

# MUNICIPAL DISTRICT OF FAIRVIEW NO. 136



## LAND USE BYLAW NO. 876

ADOPTED ON SEPTEMBER 28, 2010

PREPARED BY:

MACKENZIE MUNICIPAL SERVICES AGENCY

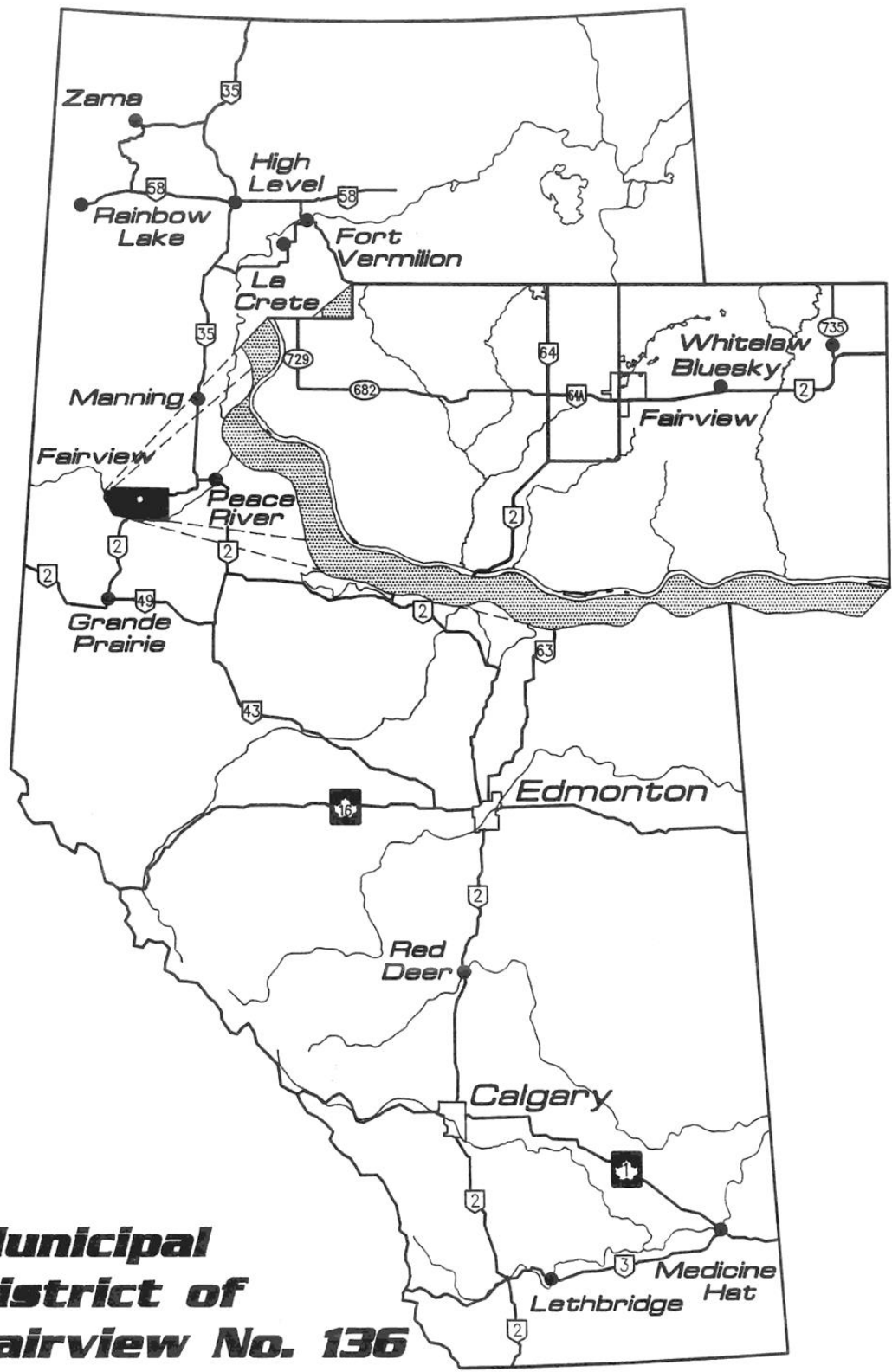
**BYLAW NO. 876**

**MUNICIPAL DISTRICT OF FAIRVIEW NO. 136**

The Council of the Municipal District of Fairview No. 136  
hereby enacts this Land Use Bylaw  
in accordance with the Municipal Government Act.

**Effective Date: September 28, 2010**

**Including Amendments to November 15, 2022**



***Municipal  
District of  
Fairview No. 136***

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**PART 1**  
**ADMINISTRATION**

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# MUNICIPAL DISTRICT OF FAIRVIEW No. 136

## LAND USE BYLAW No. 876

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### **PART 1: ADMINISTRATION**

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#### **SECTION 1.1 GENERAL POLICY STATEMENT**

- (1) The Municipal District of Fairview No. 136 is an agricultural community and one which strongly desires the retention and maintenance of the agricultural sector. The first priority use of all lands capable of agricultural production will be for farming and the normal sight of the municipality's rural character. In accordance with the principle that agriculture and activities associated with agriculture in all forms has priority in rural areas, no legitimate activity, related to the production of food should be curtailed solely because of objections of near-by landowners.
- (2) The occupation of food production includes, but is not limited to, the use of irrigation pumps and equipment, aerial and ground seeding and spraying, use of tractors and motors for the purpose of agricultural pursuits, the raising of livestock and poultry, and the application of such inputs as chemical and natural fertilizers and pesticides including insecticides, herbicides and fungicides. When conducted in accordance with generally accepted agricultural practices, these activities may occur on holidays, Sundays and weekdays, at night and in the day. Noise, odours, dust and fumes caused by agriculture activities are permitted as activities directed to the production of food. This policy statement is a reminder to those who wish to move to the rural areas within the Municipal District of Fairview No. 136 that they must recognize that agriculture has priority and that agricultural activities shall be permitted in the Municipal District of Fairview No. 136.

#### **SECTION 1.2 TITLE OF BYLAW**

- (1) This Bylaw shall be known as the "**Municipal District of Fairview No. 136 Land Use Bylaw**".

#### **SECTION 1.3 PURPOSE**

- (1) The purpose of this Bylaw is to regulate and control the use, conservation and development of land and buildings within the Municipal District of Fairview No.136, to achieve orderly, planned and economic development of land, including:
  - a) The division of the Municipal District into land use districts;
  - b) The establishment and prescription for each land use district, and the uses for which the land, buildings and development may be used and regulated;
  - c) To establish a procedural framework for decision making on subdivision referrals, stop orders, land use Bylaw amendments and applications for development permits including the issuance of development permits;

- d) To establish the office of one or more Development Officers;
- e) To establish the size and density for each land use district;
- f) To provide a method of notice to those individuals directly affected by the issuance of a development permit.

#### **SECTION 1.4 APPLICATION**

- (1) The provisions of this Bylaw shall apply to all land use districts and buildings within the boundaries of the Municipal District of Fairview No. 136

#### **SECTION 1.5 DEFINITIONS**

In this Bylaw, unless the context requires otherwise:

A

**“ABOVEGROUND STORAGE TANK”** means a tank that sits on or above the ground and whose top and complete external sides can be visually inspected and whose use is for the storage, commercialization, and sale of oil and gas products, chemicals, waste and contaminated products and any other substance regulated by Federal or Provincial legislation.

**“ACCESSORY BUILDING”** means a building that is separate from and subordinate to the principal building on the same parcel of land and used for purposes customarily incidental or subordinate to the principal building or dwelling. These generally include but are not limited to a garage, shed and/or greenhouse.

**“ACCESSORY USE”** means a use which is separate and subordinate to the principal use or building, and is located on the same parcel of land.

**“ACT”** means the Province of Alberta Municipal Government Act, RSA 2000, c-M-26 and amendments thereto.

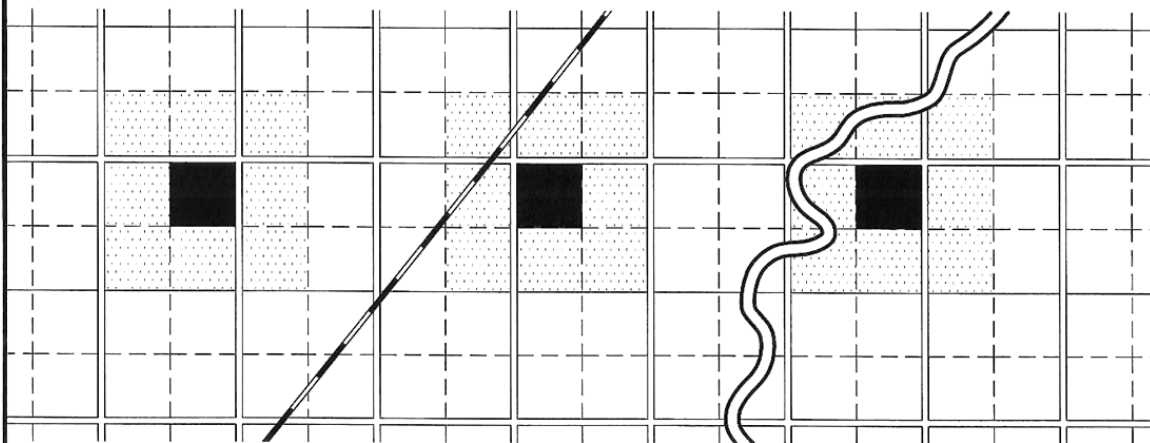
**“ADJACENT LAND”** means land or portion of land that shares a common boundary with a parcel of land that is subject to a development application and/or subdivision application and includes land that would be adjacent if not for a public roadway, railway, river or stream.


**“AGRICULTURAL INDUSTRY”** means an industrial use directly related to agriculture involving the processing or storage of farm products and generally includes grain elevators, seed cleaning plants, abattoirs, auction marts, pellet plants, hay dryer plants, and livestock holding stations or other agricultural industrial developments.

## ***Explanation Notes***

### ***Adjacent Land***

*"ADJACENT LAND" means land or a portion of land that shares a common boundary with a parcel of land that is subject to a development application and/or subdivision application and includes land that would be adjacent if not for public roadway, railway, river or stream.*



 *Adjacent Land*

**“AGRICULTURAL OPERATION”** means an agricultural operation as defined in the Agricultural Operation Practices Act and Regulations, Alberta. An ‘Agricultural Operation’ is an agricultural activity conducted on agricultural land or in buildings for gain or reward or in the hope or expectation of gain or reward, and includes, but not limited to the following:

- a) The cultivation of land;
- b) The raising of livestock, including game-production animals within the meaning of the Livestock Industry Diversification Act;
- c) The raising of fur bearing animals, specialty livestock, birds or fish;
- d) The production of agricultural field crops and the production of fruit, vegetables, sod, trees, shrubs and other specialty horticulture crops;
- e) The production of eggs, milk and honey;
- f) The operation of agricultural machinery and equipment;
- g) The application of fertilizers, insecticides, fungicides, and herbicides, including the application by ground and aerial spraying for agricultural purposes;
- h) The collection, transportation, storage, application, use, transfer and disposal of manure; and

The abandonment and reclamation of confined feeding operations and manure storage facilities.

**“AGRICULTURAL MACHINERY SALES AND SERVICE”** means the selling and servicing of agricultural machinery, such as farm implements and supplies.

**“AGRICULTURAL SUPPLY DEPOT”** means a facility that specializes in the bulk storage of agricultural products and farm supplies, but does not include the storage of solid and liquid fertilizers.

**“AIRPORT”** means:

- a) Any area of land or water, including the frozen surfaces thereof, or other supporting surface used or intended to be used either in whole or in part for the arrival and departure and servicing of aircraft; and
- b) Includes any building, installation or equipment in connection therewith, operated by the Department of National Defence or for which an airport license has been issued by Transport Canada.

**“AQUIFER”** means subterranean gravel that can yield useable quantities of water.

**“AUCTION MART”** means a place where objects such as vehicles, farm equipment, farm animals and other goods are offered for sale to persons who bid on the object in competition with each other.

**“AUTO BODY AND REPAIR SHOP”** means a use where the primary activity is the auto body repair and maintenance of motor vehicles.

**B**

**“BASEMENT”** means the lower portion of a building which is partially below grade.



**“BED AND BREAKFAST”** means a single detached dwelling with more than three (3) guest bedrooms for overnight guest lodging, where only breakfast is included, for the temporary accommodation of the travelling or vacationing public and includes the living accommodation of the residents of the dwelling. Such establishment shall not include a restaurant, hotel, motel, boarding room, nursing home or any other home licensed, approved or supervised under any Act. The establishment will be an ancillary use to the main residential use.

**“BEE-KEEPING”** means the use of a parcel for the commercial production of honey.

929/DEV/2016  
2017/01/10

**“BLADE(S)”** means the part(s) of a wind energy conversion system (WECS) that forms an aerodynamic surface and revolves on contact with the wind.

929/DEV/2016  
2017/01/10

**“BLADE CLEARANCE”** means the minimum distance from grade to the bottom of the rotor’s arc.

**“BUFFER”** means an area where no development is allowed and whose use is restricted to a row(s) of trees or shrubs, fences, berm, or other similar means that provide visual screening and separation between sites or districts.

**“BUILDING”** means a structure erected 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 grade and the highest point of the building.

**“BULK FUEL FACILITY”** means a facility used for the bulk storage and sale of oil and fuel products.

**“BUNKHOUSE”** means a residential complex used to house workers who are engaged in agriculture and are employed by the landowner on a temporary or seasonal basis. This complex will include basic living facilities that have been approved by the appropriate agencies.

**“BYLAW”** means the Municipal District of Fairview No. 136 **Land Use Bylaw No. 876**.

C

**“CAMPSITE”** means a parcel of land on which trailers, tents or recreational vehicles are parked for camping purposes on a temporary basis for a stipulated period of time.

