% of the total site area, whichever is greater.
- (3) The total area of all accessory buildings shall also not exceed the total area of the principal building.
- (4) The total height of the detached accessory buildings shall not exceed 4.88 metres (16 feet) to the peak of the roof and the bottom of the eave not to exceed 3.05 metres (10 feet).
- (5) The detached accessory/garage building shall not exceed two-thirds (2/3) of the lot width. The assignment of the accessory building width in relation to the subject lot shall be at the discretion of the Development Officer and shall be considered in relation to the periphery building.
- (6) A two storey detached garage/accessory building shall be permitted only if the principal building is two storied, and shall not exceed the height of the principal building.
- (7) The two storey detached accessory buildings shall be consistent with the massing and architectural elements of the principal building, including but not limited to height, roof slope, materials and any aesthetic architectural details, if any.
- (8) The external finishing materials on the roof and walls shall be consistent with or of better grade than the materials used in the units in the immediate area.

Section 23: Entrance and Exits

- (1) Curb crossing or cuttings shall be subject to the prior approval of the Development Officer.

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.

Section 25: Front, Side and Rear Yard Setbacks

- (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 any specific provisions, yards in excess of the minimum requirements may be required when deemed necessary by the Development Officer.

Section 26: Projections Into Yards

- (1) The following fixtures may project into a required yard 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 any other architectural features, which in the opinion of the Development Officer, are of similar nature, providing that the total projection does not exceed 0.60 metres (2 feet).
- (2) Notwithstanding the above, no fixture may project into a sight triangle.

Section 27: Restrictions on Corner Sites

- (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 27(1), in the Secondary Commercial District the Development Officer or Municipal Planning Commission 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 Officer or Municipal Planning Commission.

Section 28: Home-Based Businesses

- (1) Home-based businesses are limited to those which are approved by the Development Officer or Municipal Planning Commission for the dwelling unit or accessory building incidental to the principal residential use where they are carried on.
- (2) A home-based business shall comply with the following provisions:
 - (a) There shall be no outside storage of materials, commodities or finished products.
 - (b) A home-based business 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-based business 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-based business shall not be permitted if, in the opinion of the Development Officer or Municipal Planning Commission, it would be more appropriately located in a Commercial or Industrial District.

- (e) A home-based business 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 Officer or Municipal Planning Commission.
 - (f) A home-based business 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-based businesses shall only be applicable to the landowner and/or occupant for the use for which the application was approved.
- (3) A development permit for a home-based business, when approved, shall be issued for a period of one year.
 - (4) One unlighted sign to identify the use 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-based businesses shall be subject to the condition that the development permit may be revoked at any time, if, in the opinion of the Development Officer or Municipal Planning Commission, the use is or has become detrimental to the amenities of the neighbourhood.

Section 29: Illumination

- (1) Any lighting proposed to illuminate off-street parking areas in any district shall be located and arranged so that all direct rays of light are directed upon the parking area only and not on any adjoining properties.

Section 30: Industrial and Commercial Standards

- (1) Any industrial or commercial operation including production, processing, cleaning, testing, repair, storage or distribution of any material shall conform to Section 31 of this bylaw. The Development Officer may consult with the relevant provincial authorities or any other qualified consultant prior to making a decision on an application for a Development Permit.
- (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 Officer may require the installation of an oil separator as a condition of a Development Permit.
- (6) The location of bulk storage facilities for liquified 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.

Section 31: Landscaping and Screening

- (1) Any area required to be landscaped shall 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.
- (2) 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.
- (3) In the case of a swimming pool, the property on which the swimming pool is situated shall be fenced to the satisfaction of the Development Officer, with the fence height being a minimum of 1.83 metres (6 feet) while providing for lockable gates for the fencing around the swimming pool.
- (4) Commercial and Industrial Sites:
 - (a) 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.
 - (b) In all districts, landscaping shall include the boulevards.

- (c) In all districts, the location of an enclosure for garbage receptacles and other apparatus shall be to the satisfaction of the Development Officer.

Section 32: Objects Prohibited or Restricted in Districts Permitting Residential Uses

- (1) No person shall allow:
 - (a) a commercial vehicle with a gross vehicle weight (G.V.W.) rating in excess of 9000 pounds to remain on a site or street in a residential district for longer than is reasonably necessary to load or unload the vehicle, and/or
 - (b) 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.
 - (c) any excavation, equipment, or construction materials to remain on a site over a period longer than is reasonably necessary for completion of construction, and/or
 - (d) any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the area.
 - (e) 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.

Section 33: Animals Prohibited or Restricted

- (1) Except in an Agricultural District, an Agricultural-Urban Reserve District or a Country Residential District, no person shall keep animals other than dogs, cats and such usual domestic pets as are kept indoors.
- (2) No pets or domestic animals shall be kept for commercial purposes except in an Agricultural District or an Agricultural-Urban Reserve District.

- (3) In any Country Residential District in which Horses are permitted, the following shall apply:
- (a) Horses shall not be permitted on a parcel with an area of less than 0.4 hectares (1 acre).
 - (b) Horses shall be limited to no more than one (1) per 0.4 hectares (1 acre), to a maximum of two (2) per parcel.
 - (c) Adequate fencing and/or buffering shall be constructed to the satisfaction of the Development Authority, to ensure the on-site confinement of Horses and to reduce the impact of noise, odour or visual presence on surrounding properties.
 - (d) Adequate measures, if required by Alberta Agriculture and Rural Development and/or the Local Health Authority, for the disposal of animal wastes shall be provided to the satisfaction of the Development Authority.