950/DEV/2018  
2018/08/21

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

964/DEV/2020  
2020/02/11

**“CANNABIS CULTIVATION, OUTDOOR”** means the outdoor cultivation of cannabis plants. Buildings may be constructed on site for processing of cannabis plants in accordance with federal regulations.

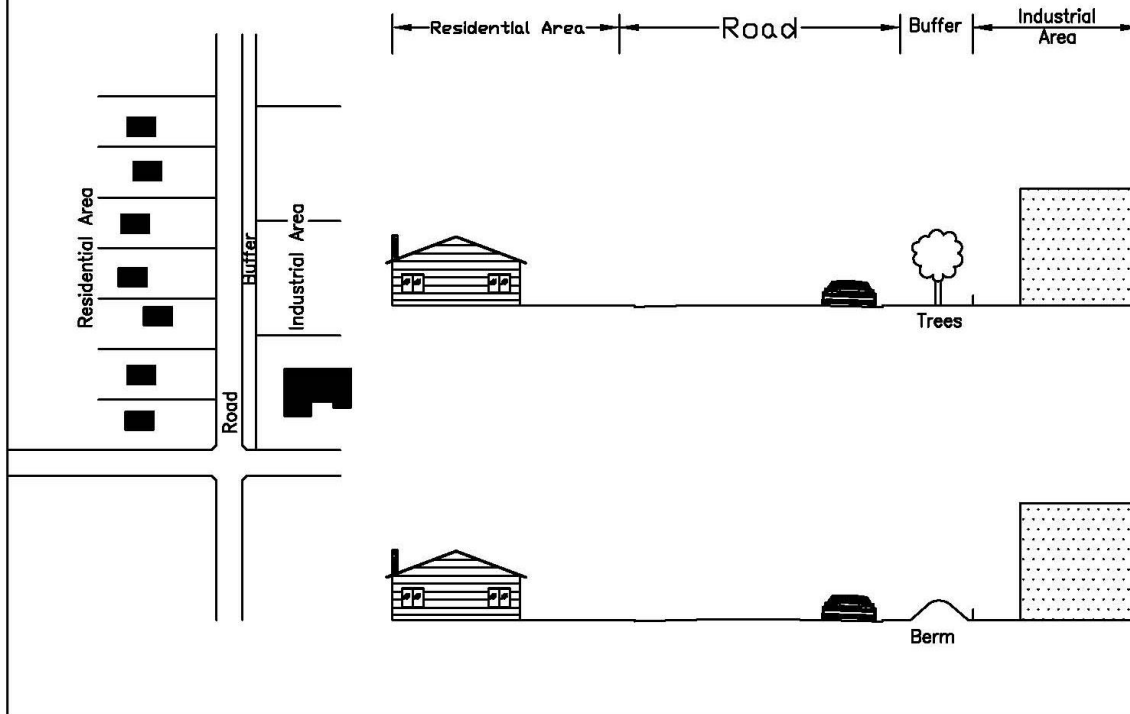
950/DEV/2018  
2018/08/21

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

# Explanation Notes

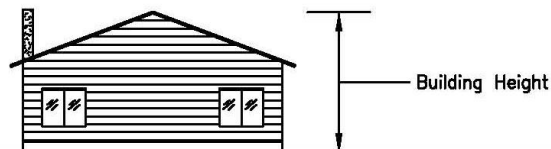
## Buffer

"BUFFER" means an area where development is restricted to a row of trees, shrubs, fencing, berming or other similar means to provide visual screening and separation between sites, roadways, or districts.



## Building Height

"BUILDING HEIGHT" means the vertical distance between grade and the highest point of the main structure of the building.



950/DEV/2018  
2018/08/21

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

**“CARETAKER’S RESIDENCE”** means a dwelling that is secondary or accessory to a principal industrial, commercial or recreational use on the same lot and is used for the purpose of providing living accommodation for the individual who is primarily responsible for the maintenance and security of the principal use on that lot.

**“CEMETERY”** means a parcel of land that is used as a burial ground and is licensed by the appropriate Provincial Government Department.

976/DEV/2020  
2021/04/13

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

**“COMMERCIAL FERTILIZER SUPPLY”** means a facility that specializes in the bulk storage and sale of solid and liquid fertilizers.

**“COMMERCIAL RIDING STABLE”** means a facility used for horse riding activities on a commercial basis and may include buildings that are necessary for the storage of the horses and or other functions related to this activity.

**“COMMUNICATION TOWER”** means a structure that is used to convey internet, communication, radio or television signals and may include other structures necessary for the carrying out of this function.

957/DEV/2019  
2019/03/26

**“COMMUNITY HALL”** means a building that is used as a community meeting or activity place.

**“CONFINED FEEDING OPERATION (CFO)”** means a confined operation as defined and regulated under the provisions of the Agricultural Operation and Practices Act (AOPA).

Under the AOPA Act, “Confined Feeding Operation” means fenced or enclosed land or buildings, where livestock are confined for the purpose of growing, finishing or breeding by means other than grazing and any other building or structure related to that purpose, but does not include residences, livestock seasonal feeding and bedding sites, equestrian stables, auction markets, race tracks, or exhibition grounds.

**“CONFINED LIVESTOCK FACILITY”** means any facility or mode of operation which confines 10 or more animal units in an enclosure or unenclosed area for the purpose of feeding and rearing livestock.

**“CONSTRUCT”** means to build, reconstruct, renovate or relocate; and without limiting the generality of the word, also includes:

- a) Any preliminary operation such as excavation, filling or draining; and
- b) Altering an existing building or structure by an addition, enlargement, extension or other structural change.

**“CONSTRUCTION YARD”** means the use of land or buildings for a construction operation such as building, oilfield or other similar type of construction operation.

**“CONTRACTOR’S BUSINESS”** means the use of land or buildings for a contractor’s operation such as a building, an oilfield servicing or other similar type of contracting operation.

**“CONVENIENCE FOOD STORE”** means a retail operation that specializes in convenience type items such as groceries, soft drinks and other similar goods.

**“CORNER LOT”** means a lot having a frontage on two or more roads at their intersection excluding lots that abut an alley or lane.

**“COUNCIL”** means the Council of the Municipal District of Fairview No. 136.

**“COUNTRY RESIDENCE”** means any rural dwelling which is situated on a parcel used for private residential purposes.

**“COUNTRY RESIDENTIAL PARCEL”** means the subdivision of a parcel of land from an un-subdivided quarter section for a country residence.

**“COUNTRY STORE”** means a use or structure located along a roadway, where goods, wares, merchandise, substances, articles or services are offered or kept for sale at retail, and includes storage on or about the premises of limited quantities of such goods.

940/DEV/2017  
2018/01/23

**“CRAFT MICROBREWERY”** means a use where the small-scale manufacturing and distribution of beer and other alcoholic beverages are sold on and off the premises. This facility may be combined with the use of a ‘Restaurant’ – provided it is allowed in the respective district. A Craft Microbrewery must be licensed appropriately by the Alberta Liquor and Gaming Commission (AGLC).

**“CROWN LAND”** means land of the Crown in right of Alberta which includes the beds and shores of all permanent and naturally occurring water bodies and watercourses.

D

996/DEV/2022  
2022/11/15

**“DATA PROCESSING CENTRE”** means a building, a shipping container, a dedicated space, or a group of buildings or shipping containers, used to house computer systems, and associated infrastructure and components for the processing of data relating to, but not limited to cryptocurrency, digital currency processing, non-fungible tokens and blockchain transactions.

976/DEV/2020  
2021/04/13

**“DEMOLITION”** means the removal, pulling down, tearing down or razing of a building or a structure.

**“DEVELOPMENT”** means:

- a) An excavation or stockpile and the creation of either of them;



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

**“DEVELOPMENT OFFICER”** means a person appointed by resolution of Council to perform the duties of a Development Officer, as outlined in this Bylaw.

**“DEVELOPMENT AUTHORITY”** The Development Authority constituted under this Bylaw to exercise development powers and duties on behalf of the Council shall mean to be the Development Officer or any other person acting on his/her behalf.

929/DEV/2016  
2017/01/10

**“DEVELOPMENT COMMENCEMENT”** means the moment construction is initiated on site (i.e. Excavation) for the purposes of the development permit application.

**“DEVELOPMENT PERMIT”** means a document authorizing a development, issued pursuant to this Bylaw.

**“DISCRETIONARY USE”** means the use of land or a building which is listed as a “Discretionary Use” in all districts in this Bylaw, and for which, subject to the provisions of this Bylaw, a development permit may or may not be issued upon an application having been submitted.

**“DISTRICT”** means an area of land classified on the Land Use Bylaw District Map in this Bylaw.

976/DEV/2020  
2021/04/13

**“DWELLING”** means any building containing a dwelling unit used for human habitation including a modular building or Manufactured Home, whether or not it is placed on a permanent foundation, on wheels, or is supported by blocks, jacks or other non-permanent supports.

**“DWELLING, DUPLEX”** means a building containing only two dwellings, with one being placed over the other in whole or in part with individual and separate entrances to each dwelling.

**“DWELLING, SEMI-DETACHED”** means a building containing two dwellings units attached, one of a pair or two single family dwellings attached along a common wall.

**“DWELLING, SINGLE-DETACHED”** means a building containing only one dwelling unit and occupied by not more than one household.

E

**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 to the environment and/or human health;

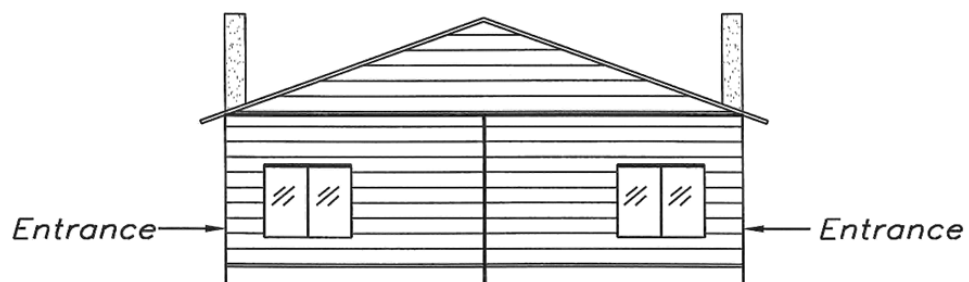
- b) Conformity to Federal, Provincial and/or Municipal District environmental standards;
- c) The level of risk that a contaminated site poses to the environment and/or human health; and

The necessary remedial actions that may be required to reduce the level of risk posed by a contaminated site to an acceptable level.

## ***Explanation Notes***

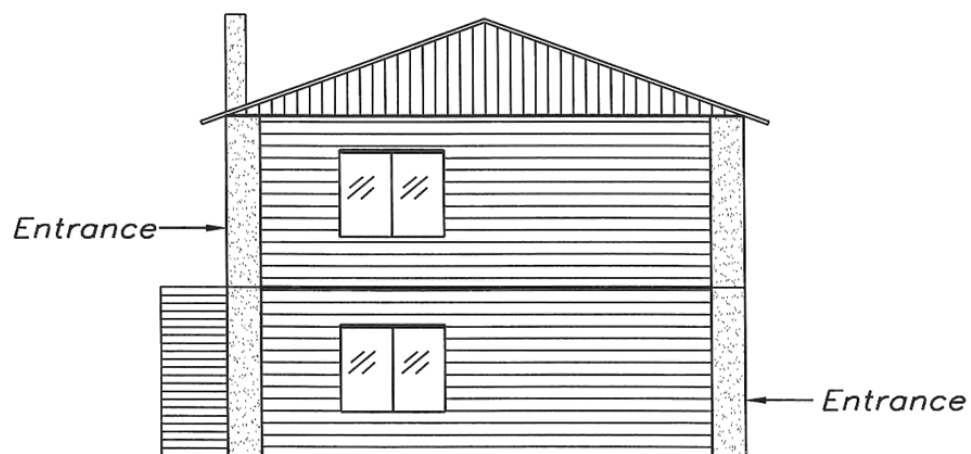
### ***Semi-Detached***

*"SEMI-DETACHED DWELLING" means a building containing two dwelling units attached along a common wall.*



### ***Duplex***

*"DUPLEX" means a building containing two dwelling units, located above one another, each of which has an independent entrance.*



**“ENVIRONMENTAL AUDIT REPORT”** means a document containing the result of an Environmental Audit.

**“ENVIRONMENTAL IMPACT ASSESSMENT”** means a comprehensive analysis to determine:

- a) The potential environmental impact of the proposed development on site;
- b) The potential environmental impact of the proposed development upon adjacent properties or land uses; or
- c) The potential environmental impact the proposed development may have on the future land use potential of the site.

**“ENVIRONMENTAL IMPACT ASSESSMENT REPORT”** means a written document containing the result of an Environmental Impact Assessment.

**“EQUIPMENT RENTAL FACILITY”** means the use of a building for the renting of equipment, usually on a commercial basis.

**“EQUIPMENT REPAIR SHOP”** means a building that is used to repair various goods and equipment on a commercial basis.

**“EXTENSIVE AGRICULTURE”** means a system of tillage and animal husbandry by the raising of crops or the rearing of livestock either separately or in conjunction with one another over a large area of land. A dwelling, buildings and other structures incidental to the operation are also included.

F

**“FARM BUILDING”** means a building used in connection with the raising or production of crops, livestock or poultry and situated on land used in connection with such farming operations, but does not include a dwelling unit or a confined feeding operation. Farm buildings include granaries, barns, sheds, hay storage structures, garage and workshops. Building used for the conducting of non-farming business operations are not considered to be farm buildings.

**“FARMSTEAD”** means either of the following:

- a) A developed residence with associated outbuildings and services that serves as the primary residence for a farm operation. Associated outbuildings may include a barn, Quonset, granaries, and/or other similar buildings and/or related improvements, normally associated with a farm operation; or
- b) A farmyard which was once an established residence and which contains some or all of the following: an abandoned residence; a developed water source; an established sewage collection system; an existing shelterbelt; or any other features that may indicate a previous developed residence and that it formed part of a farm operation.

**“FEEDLOT”** means a facility where livestock are confined for growing or finishing for market.

**“FENCE”** means a vertical physical barrier constructed out of typical building materials being not more than 1.83 (6 feet) in height and used for purposes of aesthetics, containment or to prevent unauthorized access or to serve as a visual screen.

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

**“FRAGMENTED PARCEL”** means a parcel of land that is separated from the balance of the quarter section by:

- a) A watercourse;
- b) A railway;
- c) A graded public road or highway;
- d) An embankment; or
- e) Other physical features such that it is impractical, in the opinion of the Municipal District of Fairview No. 136, to farm the fragmented area proposed to be subdivided, either independently or as part of a large operation including nearby lands.

## G

**“GROSS FLOOR AREA” (GFA)** means the sum of the areas of each storey of a building above average grade, measured from the exterior of outside walls, including an attached garage or any part of the building used for motor vehicle parking.

For purposes of calculating GFA in commercial buildings and for the purpose of parking requirements, GFA will not include passages, stairways, washrooms, storage space, ducts and other such common areas.

## H

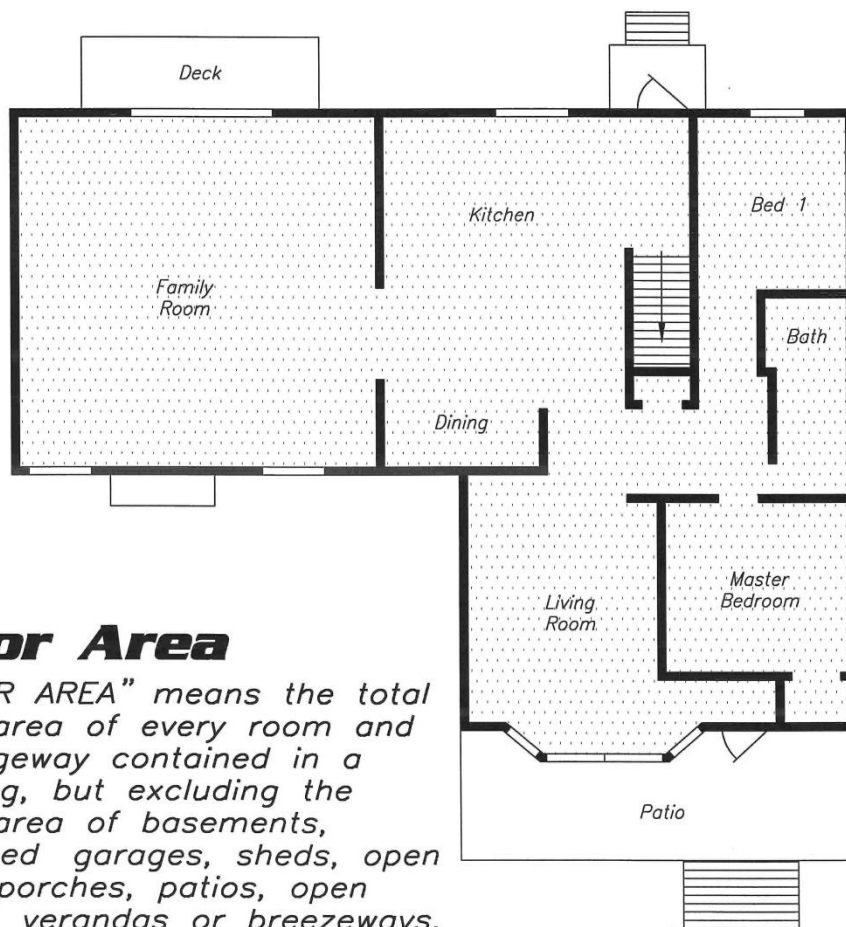
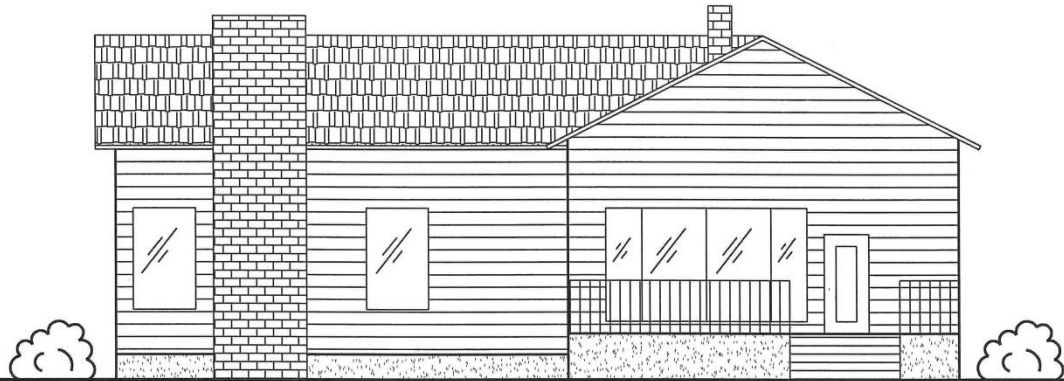
**“HAMLET”** means an area of land shown on a registered plan that has been subdivided into lots and blocks as a town site and is identified as such by the Municipal District; or an area declared by an order of the Minister of Municipal Affairs to be a hamlet.

**“HAZARDOUS INDUSTRY”** means an industry which by reason of emissions, whether solid, liquid or gas, are offensive or hazardous to human health or safety. Such industries are generally classed as noxious in character and, without restricting the generality of the foregoing, would include petro-chemical industries, petroleum refineries, rendering plants, gas plants, auto wrecker’s collection centers and retail outlets, for goods processed or stored on the same site where the principal use is an auto wrecker’s metal collection.

**“HIGHWAY”** means a highway or proposed highway designated as a highway under the Public Highways Development Act, RSA 1980, and containing one or two numbers within its title. It would also include within the context a road designated as such by Ministerial Order pursuant to the Province of Alberta Public Highways Development Act, RSA 1980. Road numbers include 500, 600, 700 and 800 series.

**“HISTORIC SITE”** means a building, structure or site designated by a local authority, Provincial or Federal government to be historically or architecturally significant.

## ***Explanation Notes***



### ***Floor Area***

*"FLOOR AREA" means the total floor area of every room and passageway contained in a building, but excluding the floor area of basements, attached garages, sheds, open open porches, patios, open decks, verandas or breezeways.*

**“HOME-BASED BUSINESS”** means the use of a building or a site which is secondary to the principal use for the purpose of operating a home-based business, and that meets the special requirements of this Bylaw.

929/DEV/2016  
2017/01/10

**“HORIZONTAL AXIS ROTOR”** means a wind energy conversion system on which the axis of the nacelle is parallel to grade.

**“HOTEL”** means a building designed for the accommodation of the travelling or vacationing public containing guest rooms accessible by a common entrance; and has a general kitchen, dining room and other public rooms.

I

**“INDUSTRIAL, GENERAL”** means a development used for one or more of the following activities:

- a) The processing of raw materials;
- b) The manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c) The cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with an industrial or commercial business or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial districts;
- d) The storage or transportation of materials, goods and equipment;
- e) The distribution and sale of materials, goods and equipment, to institutions or industrial and commercial businesses for their direct use or to general retail stores or other sales facilities for resale to individual consumers; or
- f) The training of personnel in general industrial operations.

**“INTENSIVE AGRICULTURE”** means a system of tillage and animal husbandry from which one may gain livelihood from proportionately small areas of land by the concentrated raising of crops or the concentrated rearing or keeping of livestock and poultry, or products for market at densities lower than that defined for livestock under Schedule 2, Agricultural Operations Practices Act, Agricultural Operations Part 2 Matters Regulation.

L

**“LANDFILL”** means a site that is used for the disposal of solid waste.

**“LANE”** means a public right-of-way which provides a secondary means of access to a parcel or parcels of land and which is registered in the Land Titles Office in the Province of Alberta.

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

**“LIVESTOCK”** means animals such as cattle, horses, sheep, goats, swine, domestic fowl and exotic animals such as elk, bison, emus, ostrich, alpacas, etc.

**“LIVESTOCK FACILITY”** means buildings, shelters, fences, corrals or other structures which confine or would be capable of confining livestock for feeding or rearing purposes.

**“LOADING SPACE”** means a temporary off-street parking space use by commercial vehicles while loading or unloading material or merchandise.

**“LOT”** means:

- a) A quarter section;
- b) A river lot or settlement lot shown on a registered plan as defined in the Surveys Act that is filed or lodged in a land titles office;
- c) A part of a parcel where the boundaries of the part are separately described in a certificated of title with or without reference to a plan of subdivision.

**“LOT COVERAGE”** means that percentage of the area of any lot which is covered by all buildings on the lot excluding balconies, canopies and other similar structures.

**“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 road. In the case of a corner lot the owner of the site may select one of the road boundaries as the front, subject to the approval of the Development Officer.

**“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 WIDTH”** means the distance between the side lot lines at a point midway between the front and rear of the lot and approximately parallel to the street line.

**M**

976/DEV/2020  
2021/04/13

**“MANUFACTURED HOME”** means a development of a transportable dwelling unit that is built off-site. It is designed to be transported on its own wheels or on a chassis and upon arriving at the site for placement is, apart from incidental operations such as installation of foundation supports and connections of utilities, ready for year-round occupancy. This definition does not apply to recreational vehicles or industrial camp trailers. A manufactured home meets any one of the following design criteria:

- Has a roof pitch of less than 1:4;
- The eaves are equal to or less than 30.4 cm (1.0 ft.);
- The length to width ratio of the unit is more than 3:1.

976/DEV/2020  
2021/04/13

**“MANUFACTURED HOME PARK”** means a parcel of land under single ownership, which has been designed for the placement of manufactured homes on individual leasable lots.

976/DEV/2020  
2021/04/13

**“MANUFACTURED HOME PARK LOT”** means a lot within a manufactured homes park which has been exclusively reserved for the placement of manufactured homes.



**“MARKET GARDEN”** means a parcel of land where plants, vegetables, flowers and similar materials are grown for sale.

929/DEV/2016  
2017/01/10

**“METEOROLOGICAL (MET) TOWER AND OTHER MONITORING TOWERS”** means a tower furnished with either scientific equipment for the specific purpose of measuring components of the atmosphere, or with other monitoring equipment. Meteorological (MET) and other Monitoring Towers are not considered a public utility.

**“MINOR AGRICULTURAL USE”** means the keeping of horses, cattle, sheep or other farm animals with the maximum number of any combination thereof being two head of such livestock for the first 1.2 hectares (3 acres) of land and one head for each additional 0.81 hectares (2 acres).

976/DEV/2020  
2021/04/13

**“MOBILE HOME”** - Deleted

976/DEV/2020  
2021/04/13

**“MOBILE HOME PARK”** – Deleted

976/DEV/2020  
2021/04/13

**“MOBILE HOME PARK LOT”** – Deleted

976/DEV/2020  
2021/04/13

**“MODULAR BUILDING”** means a development that is built off-site and designed to be transported and assembled on a permanent foundation at the building site. Upon arriving at the site for placement the modular building, apart from incidental operations such as installation of foundation supports and connections of utilities, is ready for year-round occupancy. A modular building may include residential, commercial, industrial and institutional buildings. This definition does not apply to manufactured homes, recreational vehicles or industrial camp trailers.

976/DEV/2020  
2021/04/13

**“MODULAR HOME”** -Deleted

976/DEV/2020  
2021/04/13

**“MODULAR UNIT”** -Deleted

**“MOTEL”** means a building or a 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.

976/DEV/2020  
2021/04/13

**“MOVED-IN BUILDING”** means a single-detached dwelling or building previously constructed and located on another site, that is to be relocated to a site within the Municipal District but does not include manufactured homes, recreational vehicles and trailers.

**“MUNICIPAL DISTRICT”** means the Municipal District of Fairview No. 136.

**“MUNICIPAL ROAD”** means a public road or a rural road subject to the direction, control and management of the Municipal District.

N

**“NATURAL RESOURCE EXTRACTION INDUSTRY”** means an industry engaged in the extraction of natural resources such as timber, clay, sand, gravel, limestone, shale,

coal, etc, and may include petroleum and natural gas, which may include primary treatment into a marketable form at the source.

O

929/DEV/2016  
2017/01/10

**"OVER SPEED CONTROL"** means a device which prevents excessive rotor speed of a Wind Energy Conversion System.

P

957/DEV/2019  
2019/03/26

**"PARCEL"** means an area of land described either by a Certificate of Title, a descriptive plan or a registered plan, each registered in the Alberta Land Titles Office.

**"PARK/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.

**"PERMITTED USE"** means the use of land or of a building which is listed in the column captioned as "Permitted Uses" in all land use districts and for which a development permit shall be issued upon an application having conformed to the provisions of this Bylaw. In addition, an application shall be approved if the conditions of the approval ensure that the development would conform to the provisions of this Bylaw.

957/DEV/2019  
2019/03/26

**"PLACE OF WORSHIP"** means a building or structure, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

**"PRINCIPAL BUILDING OR USE"** means the main purpose for which, in the opinion of the Development Officer, a building or site is ordinarily used.

**"PUBLIC ROADWAY"** means any public street, road allowances, avenue, arterial or limited access roadway, service road, boulevard, square, highway, municipal road or urban road or any other class of thoroughfare used or intended to be used by the general public.

**"PUBLIC USE"** means a building, parcel, lot or structure used for public services by the Municipality, by any local board or agency of the Municipality, by any department, commission or agency or any other municipal corporation of the Government of Alberta or Canada, by any railway company authorized under the Railway Act, or by any public utility.

**"PUBLIC UTILITY"** means improvements within a right-of-way for one or more of the following:

- a) Telecommunications systems;
- b) Waterworks systems;
- c) Irrigation systems;
- d) Systems for the distribution of gas, whether natural or artificial;
- e) Electronic generating plants, artificial light or electric power;
- f) Heating systems; and
- g) Sewage systems;
- h) And the service or commodity supplied by any public utility.