Section 34: Parking and Loading Facilities

- (1) Off-street vehicle and bicycle parking shall be provided as shown in the following table:

Type of Use	Minimum Parking Space Requirements
Residential Uses:	
Apartment Building, Row Housing	1.25 spaces per dwelling unit plus 0.5 bicycle parking 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:	
Business, Administrative and Professional Offices and Banks	1 space per 46.45 sq. metres (500 sq. feet) of gross floor area plus one (1) bicycle parking space per five (5) vehicle stalls
Retail Shops and Personal Service Shops	1 space per 46.45 sq. metres (500 sq. feet) of gross floor area plus one (1) bicycle parking space per five (5) vehicle stalls
Restaurants, Bars, Neighbourhood Pubs and Drive-in Food Services	1 space per 4 seating spaces capacity plus one (1) bicycle parking space per five (5) vehicle stalls
Hotels	One (1) space per guest room, plus additional stalls as required for other uses, plus 1 space for every two employees

Type of Use	Minimum Parking Space Requirements
Motels	One (1) space per guest room, plus additional stalls as required for other uses, plus 1 space for every two employees
Other Non-Residential 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; plus one (1) bicycle parking space per ten (10) vehicle parking stalls.
Religious Use Facilities	1 space per 15 seating spaces; plus one (1) bicycle parking space per twenty (20) vehicle stalls.
Schools: Child Care Facility Elementary Junior High; Senior High	1 space per employee plus one (1) bicycle parking space per two (2) employees 1 space for each classroom plus one (1) bicycle parking space per five (5) students, based on design capacity 2 spaces for each classroom plus one (1) bicycle parking space per ten (10) students, based on design capacity.
Hospitals or Clinics	1 space per 92.9 sq. metres (1000 sq. feet) of gross floor area plus one (1) bicycle parking space per five (5) vehicle stalls at clinics and one (1) bicycle parking space per ten (10) vehicle stalls at hospitals
Industrial: Manufacturing and Industrial Plants, Warehousing, Wholesale and Storage Buildings and Yards, 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

- (2) 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; and

- (c) it is satisfactory to the Development Officer in size, shape, location and construction.
 - (d) It minimizes the negative impact of the parking on pedestrian and loading zone access to the building or use.
- (3) A bicycle parking space shall be located on the same site as the building or the use for which it is required and shall be designed, located and constructed so that:
- (a) It meets the needs of the intended parking purpose, addressing either class A, class B or both bicycle parking needs as the site requires.
 - (b) the bicycle racks are as close to the applicable entrance as possible without impeding pedestrian access to the building or use.
 - (c) the bicycle parking racks are provided in a convenient, well-lit location that provides visual surveillance by occupants of the building the racks are intended to serve. If the racks are not readily visible to visitors to a site, directional signage to the racks shall be provided.
 - (d) the racks provide a minimum width of 0.3 metre and 1.8 metre length for each bicycle
 - (e) the bicycle parking racks are constructed of sturdy theft-resistant material and shall have secure theft-resistant anchoring to the floor or ground. The bicycle rack shall support the bicycle frame above the centre of gravity and shall enable the bicycle frame and front wheel to be locked with a U-style lock.
- (4) Notwithstanding sub-section (2) and (3) of this section, in lieu of providing off-street vehicle and bicycle parking, an owner of land to be developed may, at the discretion of the Development Officer, pay to the municipality 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 municipality shall be used only for the development of municipal off-street parking facilities.
- (5) Notwithstanding sub-section (2) of this section, 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 municipality 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 Officer, 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 Officer 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 Officer.
- (14) Notwithstanding anything contained in sub-section (10) hereof and in particular under the heading Commercial Uses - retail shops and personal service shops, in the event an owner or owners proposes to replace a building or buildings on a lot or lots with a new building or buildings, and in the event the proposed use for the new building or buildings is identical to the existing use and in the event the purpose for replacement of the building or buildings is the upgrading or expanding of an existing business or businesses, such proposal may be subject to special consideration as to parking requirements as more particularly set forth herein.

- (15) If in the opinion of the Development Officer, all other requirements of the Land Use Bylaw and amendments thereto have been observed, the Development Officer may, in their discretion, allow a relaxation of required parking spaces as set forth in this Bylaw.

Section 35: Relocated and Moved In Buildings (Including Mobile Homes)

- (1) Unless and until a development permit from the Development Officer is obtained 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) All moved-in buildings shall be considered to be discretionary uses under this Bylaw.
- (3) All applicants for a development permit will be required to submit the following information in addition to that normally required under this Bylaw:
 - (a) coloured photographs of the building proposed to be re-located that accurately depict the condition of the building;
 - (b) a site plan indicating how the re-located building will be placed on the subject property; and
 - (c) foundation and floor plans.
- (4) All development permits for moved-in buildings, except mobile homes that are five (5) years old or less, shall be decided on by the Municipal Planning Commission, based on the following considerations:
 - (a) age and appearance of the building;
 - (b) building condition/materials;
 - (c) the compatibility of the building with surrounding uses and with the adjacent area; and
 - (d) other considerations unique to the building proposed to be re-located.
- (5) A re-located 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.

Renovations shall be completed within one year of the date of the issuance of the development permit, unless otherwise authorized by the Development Officer or Municipal Planning Commission.

Section 36: Sign Control

- (1) No sign of an advertising, directional or information nature shall be erected on land or affixed to any exterior of any building or structure unless an application for a development Permit for this purpose has been approved by the Development Officer.
- (2) Notwithstanding sub-section (1), the following signs shall not require a development permit:
 - (a) Statutory and official notices of government authorities;
 - (b) traffic and directional authorized by Council;
 - (c) temporary signs for the sale of real estate; related to construction work on a site; for charitable fund raising campaigns; or other such temporary signs;
 - (d) signs for traffic control devices; and
 - (e) name and number signs on residential properties.
- (3) Except as considered necessary by the Development Officer, no person shall erect a sign on public property without prior approval.
- (4) 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.
- (5) Quality, aesthetic character and finishing of sign construction shall be at the discretion of the Development Officer.
- (6) 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.

- (7) 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.
- (8) Wall Signs:
 - (a) 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) 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.
- (9) Freestanding Signs:
 - (a) 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 be a minimum of 4.57 metres (15 feet) above grade and shall not cross a property line of the site.
- (10) Roof Signs:
 - (a) 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.
- (12) Portable Signs:
- (a) The Development Officer shall, in the case of a development permit for a portable sign, specify the length of time that permit remains in effect.
 - (b) Not more than one portable sign shall be displayed on a site.
 - (c) Notwithstanding sub-section (2), one portable sign shall be permitted for each business in a multiple occupancy development provided that no portable sign is located within 15.24 metres (50 feet) of another.
 - (d) Portable signs shall be allowed only in the following districts:
 - (i) Primary Commercial District (C-1);
 - (ii) Secondary Commercial District (C-2);
 - (iii) Highway Commercial District (C-3); and
 - (iv) Transitional Commercial District (C-1A).
 - (e) Portable signs shall not be placed upon a site so as to conflict with parking, loading or walkway areas.
 - (f) No portable signs are permitted within roadway rights-of-way or at any location whereby the intent is to have the sign seen from a highway or the direct access to a highway.
 - (g) No portable sign shall be permitted on public property or within 0.91 metres (3 feet) of public property.