R

957/DEV/2019  
2019/03/26

**“RECREATIONAL CABIN”** means a building used on a seasonal or periodic basis as a secondary place of residential occupancy and generally lacking in one or more of the components, conveniences or utilities required for year-round occupancy. This use includes cottages, chalets and similar uses. This use does not include dwelling units, recreational vehicles, motel or hotel.

957/DEV/2019  
2019/03/26

**“RECREATIONAL, EXTENSIVE”** means a development on large tracts of land located in a rural area to take advantage of natural physical features to provide for non-facility oriented recreational activities such as skiing, hunting, trail riding, snowmobiling, hiking, and similar activities. A clubhouse, ski chalet, or similar use may be allowed as an accessory use.

957/DEV/2019  
2019/03/26

**“RECREATIONAL, INTENSIVE”** means a development on small tracts of land providing outdoor facilities for recreational activities such as campgrounds, resorts, recreational vehicle parks, fishing lodges, beach areas, marinas, riding stables, race tracks, sports fields, arenas, swimming pools, splash pads, tennis courts, amusement parks, off-leash dog park, mini-golf and other similar activities.

957/DEV/2019  
2019/03/26

**“RECREATION, INDOOR PARTICIPANT”** means development providing facilities within an enclosed building for sports and active recreation where patrons are predominantly participants and any spectators are incidental and attend on a non-recurring basis. Typical Uses include athletic clubs; health and fitness clubs; curling rinks; arenas; swimming pools; rifle and pistol ranges, and racquet clubs. Offices, an eating establishment, or similar uses may be allowed as an accessory use.

**“RECREATIONAL VEHICLE”** means a portable structure intended as temporary accommodation for travel, vacation or recreational use. Such structures may include a motor home, fold-down camping trailer, truck camper or fifth wheel travel trailer. Conventional or converted manufactured homes are not recreation vehicles.

**“REPAIR SHOP”** means a building that is used to repair various goods and appliances on a commercial basis.

929/DEV/2016  
2017/01/10

**“REPOWERING”** means the replacement of an older WECS with a newer WECS.

**“RESTAURANT”** means a business where the principal use is to offer food in a prepared state for sale to the public for immediate consumption either within the building, outside on the premises or elsewhere and without limiting its generality, includes sit down restaurants, diners, coffee shops, eateries, cafeteria, take out restaurants, fast food restaurants, doughnut shops, bake shops, or similar uses, and includes ancillary facilities such as a drive-through, drive-in or outdoor patio facility. It may include a licensed dining rooms or similar facilities for the sale and consumption of alcoholic beverages.

**“ROAD”** means land:

- a) Shown as a road on a plan or survey that has been filed or registered in a land titles office; or

- b) Used as a public road, and includes a bridge forming part of a road and any structure incidental to the road or bridge

929/DEV/2016  
2017/01/10

**"ROTOR"** means the part of the wind energy conversion system that includes a generator, gearbox or yaw motors and other operating parts that is installed at the top of the tower, and to which the blade(s) are attached, and is responsible for converting wind power to energy.

929/DEV/2016  
2017/01/10

**"ROTOR'S ARC"** means the largest circumferential path travelled by the blade of a Wind Energy Conversion System.

**"RURAL INDUSTRY"** means an industry not directly related to agriculture involving:

- a) Warehousing or storage of materials, goods and equipment;
- b) Manufacturing or processing of a finished or semi-finished production from raw or processed materials;
- c) Provision of large scale transportation facilities for freight or passenger; or
- d) Industrial operations which due to noise, inherent safety hazards, noxious or toxic emissions require large tracts of land or a rural location away from concentration of people.

S

950/DEV/2018  
2018/08/21

**"SAME OR SIMILAR USES"** means, in the case of a development permit, a use that is the same or similar in the opinion of the Development Officer but is not listed in another district or defined in the Definitions section.

**"SAND AND GRAVEL PITS"** means a surface mine or excavation used for the removal of sand or gravel for sale.

**"SATELLITE DISH AND ANTENNAE"** means a combination of:

- a) Antennae or dish antennae whose purpose is to receive communication or other signals from orbiting satellites; or
- b) A low noise amplifier which is situated at the focal point to the receiving component and whose purpose is to magnify and transfer signals.

**"SCREENING"** means a fence, berm or hedge used to visually separate areas or uses which, detract from the roadway or neighbouring land uses.

**"SERVICE STATION"** means any building, land area or other premises used for the retail dispensing or sale of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and other similar accessories. It may also include an enclosed restaurant facility or convenience store facility as a secondary use to the principal fuel sale use.

**"SEWAGE LAGOON"** means the use of land for the purpose of collecting sewage.

929/DEV/2016  
2017/01/10

**"SHADOW AND FLICKER"** means the repetitive moving shadows or reflection cast by the rotor blades as they cut through the sun or sunlight.

976/DEV/2020  
2021/04/13

**SHIPPING CONTAINER**, also known as **SEA-CAN**, means a steel storage container designed to be used for sea, rail or intermodal shipping and which is used strictly for the storage of materials associated with the principal use of the parcel.

**“SIGHT TRIANGLE”** means the triangle formed by a straight line drawn between two points on the exterior boundary of said site, 6.1 meters (20 feet) from the point where they intersect.

**“SIGN”** means anything that serves to indicate the presence of the existence of something, including but not limited to a 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.

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

**“STORAGE FACILITY”** means a facility that is used to store goods, products or equipment and is usually associated with a commercial and/or industrial operation.

**“SUBDIVISION AND DEVELOPMENT APPEAL BOARD”** means a board appointed by Council pursuant to the Province of Alberta Municipal Government Act, RSA 2000. c.M-26.

**“SUBSTANDARD LOT”** means a lot which does not meet the minimal length, width or area requirements of the district in this Bylaw, in which it is located.

**“SUPPLEMENTARY FARM OCCUPATION”** means a small business operation, dependent upon on-site (usually family) labour, and which is incidental or subordinate to the use of a parcel of land for agricultural purposes.

**T**

940DEV/2017  
2018/01/23

**“TASTING ROOM”** means a room within a Craft Brewery where guests may sample alcoholic beverages.

**“THROUGH LOT”** means any lot other than a corner lot having access on two roads.

**“TOP SOIL”** means that depth of soil containing the major portion of organic matter.

929/DEV/2016  
2017/01/10

**“TOTAL HEIGHT”** means the height of the WECS from grade to the further vertical extension of the rotor.

**“TRUCK SERVICE AREA”** means any building, premises or land in which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly related to motor vehicles, the sale of accessories or equipment for trucks or similar commercial vehicles. A truck service area may also include overnight accommodations and restaurant facilities for the use of truck crews.

**“TRUCK STORAGE YARD”** means a parcel of land that is used to park trucks.

**V**

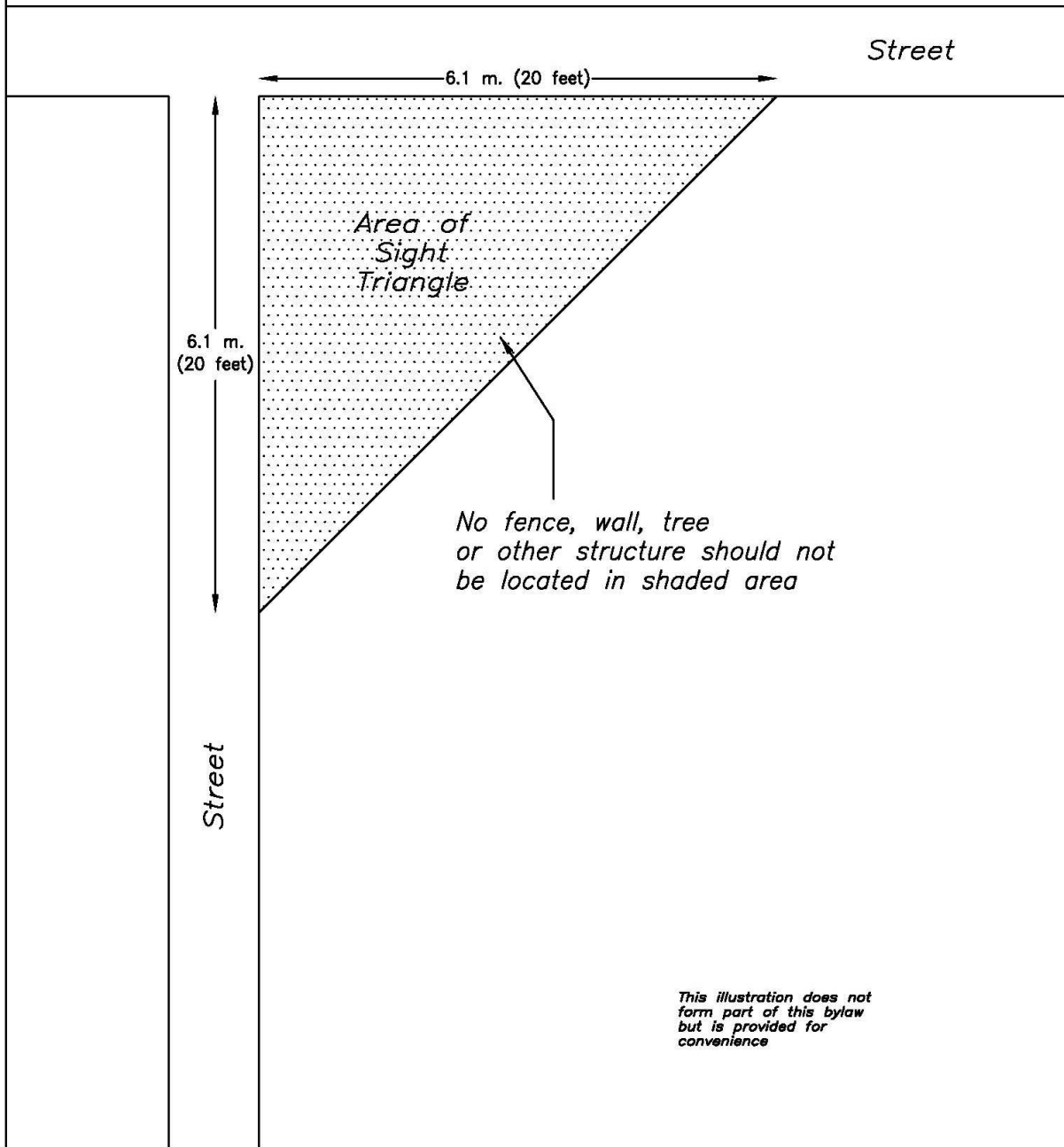
929/DEV/2016  
2017/01/10

**“VERTICAL AXIS ROTOR”** means a wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth's surface.

# Explanation Notes

## Sight Triangle

A "SIGHT TRIANGLE" means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site 6.1 metres (20 feet) from the point where they intersect.



**"WAREHOUSE"** means the use of a building for the storage of merchandise, material or commodities.

**"WATER RESERVOIR OR DUGOUT"** means the use of land for the collection and distribution of water usually for the purpose of serving a community or private residence or related to an industrial operation.

**"WATERBODY"** means the bed and shore of a lake, lagoon, swamp, marsh, or any other natural body of water; or reservoir or other man-made surface features, whether it contains water continuously or intermittently.

**"WATERCOURSE"** means the bed and shore of a river, stream, creek or other natural body of water; or a canal, ditch or other man-made surface feature whether it contains water continuously or intermittently.

929/DEV/2016  
2017/01/10

**"WIND ENERGY CONVERSION SYSTEM (WECS)"** means a system consisting of subcomponents which convert wind energy to electrical energy and which has major components of generator rotors, tower and a storage system.

929/DEV/2016  
2017/01/10

**"WIND ENERGY CONVERSION SYSTEMS, CATEGORY 1 & 2"**

(1) A wind energy conversion system is a structure designed to convert wind energy into mechanical or electrical energy. For the purposes of this bylaw, WECS Category 1 & 2 are categorized as follows:

a) WECS, Category 1:

i. The WECS total height shall be 15m (49.2 ft.) or less.

b) WECS, Category 2:

i. The WECS total height shall be greater than 15 m (49.2 ft.) and less than 35 m (114.8 ft.).

929/DEV/2016  
2017/01/10

**"WIND ENERGY CONVERSION SYSTEMS, CATEGORY 3"**

(1) A wind energy conversion system is a structure designed to convert wind energy into mechanical or electrical energy. For the purposes of this bylaw, WECS, Category 3 is categorized as follows:

a) WECS, Category 3:

i. A single WECS with a total height of 35 m (114.8 ft.) or greater.

929/DEV/2016  
2017/01/10

**"WIND FARM"** means a power plant consisting of two or more wind energy conversion systems and related facilities connected to the same substation or metering point used for the production of electric power.