- (h) The following information shall be required for an application for a development permit for a portable sign:
 - (i) the municipal address and legal description of the land or building where the sign is to be located;
 - (ii) the applicant's name, address and telephone number;
 - (iii) an indication of where the sign is to be located;
 - (iv) the length of time the sign is to be displayed at the location proposed;
 - (v) a letter from the owner or his agent authorizing the placement of the sign on the subject property; and
 - (vi) the size, height and nature of the sign.
- (i) A portable sign shall be removed on or before the expiry date specified by the development permit.

Section 37: Curb Cuts

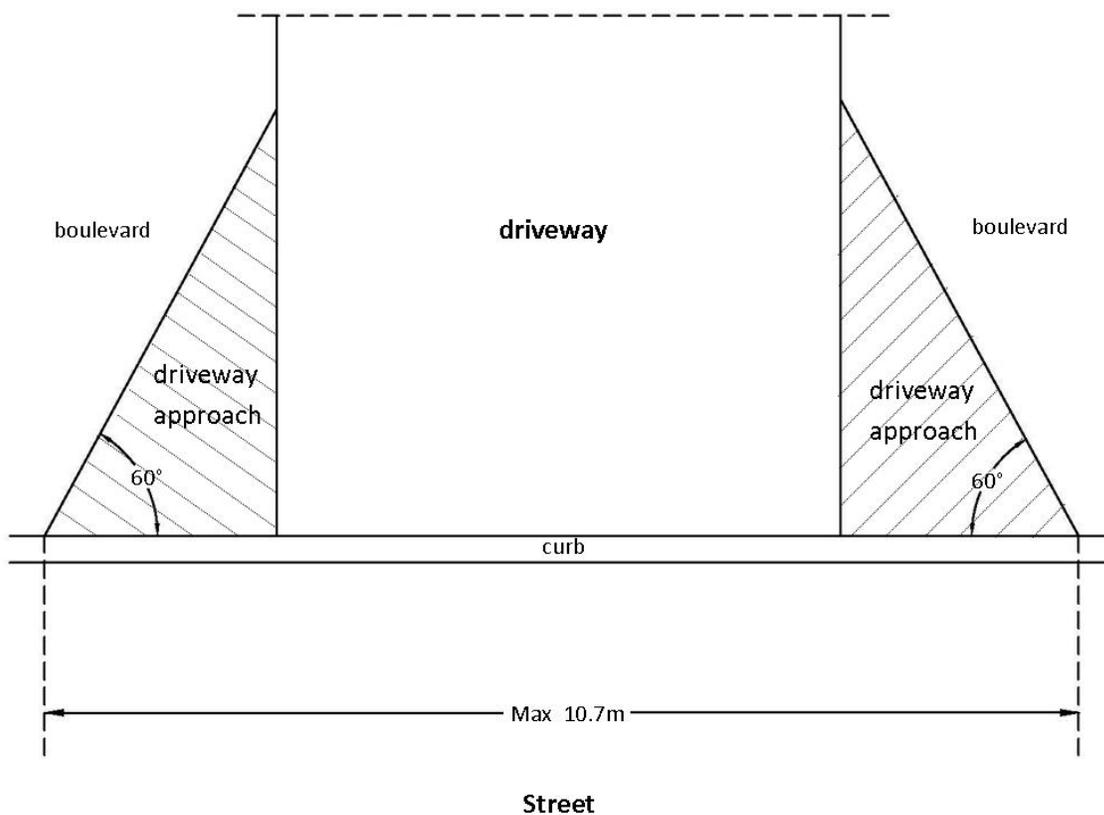
- (1) Curb cuts shall be set back a minimum distance of 6.09 metres (20 feet) from the intersection of site boundaries on corner lots.
- (2) Notwithstanding sub-section (1), the setback distance for curb cuts may be increased where, in the opinion of the Development Officer or Municipal Planning Commission, 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*

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.



- (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*
- (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 Officer 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: On-Site Demolition

- (1) The applicant will be responsible for:
 - (a) The replacement of any boulevard trees that are damaged or cut down to effect the demolition or removal of a structure or building from the site.
 - (b) Removal of all building, structural and foundation materials or debris from the site to a suitable landfill area.
 - (c) Fencing off of demolition and excavation area to protect against any safety hazard on the site until such time as the excavation is filled in and the site is properly levelled.
 - (d) Filling in of the excavation area with suitable fill material within a reasonable period of time, contingent upon weather conditions.
 - (e) Levelling of site to provide for proper drainage.
 - (f) Replacement, at the applicant's expense, of 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.
 - (g) Notification to public utility authorities (Alberta One-Call, Telus, ATCO Electric and Gas and the operator of the cable television system), so that they may disconnect said utilities from the structure or building prior to its demolition or removal and to assist with the said moving of the utility to help effect the demolition or removal of the structure or building.
 - (h) All the above conditions to be carried out to the satisfaction of the Development Officer.

Section 39: Number of Dwelling Units Permitted On a Lot

- (1) No person in the Town shall construct or cause to be constructed more than one (1) dwelling unit per lot.
- (2) Notwithstanding subsection (1), multi-unit residential dwellings (apartments, duplexes, four-plexes, etc.) may be allowed to be developed on a lot in accordance with the provisions of the Bylaw.
- (3) Notwithstanding subsection (1), the Town may allow for an additional single-unit residential dwellings, such as a garden suite, to be developed on a lot, subject to the approval of the Development Officer who shall consider the following:
 - (a) the suitability of the site of the proposed development;
 - (b) access to and from the site;
 - (c) the provision of proper utilities; and
 - (d) existing and future surrounding land uses.

DIVISION 2: SPECIFIC LAND USE PROVISIONS

Section 40: 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 ten vehicles prior to their entry into any part of the cleaning process. In the case of service stations including car washes, 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 41: 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 Officer.
- (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 Officer.
- (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 Officer.

- (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 Officer.
- (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 42: 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 43: Drive-In Restaurants

- (1) A minimum of fifteen (15) parking stalls are required on any lot so used.
- (2) Areas required for parking or circulation of vehicles shall be hardsurfaced to the satisfaction of the Development Officer.
- (3) The lot shall be drained to the satisfaction of the Development Officer.
- (4) Exits and entrances shall be as approved by the Development Officer and circulation within the lot shall be one-directional and adequately signed.

- (5) Side and rear boundaries abutting residential areas, shall be screened by a fence or wall to the satisfaction of the Development Officer.

Section 44: Motels and Motor Hotels

	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.)	26.48 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 45: Mobile Homes (Manufactured Homes) (Single Wide and Double Wide)

- (1) All mobile homes (manufactured homes) shall conform to the Alberta Building Code.
- (2) Mobile homes (manufactured homes) shall be presentable in appearance in the opinion of the Development Officer.
- (3) The uncovering of a mobile home (manufactured home) shall be completely screened from view by the foundation, or by skirting compatible in appearance with the mobile home (manufactured home) or by such other means satisfactory to the Development Officer.
- (4) Axles, wheels, running gear and towing tongue shall be removed prior to final installation of the mobile home (manufactured home) on piers, blocking or foundation or in a satisfactory manner in the opinion of the Development Officer.

- (5) All accessory structures, additions, porches and skirting shall be of a quality and appearance equivalent to the mobile home (manufactured home) and additions shall not exceed 30 percent of the gross floor area of the mobile home (manufactured home).
- (6) All mobile homes shall have a pitched roof in compatibility with the surrounding developments and to the satisfaction of the Development Officer.
- (7) When considering a development permit for a mobile home dwelling, the Municipal Planning Commission and the Development Officer shall consider the following:
 - (a) the age and character of the building;
 - (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 mobile home is located;
 - (d) the proposed landscaping of the lot on which the mobile home is to be located;
 - (e) the appearance of the building;
 - (f) integration of proposed development with character of adjacent properties and land use districts;
 - (g) certification from an accredited inspection company that the mobile home complies with the current building code.

Section 46: 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 Officer.
 - (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 47: Modular Homes - Apartments

- (1) All modular homes and modular apartments shall conform to the Alberta Safety Codes Act.
- (2) All modular homes and modular apartments shall be presentable in the opinion of the Development Officer and of an appearance similar to neighbouring properties.
- (3) In addition to conforming to the current site provisions for its respective district,

Modular Homes proposed 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) The Modular homes shall be placed on a permanent full perimeter foundation that complies with the Alberta Building Code, unless the house 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 48: Satellite Dishes and Antennas

- (1) 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.
- (2) All satellite dishes and antennas, except for those identified in Section 15, shall be required to meet setbacks as determined by the Development Officer, 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.

- (3) Satellite dishes and antennas shall not be allowed in the front yard or side yard of any lot.
- (4) Satellite dishes and antennas shall be structurally sound and securely anchored.
- (5) 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 49: Solar Electric Panels

- (1) Development, building and electrical permits shall be required for the installation of a solar-electric system in residential neighbourhoods, unless the system is a part of the design of a new building for which a permit is required.
- (2) A site plan will be required showing:
 - (a) the location of the solar electric panels within the property boundaries;
 - (b) a north arrow to indicate which direction is north;
 - (c) the nearest street and avenue;
 - (d) the dimensions of the site and property lines;
 - (e) the distance that the solar electric panels extend beyond the wall, if it is mounted on a wall; and
 - (f) a list of any and all caveats, covenants, and easements shown on the title of the property.
 - (g) the site plan may be hand drawn or computer drawn. A photo from Google Earth can 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.
- (3) Prepare an elevation plan. The elevation plan shall show:
 - (a) a side view of the building and what it will look like with the solar electric panels mounted on it; and
 - (b) the total height of the building if the solar electric panels extend beyond the roof line.
 - (c) the plan may be a photograph of the building showing the solar electric panels drawn on it.

- (4) Prepare a construction detail plan. The construction detail plan shall clearly show the construction details of the solar electric panels and their mounting, including:
 - (a) the cross-section of the roof or wall structure to which it is attached, showing all materials used in the roof or wall;
 - (b) details of how the solar electric panels are attached to the roof or wall;
 - (c) details of the solar electric panels and any of its tilt and mounting brackets and hardware; and
 - (d) how any penetrations of the building's roof or walls will be sealed to prevent moisture infiltration.
 - (e) The applicant shall ensure that the existing roof or wall is able to support the additional weight of the solar electric panels.

Section 50: Gates, Walls, Fences, Hedges or Other Means of Enclosure

- (1) All gates, walls, hedges, fences, or other means of enclosure for that portion of the enclosure that doesn't 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 gates, walls, hedges, fences, or other means of enclosure for that portion of the enclosure that does 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.

Section 51: Garden Suites

- (1) Garden Suites shall:
 - (a) not be located on the front yard;
 - (b) not exceed one (1) storey in height;
 - (c) maintain a minimum side yard setback of 1.52 metres (5 feet);
 - (d) maintain a rear yard setback of 0.9 metres (3 feet) when there is a lane; and

- (e) 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.
- (2) The maximum gross floor area of a Garden Suite is 70.0 square metres (753.5 sq. feet), not including the area covered by stairways, balconies and decks.
- (3) Garden suites shall not be located on any parcel or site which contains two or more permanent dwelling units.
- (4) Garden suites may be allowed as a discretionary use in areas zoned as Residential 1 District and Residential 2 District under this Bylaw.

Section 52: Secondary Suites

In addition to consideration of all other site provisions of the appropriate land use district, the following additional standards shall apply to the development of Secondary Suites:

- (1) Any person wanting to develop a secondary suite shall require a development permit.
- (2) The maximum gross floor area of a Secondary Suite is 70.0 square metres (753.5 sq. feet), not including the area covered by stairways, balconies and decks.
- (3) Only one of a Secondary Suite or Garden Suite per parcel shall be allowed.
- (4) When deciding on a development application for a secondary suite, the development authority shall consider the following:
 - (a) The proposed location of the secondary suite within or adjacent to the primary dwelling and on the same lot;
 - (b) Separate access/egress provisions to the secondary suite and its integration with the host dwelling unit or garage;
 - (c) Exterior finishing of the secondary suite in relation to host dwelling unit;
 - (d) Onsite parking arrangements;
 - (e) Separate utility connections and/or arrangements for separating utility bills;
 - (f) Compliance with Alberta Building Code, the Public Health Act and the Province of Alberta minimum housing standards regulation.