929/DEV/2016  
2017/01/10

Y

**"WIND FARM BOUNDARY"** means all titled parcels participating in the wind farm.

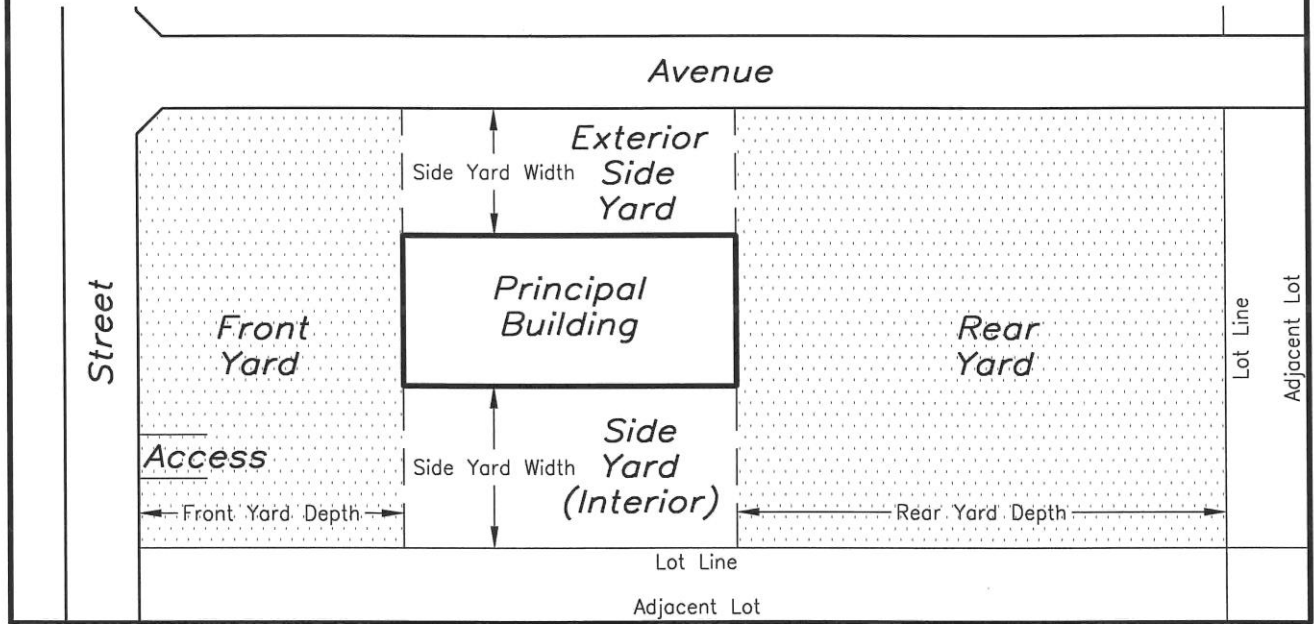
**"YARD"** means a part of a lot upon or over which no building or structure other than a boundary fence is erected except for specifically permitted accessory buildings.

**"YARD, EXTERIOR SIDE; YARD, FRONT; YARD, INTERIOR SIDE; YARD, REAR; YARD, SIDE; YARD DEPTH; YARD WIDTH"** shall be as described in the explanation notes of this Bylaw.



# ***Explanation Notes***

## ***Yard Definitions***



ALL OTHER WORDS AND EXPRESSIONS HAVE THE MEANING RESPECTIVELY ASSIGNED TO THEM BY THE PROVINCE OF ALBERTA MUNICIPAL GOVERNMENT ACT, AND ANY OTHER APPLICABLE STATUTE OF ALBERTA.

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**PART 2**  
**AGENCIES**

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## **PART 2: AGENCIES**

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### **SECTION 2.1 DEVELOPMENT OFFICER**

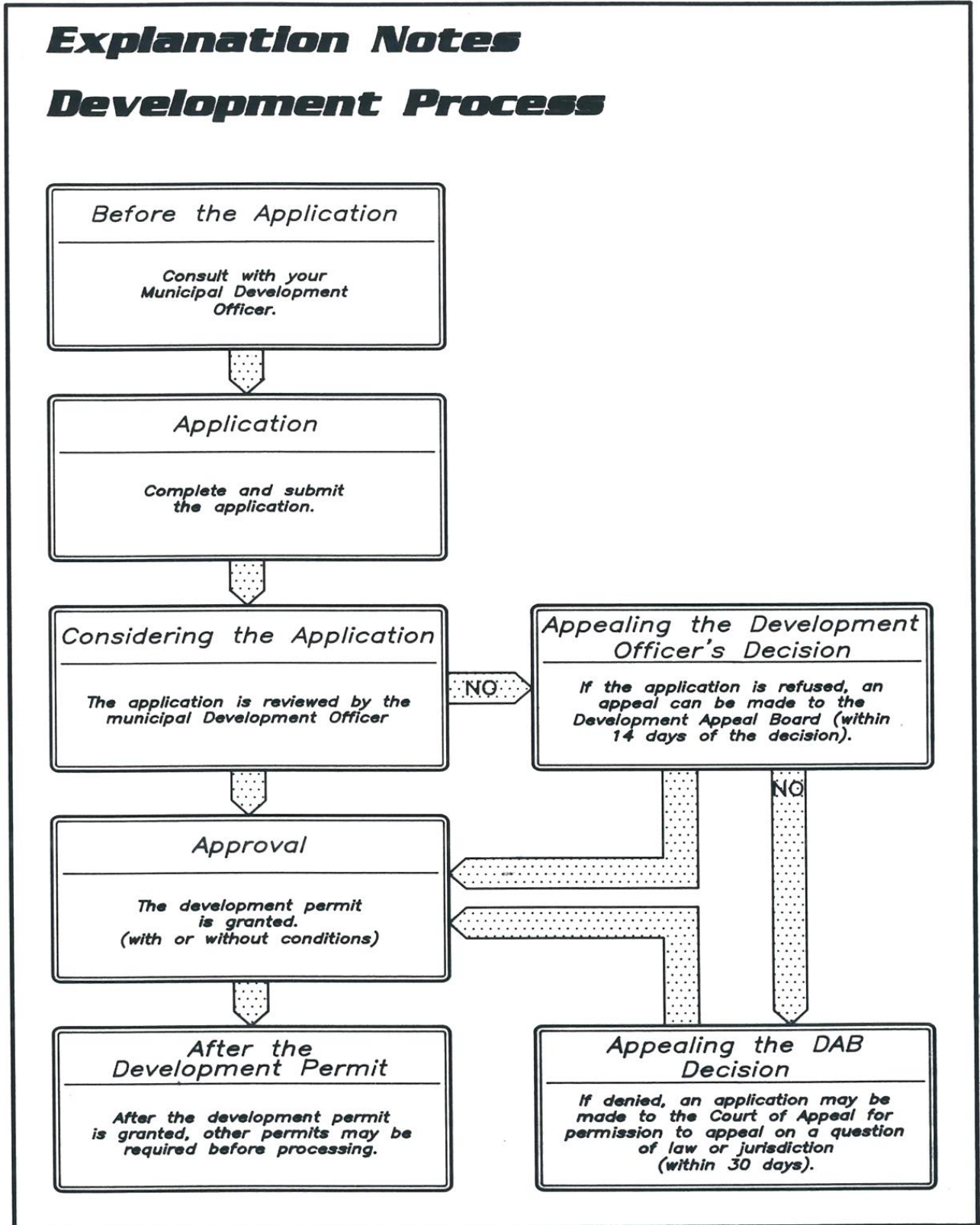
- (1) Establishment of a Development Authority:
  - a) Pursuant to Section 624 of the Municipal Government Act, the Development Authority to exercise development powers and perform duties on behalf of the Council as provided for under this Land Use Bylaw is hereby vested in the Development Officer, or any other person acting on behalf of the Development Officer.
- (2) The office of the Development Officer is hereby established and such office shall be filled by a person or persons appointed by Council.
- (3) The Development Officer shall perform such duties that are specified in Section 2.2 of this Bylaw.

### **SECTION 2.2 DUTIES AND RESPONSIBILITIES OF THE DEVELOPMENT OFFICER**

- (1) The Development Officer shall:
  - a) Receive, consider and decide, with or without conditions, on applications for a development permit for uses listed under the “Permitted Uses” in all land use districts.
  - b) Keep and maintain for inspection by the public during office hours, a copy of this Bylaw and all amendments and resolutions thereto and ensure that copies are available to the public at a reasonable charge.
  - c) Keep a register of all applications for development, including the decisions therein and the reasons therefore, for a minimum period of seven (7) years.
  - d) Refer with his/her report to Council for its consideration and decision a development permit application for a:
    - i. Use listed under the “Discretionary Uses” column of any land use district;
    - ii. Variance to Development Standards defined for each land use district;
    - iii. Any other matter which in the opinion of the Development Officer does not comply with the intent of the relevant provisions of this Bylaw.
  - e) Notify adjacent landowners, other municipalities and government agencies of the application for the development permit when deemed necessary.

# ***Explanation Notes***

## ***Development Process***



- (2) In accordance with the Act, where a person applies for a development permit for a permitted use, the Development Officer shall, where the application otherwise conforms to this Bylaw, issue a development permit.
- (3) In making a decision on an application for a use listed under the "Permitted Uses" column in all land use districts, the Development Officer may:
- a) Approve the application unconditionally; or
  - b) Approve the application and attach conditions including but not limited to a developer's agreement that may require any or all of the following:
    - i. The construction, operation and maintenance of public roads, sewer, and water facilities;
    - ii. The location of refuse disposal facilities;
    - iii. On-site storm water management;
    - iv. Access for fire and police protection;
    - v. General access and circulation;
    - vi. Provision for recreational areas;
    - vii. Landscaping and other aesthetic considerations;
    - viii. Building design and site layout;
    - ix. Provisions for parking facilities;
    - x. Buffering, screening and fencing or any other appropriate planning condition;
    - xi. Securities and levies; or
  - c) Refuse the application.
- (4) **Exercise of Variance Powers:** The Development Officer in compliance with Section 3.5 and in conjunction with Council 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 Development Officer:
- a) The proposed development would not:
    - i. Unduly interfere with the amenities of the neighbourhood and/or surrounding area; or
    - ii. Materially interfere with or affect the use enjoyment or value of neighbouring properties.
  - b) The proposed development does not conflict with the use prescribed for that land, development/buildings in this Bylaw.
  - c) The proposed variance is minor in nature and would not alter the spirit and intent of the land use Bylaw.
  - d) The proposed variance, if not granted, would cause undue hardship to the applicant characterized by location, use and character of the land or building.

- (5) In making a decision, the Development Officer may, in consultation with the Council, and subject to subsection 4 above, allow a minor variance of any or all of the Bylaw requirements not related to use, after taking into account the following:
- a) Type of development proposed;
  - b) Type and nature of variance requested;
  - c) Effects on existing and adjacent buildings and structures;
  - d) Adjacent road classification and impacts on the right-of-way;
  - e) Potential impact on adjacent uses, buildings and structures;
  - f) Potential impact on adjacent road network.

**SECTION 2.3                    ESTABLISHMENT OF THE SUBDIVISION AND DEVELOPMENT  
   APPEAL BOARD**

976/DEV/2020  
2021/04/13

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

**SECTION 2.4                    THE MACKENZIE MUNICIPAL SERVICES AGENCY**

- (1) Pursuant to Section 623 and 625 of the Municipal Government Act, the Municipal District of Fairview No. 136, has delegated its subdivision authority to the Mackenzie Municipal Services Agency.
- (2) The Mackenzie Municipal Services Agency shall also serve as an advisor to the Development Officer, Subdivision and Development Appeal Board and the Council on all planning and development related matters.

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**PART 3**  
**DEVELOPMENT PERMITS**

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## **PART 3: DEVELOPMENT PERMITS**

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### **SECTION 3.1 CONTROL OF DEVELOPMENT**

- (1) No development other than that designated in Section 3.2, shall be undertaken within the municipality unless a development permit application has been approved and a development permit has been issued.

### **SECTION 3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT**

The following developments shall not require a development permit but shall otherwise comply with the provisions of this Bylaw:

- (1) The carrying out of works of maintenance or repair, both external and internal provided that such works do not include structural alterations and does not change the use or the intensity of use of the structure.
- (2) The completion of a building which was lawfully under construction at the date this Bylaw comes into full force and effect, provided that the building is completed in accordance with the conditions of any permit issued by the Municipal District.
- (3) The use of any building referred to in Subsection 3.2(2) for the purpose for which construction was commenced.
- (4) With the exception of Agricultural and Crown Land Management Districts, the erection, construction, or the maintenance of gates, fences, walls or other means of enclosure that are (other than on corner lots or where abutting on a curved road used by vehicular traffic), less than 1.83 metres (6 feet) in height in front and rear yards, provided the erection of such erection, construction, or the maintenance of gates, fences, walls or other means of enclosure do not contravene any other provisions of this Bylaw.
- (5) The erection of temporary building or the installation of machinery, the sole purpose of which is incidental to the erection or alteration of a permanent building for which a development permit has been issued under this Bylaw.
- (6) The maintenance or repair of public works, services and utilities carried out by or on behalf of Federal, Provincial or municipal public authorities on land which is publicly owned or controlled.
- (7) The use of a building in whole or in parts as a temporary polling station for a Federal, Provincial or Municipal election or referendum.
- (8) The carrying out of extensive agricultural operations on a parcel greater than 8.0 hectares (20 acres) in size.
- (9) Any small farm building in a land use district in which it is listed as a "Permitted Use".
- (10) Dugout located at least 40.8 metres (134 feet) from a road right-of-way.



- (11) Sheds which are ancillary to dwellings, and are less than 10 square metres (107.6 square feet) in floor area and decks which are less than 0.61 metres (2 feet) from ground level, provided they satisfy all the setback requirements of this Bylaw.
- (12) The carrying out of developments specified in Sections 618(1) and 618.1, of the Act, which includes:
  - a) A highway or public roadway;
  - b) A well or battery within the meaning of the Oil and Gas Conservation Act;
  - c) A pipeline or an installation or structure incidental to the operation of a pipeline;
  - d) A confined feeding operation, if the confined feeding operation or manure storage facility is the subject of an approval, registration or authorization under Part 2 of the Agricultural Operation Practices Act;
  - e) Any other thing specified by the Lieutenant Governor in Council by regulation.
- (13) The construction and maintenance of that part of a public utility placed in or upon a public thoroughfare or public utility easement.

**SECTION 3.3 DEVELOPMENT REQUIRING A DEVELOPMENT PERMIT**

- (1) Except as provided in Section 3.2, no person shall undertake any development in the Municipal District of Fairview No. 136 unless a development permit has first been issued pursuant to this Bylaw, and the development is in accordance with the terms and conditions of a development permit issued pursuant to this Bylaw. A development permit is required for all new developments including but not limited to, the following:
  - a) Any new building or structure;
  - b) Any major structural addition or changes to the building;
  - c) Changes to the use and intensity of the use of an existing building;
  - d) Changes to the use of vacant land for development;
  - e) Signage except as exempted under section 6.17;
  - f) Storage including storage in tanks;
  - g) Communication towers and structures.