Section 53: Child Care Facilities

- (1) All child care 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 child care 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 54: Fire Pits

- (1) Any person wanting to build a 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 55: 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 size of a sign: 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 Officer or Municipal Planning Commission 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 56: Decks and Balconies

- (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;

DIVISION 3: LAND USE DISTRICTS

Section 57: Districts

- (1) District Classification:
 - (a) For the purpose of this Bylaw, all lands within the municipality shall be divided into the following districts:

<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 - Mobile (Manufactured) Home Subdivision	R-MHS
Residential - Mobile (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

- (2) District Symbols:
 - (a) Throughout this Bylaw and amendments thereto, a district may be referred to either by its full name or by its symbol as set out in sub-section (1) above and the boundaries of each district are delineated on the District Map - Schedule "C".
- (3) Similar Uses:
 - (a) A similar use to one of those listed under a land use district may be allowed at the discretion of the Development Officer and Municipal Planning Commission.

Section 58: Residential 1 District (R-1)

(1) 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 structure
- dwelling, single-detached
- modular home
- park or playground

(b) Discretionary Uses

- bed and breakfast accommodation
- duplex
- dwelling, semi-detached
- garden suite
- group home
- home-based business
- child care facility
- moved-in building
- public use
- school
- secondary suite
- senior citizens home

(2) 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 Dimensions (minimum)	Lot Width	Lot 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 58(2)(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) No accessory building or structure shall be located in any yard other than an interior side yard or rear yard, and
 - (ii) No accessory building or structure shall be located closer than 0.9 metres (3 feet) from any side lot line or rear lot line.
 - (iii) 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 sub-section 58(2)(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 59: Residential 2 District (R-2)

(1) 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 structure
- duplex
- dwelling, semi-detached
- dwelling, single-detached
- modular home
- park or playground

(b) Discretionary Uses:

- bed and breakfast accommodation
- boarding or rooming house
- dwelling group
- garden suite
- group home
- home-based business
- child care facility
- moved-in building
- public use
- professional office
- religious use facility
- school
- secondary suite
- senior citizens home

(2) 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 Dimensions (minimum)	Lot Width	Lot 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 (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) No accessory building or structure shall be located in any yard other than an interior side yard or rear 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.

(iii) 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%

- (3) Special Provisions: A Professional Office:
- (a) When considering a development permit for a professional office, the Municipal Planning Commission and/or the Development Officer 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 60: Transitional Residential - Commercial District - (RC-T)

General 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). The intent is to accommodate the existing commercial development along 110 Street north of 105 Avenue; 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.

(1) 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 building
- apartment hotel
- bus depot
- business/office support service
- child care facility
- community building or facility
- duplex
- dwelling, semi-detached
- electronics repair shop
- entertainment facility
- laundromat
- liquor store
- medical office
- medical laboratory
- mixed commercial/residential building
- park or playground
- parking facility
- personal services
- post office
- printing establishment
- private club or lodge
- professional office (business, administrative & professional)
- public use
- public or civic use
- restaurant
- retail store

- signs (identification, direction, & advertising)
- taxidermy shop
- theatre

(b) Discretionary Uses:

- amusement arcade
- bed and breakfast accommodation
- boarding house
- child care facility
- cocktail lounge
- dwelling group
- dwelling, single-detached
- financial institution
- fire station
- funeral home
- garden suite
- group home
- motel
- religious use facility
- retail store
- school
- senior citizens home
- shopping centre

(2) Site Provisions

In addition to the Regulations contained in Divisions 1 and 2, the following standards shall apply to every development in this district. 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.
- (3) 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
- (4) Additional Requirements
- (a) Accessory Buildings or Uses
 - (i) No accessory building or structure shall be located in any yard other than a rear yard;
 - (ii) No accessory building or structure shall be located closer than 0.91 metres (3 feet) from any 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 61: Residential 3 District (R-3)

(1) Uses:

(a) Permitted Uses:

- accessory building or structure
- apartment building
- modular home
- modular apartment
- park or playground
- row dwelling
- senior citizens home

(b) Discretionary Uses:

- bed and breakfast accommodation
- duplex
- dwelling group
- dwelling, semi-detached
- dwelling, single-detached
- home-based business
- moved-in building
- professional office
- public use
- religious use facility
- secondary suite

(2) 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 Dimensions (minimum)	Lot Width	Lot 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.)

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) No accessory building or structure shall be located in any yard other than an interior side yard or rear 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 except in a laneless subdivision whereby no rear yard setback is required, and
 - (iii) In the case of a garage, where direct access from the vehicle entrance of a garage to a street or lane exists, then a 4.88 metres (16 feet) setback from this entrance and the side street or lane shall be required.
- (3) 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 minimum 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 Officer 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.

- (4) Special Provisions: A Professional Office:
 - (a) When considering a development permit for a professional office, the Municipal Planning Commission and/or the Development Officer 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 62: Residential-Mobile (Manufactured) Home Subdivision District (R-MHS)

(1) 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
- double wide mobile home (manufactured home)
- park or playground
- public use
- single wide mobile home (manufactured home)

(b) Discretionary Uses

- bed and breakfast accommodation
- child care facility
- home-based business
- modular home
- school

(2) Site Provisions:

(a) The side yard provisions and lot dimensions in a mobile home (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) No accessory building or structure shall be located in any yard other than an interior side yard or rear 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 except in a laneless subdivision whereby no rear yard setback is required, and
- (iii) In the case of a garage, where direct access from the vehicle entrance of a garage to a street or lane exists, then a 4.88 metres (16 feet) setback from this entrance and the 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 63: Residential-Mobile (Manufactured) Home Park District (R-MHP)

(1) 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
- double wide mobile home (manufactured home)
- park or playground
- public use
- single wide mobile home (manufactured home)

(2) Site Provisions:

(a) Mobile Home (Manufactured Home) Park Buffer:

- (i) Every mobile home (manufactured home) park adjacent to a district other than a residential mobile home (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 mobile home (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) 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.
- (v) shall provide and maintain a paved private road system to the satisfaction of the Development Officer;
- (vi) shall provide and maintain street lighting to the satisfaction of the Development Officer;

- (vii) shall provide a method of garbage collection and disposal to the satisfaction of the Development Officer;
- (viii) shall have direct access to a major road;
- (ix) shall provide a surface water drainage system to the satisfaction of the Development Officer.

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

Lot Dimensions (minimum)	Lot Width	Lot Depth
Single wide mobile home (manufactured home)	10.67 m. (35 ft.)	33.53 m. (110 ft.)
Double wide mobile home (manufactured home)	12.19 m. (40 ft.)	33.53 m. (110 ft.)
Modular home	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 mobile home (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 (manufactured 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 64: Country Residential District (R-CR)

(1) 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 structure
- dwelling, single-detached
- modular home
- public use

(b) Discretionary Uses:

- double wide mobile home (manufactured home)
- secondary suite
- single wide mobile home (manufactured home)

(2) 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.

(3) 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.

(4) 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.

(5) 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 65: Primary Commercial District (C-1)

(1) 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
- artist studio
- auction room
- bakery
- billiard hall
- bowling alley
- bus depot
- cinema
- cocktail lounge
- community building and facility
- department store
- dry cleaning establishment
- financial institution
- fire station
- funeral home
- hotel
- laundromat
- library
- liquor store
- medical laboratory
- medical office
- parking facility
- park or playground
- pet shop
- police station
- post office
- printing establishment
- private club or lodge
- professional office
- public or civic use
- real estate office
- restaurant
- retail store
- sign (identification, direction, advertising)
- tailor shop
- taxidermy shop

- television/radio repair shop
- theatre

(b) Discretionary Uses:

- amusement arcade
- appliance store
- household furnishing store
- mixed commercial/residential building
- motel
- religious use facility
- residential space above C-1 uses
- shopping centre
- vehicle consignment sales (temporary)

(2) 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.

(3) 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) not be located below the second storey of a building;
 - (ii) have direct access to the outside street level; and
 - (iii) not be located on the same floor as 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:
 - (i) No accessory building or structure shall be located in any yard other than a rear yard; and
 - (ii) No accessory building or structure shall be located closer than 0.91 metres (3 feet) from any rear lot line.
- (h) Vehicle consignment sales may be approved by the Municipal Planning Commission.

Section 66: Transitional Commercial District (C-1A)

(1) 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
- automobile sale and service dealership
- car washing establishment
- convenience store
- drive-in restaurant
- gas or service station
- hotel or motel
- household furnishing and/or appliance store
- laundry or dry cleaning establishment
- medical office
- police detachment
- professional office
- public use
- retail store

(b) Discretionary Uses:

- shops and offices for light construction trades

(2) 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 66(2)(a)&(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:
 - (i) No accessory building or structure shall be located in any yard other than an interior side yard or rear yard and
 - (ii) No accessory building or structure shall be located closer than 1.52 metres (5 feet) from any side lot line or rear lot line.
- (3) 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 67: Secondary Commercial District (C-2)

(1) 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
- automobile sale and service dealership
- bus depot
- car washing establishment
- drive-in restaurant
- farm implement sales and service dealership
- gas or service station
- household furnishing and/or appliance store
- laundry or dry cleaning establishment
- lumber yard
- mobile home (manufactured home) dealership
- police detachment
- professional office
- public use
- recreation vehicle sales and service dealership
- restaurant
- retail store
- tire repair shop
- warehouse for non-hazardous storage

(b) Discretionary Uses:

- auction mart
- bulk oil sales and distribution centre
- shops and offices for light construction trades
- any uses listed under the column captioned Permitted Uses or Discretionary Uses in Highway Commercial District, Section 68(1)(a) and (b).

(2) 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 67(2)(a)&(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:

- (i) No accessory building or structure shall be located in any yard other than an interior side yard or rear yard and
- (ii) No accessory building or structure shall be located closer than 1.52 metres (5 feet) from any side lot line or rear lot line.

(3) 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 68: Highway Commercial District (C-3)

(1) 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
- drive-in restaurant
- hotel
- motel
- public use
- restaurant

(b) Discretionary Uses:

- automobile dealership
- car washing establishment
- convenience store
- farm machinery dealership
- gas bar
- service station
- tire repair shop
- truck stop

(2) 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:
 - (i) No accessory building or structure shall be located in any yard other than an interior side yard or rear 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.
- (3) 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 69: Light Industrial District (M-1)

(1) 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
- autobody and repair establishment
- construction firm
- general contractor
- heavy equipment dealership
- manufacturing establishment
- oilfield contractor
- public use
- repair shop
- warehouse or storage area
- welding shop

(b) Discretionary Uses:

- grain elevator
- secondary commercial use
- seed cleaning plant
- truck wash

(2) 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): 60.09 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 14.57 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 Officer.
- (3) 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 Officer.
 - (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 Officer.

- (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 Officer may require that goods be displayed in an orderly manner.
 - (ii) The Development Officer 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 Officer 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 up-grading 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 70: Heavy Industrial District (M-2)

(1) 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

Large scale industrial activity of an extractive or processing nature including:

- accessory building or structure
- concrete batching plant
- gravel crushing plant
- lumber mill
- public use
- seed cleaning plant

(2) 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)

(3) 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 71: Community District (COM)

(1) 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 hall
- curling club
- golf course
- library
- museum
- park or playground
- private religious institution
- public use
- recreation area
- religious use facility
- school
- swimming pool
- tennis court

(b) Discretionary Uses:

- dormitory residence
- public parking area

(2) 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 72: Agricultural-Urban Reserve District (A-UR)

(1) 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 structure
- extensive agricultural use
- farm residence
- public use

(b) Discretionary Uses

- market garden
- natural resource extraction
- public use
- recreational use not requiring permanent facilities

(2) 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 73: Direct Control-Commercial (DC-C)

(1) Purpose and Intent:

To provide for a commercial development on a site to standards set by Council.

(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 Municipal Development Plan; and
- (ii) 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.

DIVISION 4: ENACTMENT

Section 74: Amendments

- (1) Pursuant to the Act, the Council may by bylaw amend or repeal this Land Use Bylaw.
- (2) Applications to amend this Bylaw shall be accompanied by a fee, as set by a resolution of Council from time-to-time.
- (3) The cost of advertising for the public hearing on the matter shall be borne by the applicant.
- (4) The Council may determine that the whole or part of the application fee shall be returned to the applicant if the proposed amendment is not adopted.