## SECTION 3.4

## APPLICATION FOR A DEVELOPMENT PERMIT

- (1) An application for a development permit shall be made to the Development Officer in the prescribed form and shall be signed by the owner or his/her agent. The Development Officer may require the following information with the application:
  - a) A completed application form with the requisite accompanying fee.
  - b) A survey plan showing existing features and dimensions, easements and site grades.
  - c) Site Plan showing access points, proposal, existing and proposed development with dimensions and setbacks, landscaping and provision of amenities and facilities, drainage management and finished elevations.
  - d) A floor plan and building elevations where required.
  - e) Any topographical features and the extent of existing wooded areas shall be indicated in the site plan together with an indication of the trees proposed to be removed in the course of development.
  - f) Ownership details or 'interest in the land' document signed by owner.
  - g) Any other study, report or document required to process the application that may include, but is not limited to the following:
    - i. Soil Analysis and load bearing capacity;
    - ii. Slope Stability Study and Top of Bank/Valley/Creek or Coulee survey;
    - iii. Erosion Impact and mitigation study;
    - iv. Storm Water Management Study;
    - v. Air Quality Study;
    - vi. Solar, Wind and/or Geothermal impact study
    - vii. Flood plain protection/mitigation study
    - viii. Social and economic impacts study
    - ix. Environmental impact assessment and/or environmental audit
    - x. Geotechnical Report/Study;
    - xi. Traffic Impact Study (including access review, sight lines and queuing);
    - xii. Park Concept Plan;
    - xiii. Above and below ground utility and engineering service plan.
  - h) All Development will have regard to Environmental concerns and may require on-site:
    - i. Waste management;
    - ii. Conservation of energy and water;
    - iii. Management of quality and quantity of storm water;
    - iv. Habitat protection and enhancement;
    - v. Erosion and sediment control;
    - vi. Tree preservation;
    - vii. Soil and groundwater quality.

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- i) The owner/applicant entering into an agreement that may be registered against title as a condition of issuance of a development permit as listed in Section 2.2.3 (b) and for:
  - i. Construction, maintenance or improvement of Public Roads;
  - ii. Construction as per municipal standards on site utilities, amenities and facilities;
  - iii. Construction of pedestrian pathways on public boulevards and streets along the length and breadth of his/her property boundaries, where required;
  - iv. Landscaping and screening as per approved plan.
- j) Statement of existing and proposed uses.
- k) Estimated commencement and completion dates.
- l) Estimated cost of the project or contract.
- m) Any other information deemed necessary by the Development Officer.

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2021/04/13 (2) Each application for a development permit shall be accompanied by a non-refundable fee as established by resolution of Council from time to time.
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2021/04/13 (3) Within 20 days after receipt of a development permit application, the Development Officer shall determine whether the application is complete or incomplete.
- 976/DEV/2020  
2021/04/13 (4) Notwithstanding subsection (3), the Development Officer may extend the time period for determining the completeness of a development permit application, based on a written agreement between the Development Authority and the applicant.
- 976/DEV/2020  
2021/04/13 (5) When, in the opinion of the Development Officer:
  - (a) sufficient details of a proposed development have been included with the application for a development permit, the Development Officer shall, in a form and manner appropriate, issue a notice of complete application to the applicant, advising that the application is complete within the timeline provided for in subsection (3) or (4).
  - (b) sufficient details of a proposed development have not been included with the application for a development permit, the Development Officer shall, in a form and manner appropriate, issue a notice of incomplete application to the applicant, advising that the application is incomplete within the timeline provided for in subsection (3) or (4). The notice shall outline any outstanding information and/or documentation that must be provided by the applicant for the application to be considered complete by a date stated in the notice or as agreed upon between the Development Authority and the applicant.
- 976/DEV/2020  
2021/04/13 (6) If the Development Officer does not issue a notice of complete or incomplete application for a development permit application within 20 days from the date of receipt of the application, or the extended time period agreed upon between the Development Officer and the applicant, the application is deemed to be complete.

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(7) Notwithstanding the issuance of a notice of complete or incomplete application pursuant to subsection 5, or failure to issue a notice under subsection (6), the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

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(8) If an applicant who has been issued a notice of incomplete application:

(a) submits all the required information and/or documentation by the date given in subsection (5)(b), the Development Officer shall, in a form and manner appropriate, issue a notice of complete application to the applicant, advising that the application is now complete.

(b) fails to submit all the required information and/or documents by the date given in subsection (5)(b), the application is deemed refused.

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(9) Where an application for a development permit is deemed refused under subsection (8)(b), the Development Officer shall issue a notice to the applicant, stating that the application has been refused and the reason for the refusal.

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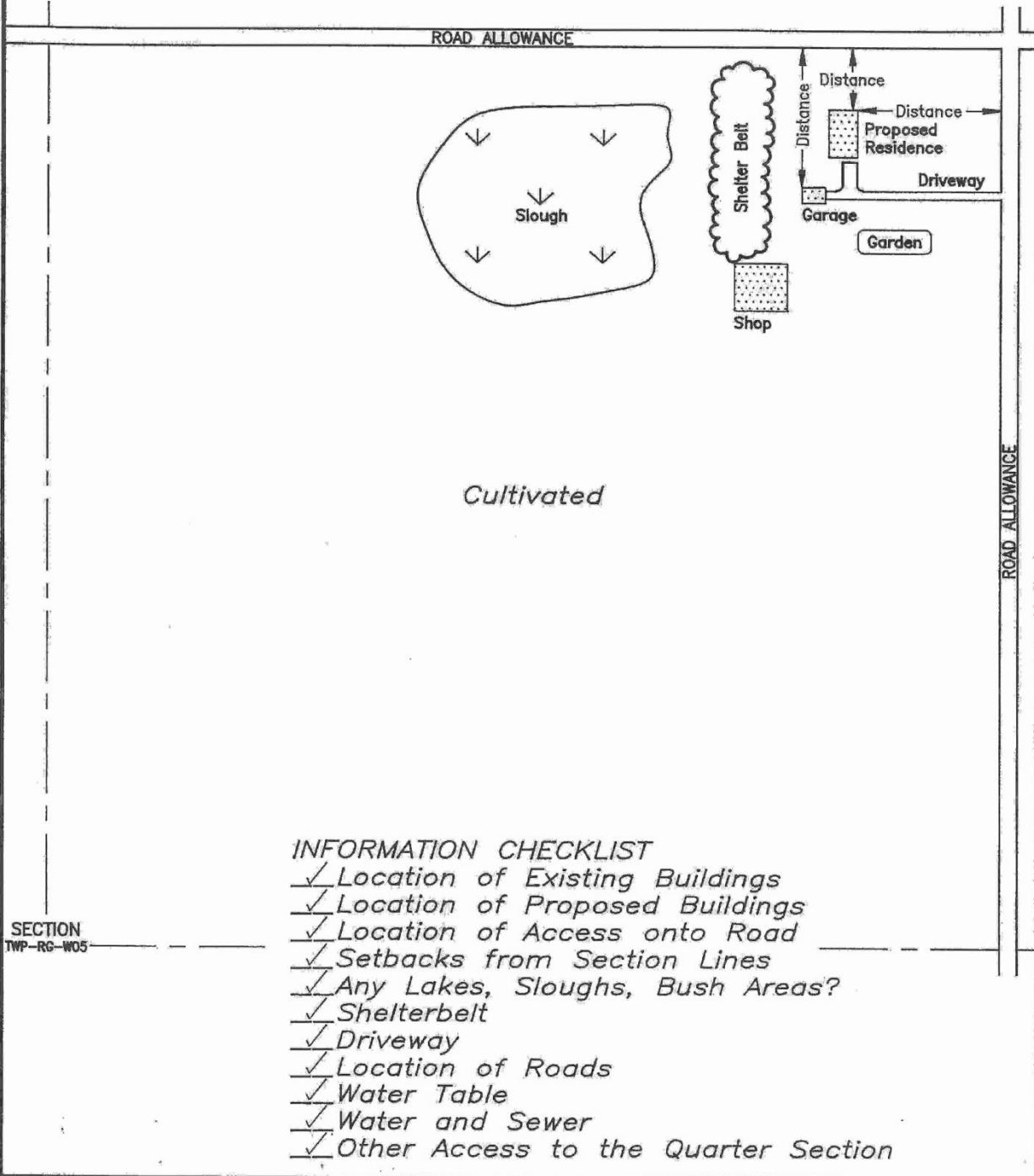
(10) Unless extended by a written agreement between the Development Authority and the applicant, the Development Authority shall decide on a development permit application either:

(a) within 40 days of receipt by the applicant the notice of complete application if issued under subsection (5) (a) or (8) (a), or

(b) within 40 days from the receipt of the application, if no notice is issued under subsection (6).

## ***Explanation Notes***

# ***A Typical Site Plan for Rural Development Permit Applications***



### **SECTION 3.5 SUBDIVISION AND DEVELOPMENT STANDARDS (VARIANCE)**

- (1) In making a decision for a development permit the Development Officer may approve an application for a development permit, notwithstanding that the proposed development does not comply with this Bylaw if, in the opinion of the Development Officer:
  - a) The proposed development:
    - i. Would not unduly interfere with the amenities of the neighbourhood; or
    - ii. Would not materially interfere with or affect the use, enjoyment or value of neighbouring properties;
  - b) The proposed variance is minor in nature and would not alter the spirit and intent of the land use Bylaw;
  - c) Would cause undue hardship to the applicant characterized by location, use and character of the land or building; and
  - d) The proposed development conforms to the use prescribed for that land or building according to this Bylaw.
- (2) Notwithstanding the district development standard requirements in any land use district the Development Officer may recommend to Council, a variance to the district development standard requirements for subdivision approval.
- (3) Where the Development Officer has deemed it necessary to allow for a variance, written reasons for their recommendation will be sent to the Subdivision Approving Authority.
- (4) Upon recommendation from the Development Officer, the Subdivision Approving Authority may approve a subdivision application which requires a variance.
- (5) Prior to making a recommendation for a subdivision variance, the Development Officer may notify adjacent landowners and indicate a time and place at which they may speak for or against the proposed variance.

### **SECTION 3.6 DEVELOPMENT REFERRALS**

- (1) The Development Officer may refer a development permit application to the Mackenzie Municipal Services Agency and/or any Local, Provincial or Federal government agency for comments and/or recommendations.
- (2) The Development Officer may refer applications for development permits to all or any of the following agencies where, in the opinion of the Development Officer, further information is required to determine impact on groundwater quality and quantity:
  - a) Alberta Environment and Parks;
  - b) The Alberta Health Services;
  - c) Alberta Labour – Plumbing Inspection Branch;

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- d) Alberta Transportation; and
  - e) Any other agencies that the Development Officer deems appropriate.
- (3) Refer to the Council at the discretion of the development officer any application which in his/her opinion should be decided by the Council; and
- (4) On an application for a development permit, the Development Officer may in addition to requirements under section 3.4, require any or all of the following information necessary to make a decision on the application:
- a) A qualified professional engineering report evaluating the site suitability for a private sewage disposal system;
  - b) A report by a qualified professional engineer identifying the quality and quantity of groundwater supply on the site;
  - c) A professional engineering analysis and evaluation on the impact of development on the Grimshaw Gravels Aquifer;
  - d) Water level contour mapping; and/or
  - e) The evaluation of such reports by appropriate agencies.
- (5) Having received a reply on a matter referred to the Mackenzie Municipal Services Agency and/or any local, Provincial or Federal government agency, the Development Officer shall make a decision giving due consideration to their recommendations.
- (6) After thirty (30) days from the date of referral, the application may be dealt with by the Development Officer whether or not comments have been received.

### **SECTION 3.7 ENVIRONMENTAL AUDITS**

- (1) The Development Officer 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 approval or an application to adopt or amend a statutory plan.
- (2) 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 to the environment and/or human health;
  - b) If there are any breaches of Federal, Provincial and/or Municipal environmental standards;
  - c) The level of risk that a contaminated site poses to the environment and/or human health; and
  - d) The necessary remedial actions that may be required to reduce the level of risk posed by a contaminated site to an acceptable level.

- (3) The environmental audit report shall include:
  - a) A history of the subject property's ownership and use;
  - b) A description of the natural environmental and social environment surrounding the subject property which may be sensitive to contamination;
  - c) A inventory of all hazardous materials that may have been handled or stored on the subject property, including a review of on and off site disposal operations and facilities;
  - d) A documentation of the existence, location and use of above 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) A 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.

(4) The environmental audit shall be conducted by a certified professional(s).

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(5) The environmental audit report shall be referred to Alberta Environment and Parks for comment. For development on Crown Land, an environmental audit report may be referred for comment to the appropriate Provincial government agency responsible for the land.

(6) The Municipal District may use the recommendations of the environmental audit report as:

- a) Reasons for issuing a development permit with or without conditions;
- b) Reasons to refuse to issue a development permit;
- c) Reasons to amend or not amend this Bylaw;
- d) As basis for comments to the Subdivision Approving Authority related to applications for subdivision;
- e) Reasons to adopt or amend a statutory plan; and
- f) Reasons to refuse to adopt or amend a statutory plan.

**SECTION 3.8 ENVIRONMENTAL IMPACT ASSESSMENT**

- (1) An Environmental Impact Assessment means a comprehensive analysis to determine:
  - a) The potential environmental impact of the proposed development on site;
  - b) The potential environmental impact of the proposed development upon adjacent properties or land uses;



- c) The potential environmental impact the proposed development may have on future land use potential of the site.
- (2) An Environmental Impact Assessment report is a written document containing the result of an environmental impact assessment.
- (3) The Council or the Development Officer may require an applicant to conduct and environmental impact assessment and submit a report as part of a development permit application, an application to amend this Bylaw, an application for subdivision or an application to adopt or amend a statutory plan.
- (4) The environmental impact assessment shall be conducted by qualified persons.
- (5) The environmental impact assessment report shall be referred to Alberta Environment and Parks for comments.
- (6) The Municipal District may use the recommendations of the environmental impact assessment 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) A basis for recommendations to the Subdivision Authority related to applications for subdivision;
  - d) Reasons to adopt or amend a statutory plan;
  - e) Reasons to refuse to adopt or amend a statutory plan.