Section 75: Enforcement and Penalties

- (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) A person who receives a notice pursuant to sub-section (1) may appeal the order to the Development Appeal Board.
- (3) The Development Officer may cause an application to be made to the Alberta Court of Queen's Bench for an injunction restraining the contravention and/or non-compliance.

- (4) When a person does not comply with an order, Council may, by resolution, direct that the Development Officer enter upon the land or building and take such action as is necessary to carry out the order and the costs incurred shall be placed on the tax roll as an additional tax against the property.
- (5) Any person who commits an offence under sub-section (1), upon summary conviction, is liable to a fine and/or imprisonment in accordance to the provisions of the Act.

Section 76: Repeal of Existing Bylaw

The existing Town of Fairview Land Use Bylaw No. 794/LUO/97 as amended, is hereby repealed.

Section 77: Effective Date

Signed Bylaw Goes Here

**TOWN OF FAIRVIEW
LAND USE BYLAW**

No. 984/LUO/2012

**SCHEDULE "A":
FORMS AND NOTICES**

FORM A: Development Permit Application Form

FORM B: Notice of Development Permit Decision – Approval

FORM C: Notice of Development Permit Decision – Refusal

FORM D: Development Appeal Form

FORM E: Notice of Development Appeal Board Hearing

FORM F: Notices of Development Appeal Board Decision

FORM G: Application to Amend the Land Use Bylaw



TOWN OF FAIRVIEW

Application No. _____
(office use only)

NOTICE OF DEVELOPMENT PERMIT DECISION APPROVAL

Applicant: _____

Address: _____

Application for development at the municipal address of: _____

further described as Lot _____ Block _____ Plan _____ for the purpose of: _____

has been:

APPROVED APPROVED, subject to the following conditions: _____

The issuance of a Development Permit is subject to the condition that it does not become effective until seven-teen (17) days after the date of this issue of the notice of decision. Should this decision be appealed within fourteen (14) days after the notice of decision, the development permit shall be null and void.

Date of decision: _____

Date of Issue of Development Permit: _____

Signature of Development Officer: _____

Note: The Land Use Bylaw provides that any person claiming to be affected by a decision of the Development Officer, or the Municipal Planning Commission, may appeal to the Subdivision Development Appeal Board within fourteen (14) days after notice of decision is given.



TOWN OF FAIRVIEW

Application No. _____
(office use only)

NOTICE OF DEVELOPMENT PERMIT DECISION REFUSAL

Applicant: _____

Address: _____

You are hereby notified that your application for a Development Permit with regard to the following:

Application for development at the municipal address of: _____

further described as Lot _____ Block _____ Plan _____ for the purpose of:

has been REFUSED, subject to the following conditions: _____

You are further notified that you may appeal this decision to the Subdivision Development Appeal Board. Such an appeal shall be made in writing and shall be delivered to the Secretary of the Subdivision Development Appeal Board (Box 730, Fairview, AB, T0H 1L0) no later than fourteen (14) days following the date of issue of this notice. The notice of appeal shall contain a statement of the grounds of appeal.

Date of Decision: _____

Date of Issue of Development Permit: _____

Signature of Development Officer: _____



TOWN OF FAIRVIEW

DEVELOPMENT APPEAL FORM

1. Name of Appellant: _____

2. Address of Appellant: _____

Telephone: Work _____ Home _____

3. Notice is hereby given to the Subdivision Development Appeal Board of this appeal against the decision (date) _____ of the Development Officer, or Municipal Planning Commission regarding Development Permit Application number _____.

4. Development Proposal (description)

- location (legal) _____
- type of use _____
- decision _____

5. Reason for Appeal: (please feel free to attach additional sheets if required)

_____ Date

_____ Signature of Appellant (or authorized person)

\$200 Appeal Fee to be paid by Appellant, Receipt Number: _____

Mail or Deliver to:
Secretary,
Subdivision Development Appeal Board
Town of Fairview
Box 730
Fairview, AB T0H 1L0

THIS FORM MUST REACH THE SECRETARY NO LATER THAN FOURTEEN (14) DAYS AFTER THE DATE OF NOTIFICATION BY THE DEVELOPMENT OFFICER.

Date Received: _____

Appeal No.: _____

Hearing Date: _____

(For Office Use Only)



TOWN OF FAIRVIEW

Appeal Hearing File No. _____
(office use only)

NOTICE OF SUBDIVISION DEVELOPMENT APPEAL BOARD HEARING

This is to notify you that an appeal has been made to the Subdivision Development Appeal Board against a decision in respect of Development Permit Application No. _____ which involves development described as follows:

Municipal Address of Property: _____

Legal Description: Lot _____, Block _____, Plan _____ for the purpose of:

The decision of the Development Officer/Municipal Planning Commission was:

- APPROVED
- APPROVED, subject to the following conditions: _____

- DENIED, for the following reasons: _____

Any person affected by the proposed development has the right to present a written brief to the hearing and to be present and be heard at the hearing. Persons to be heard at the meeting shall submit a written brief to the Secretary of the Subdivision Development Appeal Board no later than (date) _____.

HEARING WILL BE HELD AT THE TOWN OF FAIRVIEW TOWN COUNCIL CHAMBERS AT _____, ON _____.
(time) (date)

Date

Signature of Secretary
Subdivision Development Appeal Board



TOWN OF FAIRVIEW

Appeal Hearing File No. _____
(office use only)

NOTICE OF DEVELOPMENT APPEAL BOARD DECISION

This is to notify that an appeal against Development Permit Application No. _____ was considered by the Development Appeal Board on _____ (date).

The decision of the Development Appeal Board with regard to the appeal is as follows and for the following reasons:

Date

Signature of Chairman
Development Appeal Board

Note: A decisions of the Development Appeal Board is final and binding on all parties and persons and subject only to an appeal upon a question of jurisdiction or law pursuant to the Municipal Government Act. An application for leave to appeal to the Appellate Division of the Supreme Court of Alberta shall be made:
a) to a judge of the Appellate Divisions, and
b) within 30 days after the issue of the order, decision, permit or approval sought to be appealed.



TOWN OF FAIRVIEW

Application No. _____
(office use only)

APPLICATION TO AMEND THE LAND USE BYLAW

I/We hereby make application to amend the Town of Fairview Land Use Bylaw.