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### **SECTION 3.9 DECISIONS**

- (1) In making a decision for a use listed under the “Permitted Uses” column in a District, the Development Officer shall:
  - a) Approve the application if the use and development standards conform to this Bylaw; or
  - b) Approve the application if the conditions of the approval ensures that the development would conform to the provisions of the Land Use Bylaw.
- (2) In making a decision on an application for a use listed under the “Discretionary Uses” column in a particular Land Use District, the Development Officer may:
  - a) Approve the development permit application unconditionally; or
  - b) Approve the development permit application subject to conditions; or
  - c) Refuse the development permit application.
- (3) In the case where a proposed specific use of land or a building is not provided for in any district in the Land Use Bylaw, the Development Officer may in consultation with Council determine that such use is the same or similar in character and purpose to

a use listed under the “Permitted Uses” or “Discretionary Uses” columns for that District and may issue a Development Permit.

- (4) Any other matter as deemed necessary by the Development Officer.
- (5) The Development Officer shall consider and decide on applications for development permits within forty (40) days of the receipt of the application in its complete and final form.
- (6) Notwithstanding Subsection 3.9(5), an application shall, at the opinion of the applicant, be deemed refused if a decision has not been made within forty (40) days of the receipt of the application in its complete and final form.
- (7) The Development Officer may require with respect to a development that, as a condition of issuing a development permit, the applicant enters into an agreement with the Municipal District to carry out all or any of those provisions as described in the Municipal Government Act, RSA 2000 and amendments thereto.
- (8) When, in the opinion of the Development Officer, 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 cost of installation or construction, the Development Officer shall refuse to issue a development permit.

### **SECTION 3.10            CONDITIONS OF A DEVELOPMENT PERMIT**

- (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 a development permit.
- (2) Notwithstanding 3.10 (1), the Development Officer may grant an extension of the development permit approval period for up to a period of six (6) months.
- (3) A development permit is effective twenty-four (24) days after its issuance, unless an appeal is lodged with the Subdivision and Development Appeal Board.
- (4) 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 decided on by the Subdivision and Development Appeal Board.
- (5) In the case where an application for a development permit has been refused, the submission of another application for a development permit on the same parcel for the same or similar use by the same or any other applicant may not be accepted by the Development Officer for at least six (6) months after the date of refusal, unless the application was deemed refused or refused under Section 3.4 (10)(b).
- (6) In making a decision with respect to a development, the Development Officer may attach conditions. The conditions may be made binding, prior to the issuance of a development permit, through a developer’s agreement that may be registered as a

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caveat under Section 650 of the Municipal Government Act, RSA 2000 to deal with the following matters:

- (a) To construct or pay for the construction of the roadways, public utilities and off-street parking, loading and unloading facilities;
  - (b) Install or pay for the installation of utilities and/or any Municipal District services mutually agreed upon;
  - (c) The operation and maintenance of sewer and water facilities;
  - (d) The location of refuse disposal facilities;
  - (e) Access for fire and police protection;
  - (f) General access and circulation;
  - (g) Provision for recreational areas;
  - (h) Landscaping and other aesthetic considerations;
  - (i) Building design;
  - (j) Provision for off street parking, loading and unloading facilities;
  - (k) Public safety;
  - (l) Off-site levies or redevelopment levy; and
  - (m) Securities to ensure that the terms of the agreement are complied with.
  - (n) Any other matter.
- (7) The Development Officer may attach such other conditions as are necessary, having due regard for the nature of a proposed development and the purpose of a district.
- (8) Notwithstanding any specific provisions and standards set out in this Bylaw, the Development Officer may establish a more stringent standard for a discretionary use, when it is deemed necessary to do so.
- (9) Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has been approved by the Subdivision Authority being the Mackenzie Municipal Services Agency, and is a registered Plan of Subdivision.
- (10) Where certain works are required or conditions are imposed against a lot or parcel in a subdivision under review by the Subdivision Approval Authority, (Mackenzie Municipal Services Agency) no development permit shall be issued until the works or conditions have been complied with or until a development agreement exists between the developer and the municipality, to ensure fulfillment of conditions or works, to the satisfaction of the Subdivision Authority.
- (11) Notwithstanding anything contained herein to the contrary, the granting of a development permit shall:
- a) Indicate only that the development to which the development permit relates, is authorized in accordance with the provisions of this Bylaw and shall in no way

relieve or excuse any person from complying with this or any other Bylaw and Regulations affecting such works;

- b) Be without prejudice to the Development Officer rights to refuse any other permit or approval that may be required of it in respect to the development by this or any other Bylaw; or
- c) Be subject to the right of the Development Officer to suspend or revoke the development permit in accordance with the provisions of this Bylaw and the Province of Alberta Municipal Government Act.

### **SECTION 3.11 DEVELOPMENT PERMIT NOTIFICATION**

- (1) When a development permit application is approved subject to conditions the Development Officer shall publish a notice in a newspaper circulating in the Municipal District, stating the location of the property for which the development permit application has been made and the use approved.
- (2) When an application for a development permit is approved for discretionary uses, within the Hamlets of Bluesky and Whitelaw, an official of the municipality shall post a notice on the property affected, stating the location of the property for which the application has been made and the use for which the development permit approved and follow procedures under Section 3.11.1.
- (3) When an application for a development permit is refused, the Development Officer shall mail a notice of decision in writing to the applicant or his/her agent, stating the reasons of refusal.
- (4) For the purpose of this Bylaw, notice of the Development Officer's decision is deemed to have been given, on the date when the 'Notice of Decision' was published in a local newspaper, or upon a decision of refusal, on the date when notice was given to the applicant.

### **SECTION 3.12 NOTIFICATION FOR LANDOWNERS ADJACENT TO AGRICULTURAL OPERATIONS**

- (1) In accordance with the Farming Practices Protection Statutes Amendment Act, the Municipal District of Fairview No. 136, will notify residents and owners situated adjacent to agricultural operations using any or all of the following methods:
  - a) Official notifications on development, land use Bylaw amendment applications and development permits, where applicable.
  - b) Pamphlets, circulars, special notices with tax notice mailings, newsletters, local newspapers, radio stations, and Municipal District websites.
  - c) Special notices to persons who have been issued a residential development permit.
  - d) Requiring as a condition of subdivision approval, developers of country residential development to provide new purchasers of lots, with a special notice or bulletin provided by the Municipal District.

- e) Periodic publications.
- f) In association with the adjacent municipalities, Chamber of Commerce and other economic development agencies, and the Alberta Agriculture and Rural Development, publish a directory of agricultural operations.
- g) Presentations of materials at annual ratepayer meetings.
- h) Posting of signs on/or adjacent to agricultural operations.
- i) In the case of a Confined Feeding Operation application a Committee of primarily adjacent landowners will be formed by the applicant to both obtain information and provide feedback.
- j) Posting of notice on the Municipal District of Fairview office notice board.

**SECTION 3.13            NOTICES AND FORMS**

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For the purposes of administering this Land Use Bylaw, the Development Officer shall prepare such forms and notices as may be deemed necessary.

**SECTION 3.14            DEVELOPMENT PERMIT: PAYMENT OF TAXES**

- (1) As a condition of development permit approval, the Development Officer may 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 Municipal District.

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**PART 4**  
**APPEALS**

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## **PART 4: APPEALS**

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### **SECTION 4.1 APPEAL PROCEDURE**

- (1) An appeal may be made to the Subdivision and Development Appeal Board where the Development Officer:
  - a) Refuses or fails to issue a development permit to a person within forty (40) days of receipt of the application;
  - b) Issues a development permit subject to conditions.
- (2) An appeal may be made to the Subdivision and Development Appeal Board by any person affected by an order, decision or development permit of the Development Officer.
- (3) An appeal shall be made by serving a written notice of appeal to the Clerk of the Subdivision and Development Appeal Board within twenty-one (21) days after the date the order, decision or development permit was issued.
- (4) Each appeal made to the Subdivision and Development Appeal Board shall be accompanied by a processing fee, the amount of which shall be set from time-to-time by resolution of Council.

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### **SECTION 4.2 PUBLIC HEARING**

- (1) Within thirty (30) days of receipt of a notice of appeal, the Subdivision and Development Appeal Board shall hold a public hearing respecting the appeal.
- (2) The Subdivision and Development Appeal Board shall give at least five (5) days notice in writing of the public hearing to:
  - a) The appellant;
  - b) The Development Officer from whose order, decision or development permit the appeal is made;
  - c) The applicant for the development permit when such individual is not the appellant;
  - d) Any other person who in the opinion of the Subdivision and Development Appeal Board are affected by the order, decision or permit; and
  - e) The Planning Advisor who may provide comments in writing or in person at the Subdivision and Development Appeal Board hearing.

- (3) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:
  - a) The application for the development permit, its refusal and the appeal; or
  - b) The order of the Development Officer under Section 3.9, as the case may be.
- (4) At the public hearing referred to in Subsection 4.2.1, the Subdivision and Development Appeal Board shall hear:
  - a) The Development Officer from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Officer;
  - b) The appellant or any person acting on his/her behalf;
  - c) Any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his/her behalf; and
  - d) Any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear as a person acting in his/her behalf.

### **SECTION 4.3            APPEAL DECISION**

- (1) In determining an appeal, the Subdivision and Development Appeal Board:
  - a) Shall comply with the Provincial land use policies, the Municipal Government Act, municipal statutory and regulatory documents and subject to Subsection 4.3(1)(c) of this Bylaw;
  - b) May confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
  - c) Make an order or decision or issue or confirm the issue of a development permit, notwithstanding that the proposed development does not comply with the Land Use Bylaw or Land Use Regulations, if, in the opinion of the Subdivision and Development Appeal Board:
    - i. The proposed development would not:
      - 1. unduly interfere with the amenities of the neighbourhood; and
      - 2. materially interfere with or affect the view, enjoyment or value of neighbouring properties.
    - ii. The proposed development conforms to the use prescribed for that land or building according to the Land Use Bylaw.
- (2) The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.



- (3) A decision made under Part 4 if this Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Province of Alberta Municipal Government Act. An application of appeal to the Court of Appeal shall be made:
  - a) To a judge of the Court of Appeal; and
  - b) Within thirty (30) days after the issue of the order, decision, permit or approval sought to be appealed.
- (4) If the decision of the Development Officer to approve a development permit application is reversed by the Subdivision and Development Appeal Board, the development permit shall be null and void.
- (5) If the decision of the Development Authority to refuse a development permit application is reversed by the Subdivision and Development Appeal Board, the Development Officer shall forthwith approve the development permit application in accordance with the decision of the Subdivision and Development Appeal Board.
- (6) If the decision of the Development Officer to approve a development permit is varied by the Subdivision and Development Appeal Board, the Development Officer shall forthwith approve the development permit application in accordance with the decision of the Subdivision and Development Appeal Board.

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**PART 5  
ENFORCEMENT  
AND  
AMENDMENTS**

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## **PART 5: ENFORCEMENT AND AMENDMENTS**

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### **SECTION 5.1 CONTRAVENTION**

- (1) Where the Development Officer finds that a development or use of land or buildings is not in accordance with the Municipal Government Act, the Subdivision Regulation Act, a development permit or subdivision approval, and the Municipal District of Fairview No. 136 Land Use Bylaw No. 876; the Development Officer shall provide in writing a Stop Order requiring the registered owner or the person in possession of the land or buildings or the person responsible for the contravention or 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; or
  - b) Demolish, remove or replace at the cost of owner, the development; or
  - c) Take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Planning 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 Subsection 5.1(1) may appeal the order to the Subdivision and Development Appeal Board.

### **SECTION 5.2 COMPLIANCE**

- (1) If a person fails or refuses to comply with a Stop Order issued under Section 645 of the Municipal Government Act, RSA 2000, the Municipal District, in accordance with Section 542 of the Municipal Government Act, may enter upon the land or building and take such action as is necessary to carry out the order and the cost thus incurred shall be placed on the tax roll as an additional tax against the property.
- (2) The Development Officer may apply to the Alberta Court of Queen's Bench for an injunction restraining the contravention or non-compliance.
- (3) The Development Officer may apply to the Alberta Court of Queen's Bench to have a charge laid for an offence under this Bylaw.

### **SECTION 5.3 PENALTY**

- (1) Any person who does not comply with this Bylaw is guilty of an offence and is liable upon conviction to:
  - a) A fine of not more than \$2,500.00 and not less than \$100.00;
  - b) A fine of not more than \$500.00 for every day the contravention continues, following notification of the conviction; and
  - c) Shall be subject to the cost and expenses pursuant to Section 5.2 and 5.3.