1. Applicant: Name _____ Telephone _____

Address _____

2. Owner of Land: Name _____ Telephone _____

Address _____

3. Land Description: Municipal Address of Property _____

Legal: Lot _____ Block _____ Plan _____

Certificate of Title: _____

AMENDMENT PROPOSED

From _____ to _____

Reasons in support of this Application for Amendment:

Application fee: \$250

Receipt number: _____

Date

Signed

**TOWN OF FAIRVIEW
LAND USE BYLAW**

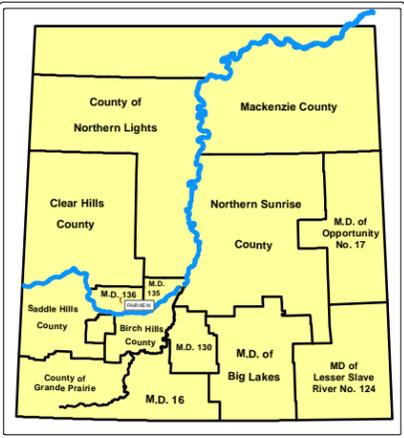
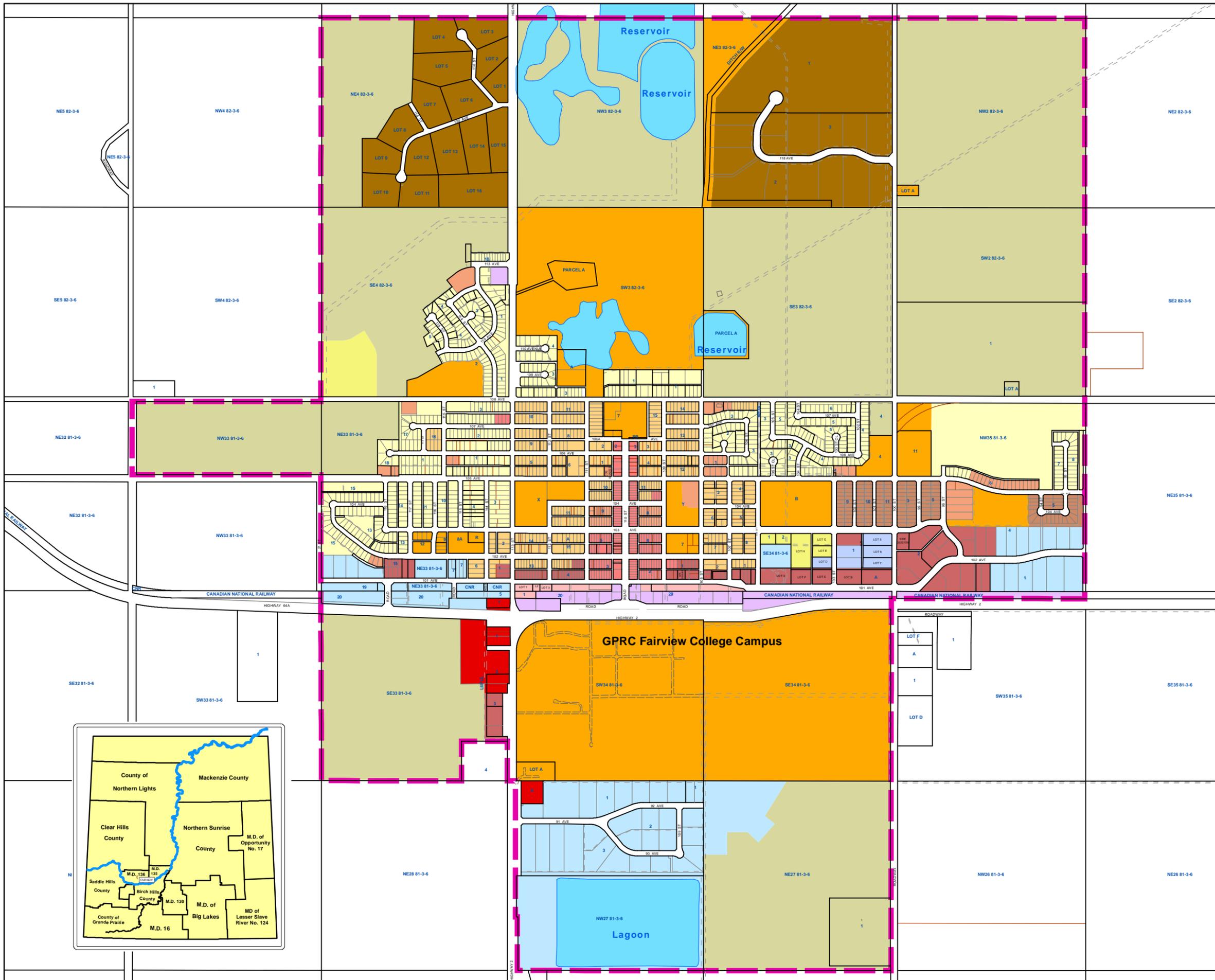
No. 984/LUO/2012

**SCHEDULE "B":
LIST OF AMENDMENTS**

**TOWN OF FAIRVIEW
LAND USE BYLAW**

No. 984/LUO/2012

**SCHEDULE "C":
DISTRICT MAP**



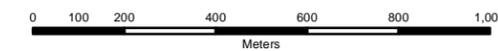
Town of Fairview
Land Use Bylaw No. 984/LUO/2012

DRAFT

November 1, 2012

Land Use Districts

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



**TOWN OF FAIRVIEW
LAND USE BYLAW**

No. 984/LUO/2012

**SCHEDULE "D":
DEVELOPMENT PERMIT FEES**

SCHEDULE D

	Type of Application	Fee Applicable
1	Garages and additions less than \$25,000	\$50.00
2	Conforming Developments over \$25,000	\$200.00
3	Non-Conforming Developments	\$250.00
4	Applications to amend Land Use Bylaw, Municipal Development Plan or other Statutory Plan	\$250.00
5	Development Appeal Fee	\$200.00
6	Late Application	Double the Regular Application Fee

1. For the purpose of this schedule, applicants are advised that the fees applied to this schedule have been approved by Council by the passing of third reading of Bylaw 984/LUO/2012, and that these fees may change from time to time.
2. For the purpose of this schedule, a facsimile shall be deemed to be an exact copy of the original.
3. For the purpose of this schedule, information on the governing resolution can be obtained from the Town Office.

**TOWN OF FAIRVIEW
LAND USE BYLAW**

No. 984/LUO/2012

**SCHEDULE "E":
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