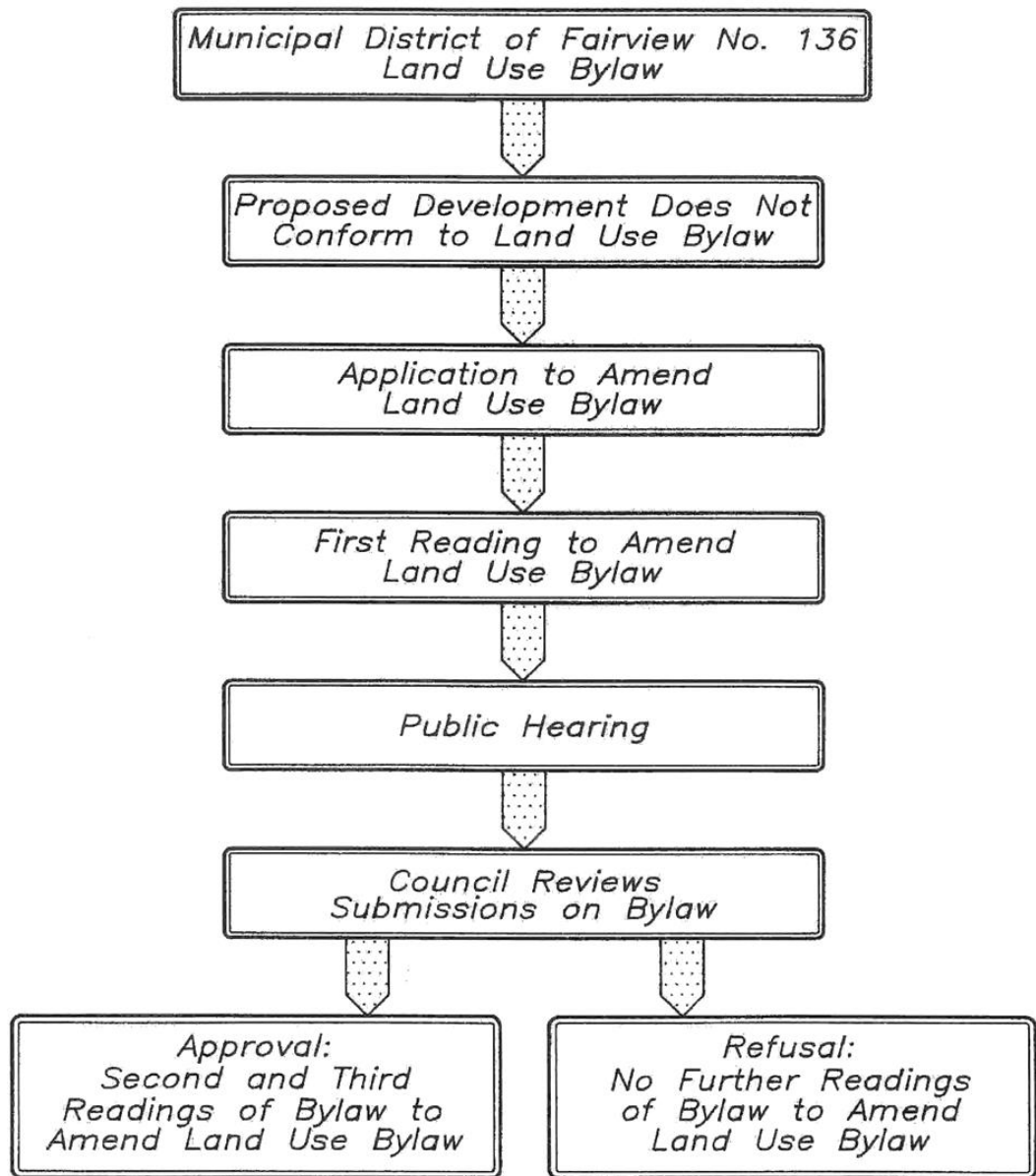
- (2) Where a person is found guilty of an offence pursuant to this Section, the Court may in addition to any other penalty imposed, order the person to comply with the Act and any regulations thereto, a development permit, a subdivision approval, an order or decision of the Subdivision and Development Appeal Board, or this Bylaw.
- (3) The above offences and penalties are supplementary to provisions of the Municipal Government Act, under which any person who commences a development and fails, or neglects to obtain a development permit or comply with a condition of a permit, is guilty of an offence.

## **SECTION 5.4            AMENDMENTS**

- (1) Pursuant to the Municipal Government Act, the Municipal District and any person having a proven interest in the lands may at any time initiate a Bylaw amendment.
- (2) Applications to amend this Bylaw shall be accompanied by a fee, as set by a resolution of Council from time-to-time.
- (3) The cost of advertising for the public hearing on the matter shall be born by the applicant.
- (4) The Municipal District may determine that the whole or part of the application fee be returned to the applicant.
- (5) All applications to amend the Bylaw shall be made to the Municipal District in accordance to Schedule A - Form E, and shall include the following:
  - a) A photocopied certificate of title for the subject property;
  - b) An indication of the applicant's interest in the subject property;
  - c) A statement on the proposed land uses; and
  - d) All drawings properly dimensioned and to the satisfaction of the Development Officer.
- (6) Notwithstanding Subsection (5), additional information may be required by Council, in order to evaluate an application for an amendment to the Land Use Bylaw, and may include:
  - a) Comments from appropriate government agencies;
  - b) Engineering reports and associated detailed documents;
  - c) An impact analysis of the proposed development located on the Grimshaw Gravels Aquifer; and
  - d) Any other information deemed necessary by Council.

## ***Explanation Notes***

### ***Amendment to the Land Use Bylaw***



- (7) All amendments to this Land Use Bylaw shall be made by Council by Bylaw in conformance with the Municipal Government Act.
- (8) All amendments to this Bylaw shall be recorded in Schedule "A" of this Bylaw.
- (9) Upon receipt of an application to amend this Bylaw, the Chief Administration Officer of the Municipal District shall determine when the application will be placed before Council and shall give notice of not less than ten (10) days to the applicant advising as to the date and time of which a presentation can be made before Council.
- (10) Where an application for a Development Permit or change in land use designation is refused, another application for:
  - a) A development permit for the same or similar use, or
  - b) A change in land use designation,may not be submitted by the same or any other applicant for at least six (6) months after the date of refusal, unless otherwise waived by Council.

**SECTION 5.5 REPEAL OF EXISTING BYLAW**

The Municipal District of Fairview No. 136 Land Use Bylaw No. 791 and all amendments thereto, is hereby rescinded.

**SECTION 5.6 EFFECTIVE DATE**

The effective date of Land Use Bylaw No. 876 is September 28, 2010. A copy of the Bylaw is attached.

BYLAW No. 876  
MUNICIPAL DISTRICT OF FAIRVIEW No.136

A BYLAW TO REPEAL THE MUNICIPAL DISTRICT OF FAIRVIEW No.136  
LANDUSE BYLAW 791 AND ENACT THE MUNICIPAL DISTRICT OF FAIRVIEW  
No.136  
LAND USE BYLAW

**WHEREAS**, Section 639 of the Municipal Government Act, being Chapter M-26, empowers Council to adopt a Land Use Bylaw in accordance to Section 639.1 and 640 of the MGA, RSA 2000 that prohibits or regulates and controls the use and development of land and buildings; and

**WHEREAS**, Section 63 (1) and 63 (2) (b) of the Municipal Government Act empowers the Council to undertake revision of all or any of the bylaws or repeal of a bylaw that is obsolete

**WHEREAS**, the Council of the Municipal District of Fairview No.136 has deemed it expedient to repeal the Municipal District of Fairview No.136 Land Use Bylaw 791 and enact the Municipal District of Fairview No.136 Land Use Bylaw; and

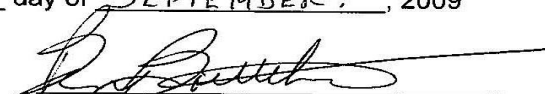
**WHEREAS**, the Council of the Municipal District of Fairview No.136 has held public hearings pursuant to Section 230, 606 and 692 of the Municipal Government Act; and

**NOW THEREFORE**, the Council of the Municipal District of Fairview No.136, duly assembled, hereby enacts as the following:

1. That Land Use Bylaw 791 and all amendments thereto are hereby repealed
2. That this Land Use Bylaw (Schedule A) shall be known as the Municipal District of Fairview No.136 Land Use Bylaw;
3. That the attached Schedule A is hereby adopted as the Municipal District of Fairview No.136 Land Use Bylaw;
4. That this bylaw shall take effect on the date of its final passage by Council.

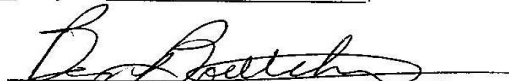
First Reading given on the 8<sup>th</sup> day of SEPTEMBER, 2009

  
Ernie Newman, Reeve

  
Ben Boettcher, CAO

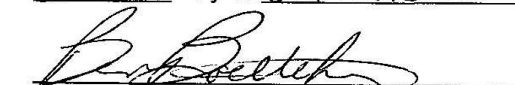
Second Reading given on the 28<sup>th</sup> day of SEPTEMBER, 2010

  
Ernie Newman, Reeve

  
Ben Boettcher, CAO

Third Reading and Assent given on the 28<sup>th</sup> day of SEPTEMBER, 2010

  
Ernie Newman, Reeve

  
Ben Boettcher, CAO

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**PART 6**  
**GENERAL LAND USE PROVISIONS**

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## **PART 6: GENERAL LAND USE PROVISIONS**

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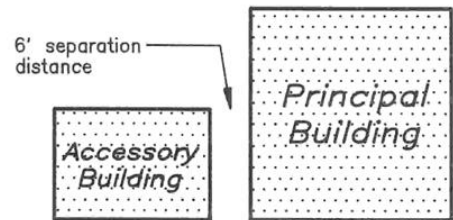
### **SECTION 6.1 ACCESSORY USES**

- (1) No accessory buildings shall be located within the front yard of any parcel.
- (2) On an interior lot, in a hamlet, an accessory building shall be situated at least 0.91 metres (3 feet) from the side and rear lot lines of the parcel.
- (3) Any accessory building shall be located at least 1.83 metres (6 feet) from any principal building unless the accessory building is connected to the principal building.
- (4) Where a structure is attached to the main building on a site by a structural element, such as a foundation or a common roof, it is part of the main building and is not an accessory building/structure for the purpose of this Bylaw.
- (5) On a corner lot in a hamlet, the accessory building shall be so situated that the side yard which abuts the street shall not be less than the side yard setback of the main building.
- (6) In addition to complying with other subsections of this Section, a private garage shall be located so that the garage doors shall be no closer than 5.48 metres (18 feet) to the property boundary upon which they open.
- (7) An accessory building shall be no more than 6.0 metres (19.69 feet) in height, and one storey and the total combined area of the building shall not exceed 15% of the site area.
- (8) Two garages may be built centred on a property line if registered agreements exist between the owners. The minimum area of the two garages shall not exceed 37.16 square metres (400 square feet), and a fire wall separation shall be provided between the garages.
- (9) An accessory building erected on a site shall not be used as a dwelling.
- (10) All accessory buildings shall be constructed of materials that blend harmoniously with the main building on the lot.
- (11) Except in recreational areas, no accessory building may be built on a lot before a main building or main use is developed on the lot with the exception of a temporary shed to house material and equipment required for construction of the primary building.

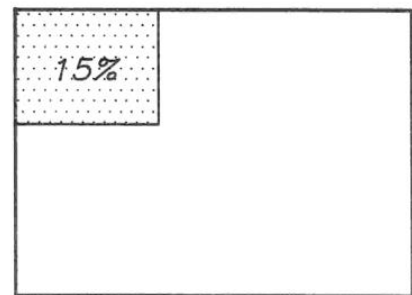
## ***Explanation Notes***

### ***Accessory Buildings***

*Any accessory building shall be located at least six (6) feet (1.8 m.) from any principal building unless the accessory building is connected to the principal building by a structural element, such as a foundation or a common roof.*



*An accessory building shall not exceed fifteen (15) feet (4.6 m.) in height nor one storey, and the total combined area of the building shall not exceed 15 percent of the site area.*



## **SECTION 6.2           SIGHT TRIANGLE IN HAMLETS**

- (1) Within the area of a lot or parcel of land defined as a sight triangle for corner lots in hamlets, the following uses shall not be allowed:
  - a) A building, structure or use, which obstruct the vision of drivers of vehicles;
  - b) A fence, tree, hedge, bush or other vegetation; the top of which exceeds 0.61 metres (2 feet) in height above the elevation of the street; and
  - c) A finished grade which exceeds the elevation of the street by more than 0.61 metres (2 feet).
- (2) The sight triangle provision shall only apply to public roads located within designated hamlets within the Municipal District.

## **SECTION 6.3           ENTRANCES AND EXITS**

- (1) On corner lots, curb cuts shall be set back a minimum distance of 6.1 metres (20 feet) from the road intersection.
- (2) Notwithstanding Subsection (1), the setback distance for curb cuts may be increased where, in the opinion of the Development Officer, such increase is necessary for public safety and convenience.
- (3) The maximum width of a curb cut shall not exceed 6.1 metres (20 feet), unless otherwise approved by the Development Officer.
- (4) A driveway approach that crosses a sidewalk or boulevard may be constructed at an angle to the curb line, but shall not be less than 30 degrees.
- (5) The maximum distance between adjacent curb cuttings on the same side of the property shall not be less than 6.1 metres (20 feet) from each other. The Development Officer may increase said minimum clear distance if necessary to ensure public safety and convenience.
- (6) Notwithstanding Section 6.3.3 and 6.3.5 minimum curb standards may be relaxed where two garages are permitted on a property centreline and subject to 6.1.8.

## **SECTION 6.4           ROAD ACCESS**

- (1) Public roadway access to buildings and structures shall not be located within 150 metres (492.15 feet) of the area of a curve of greater than two degrees curvature as illustrated in Figure 4, or within the designated distance from public roadway intersections, as illustrated in Figures 1-3.
- (2) In rural areas, ingress or egress to a highway, or a rural road shall not be permitted:
  - a) Within 150 metres (492.15 feet) from a bridge; or
  - b) 150 metres (492.15 feet) from an existing ingress or egress found on the same side or the road.

- (3) The Municipal District shall require the provision of approaches to all parcels that have been created or altered through subdivision, to be developed to the Municipal District standards at the developer's expense.
- (4) The Municipal District may require a development agreement to include a provision requiring a developer to provide adequate accessibility to a development.
- (5) Prior to recommending the final registration of a subdivision or issuing a development permit approval, the Municipal District must be satisfied that:
  - a) The access road to the subdivision or development and the balance of the property have been constructed to Municipal District standards; or
  - b) The developer has provided the Municipal District with adequate security to ensure that approaches will be constructed to municipal standard.

## **SECTION 6.5 HIGHWAYS**

- (1) No development permit shall be issued for development within one half mile of the boundary of the right-of-way of the intersection of a public roadway with a highway or for a development within 300 metres (984.3 feet) of the right-of-way of a highway until a permit for development in accordance with the Public Highways Development Act, has been issued by Alberta Transportation.
- (2) All trees, hedges, shrubs or closed fences, forming a shelterbelt, and any development, shall be indicated on the approved site plan and be in accordance with the district road setback.
- (3) At the intersection of roads no development, landscaping or vehicle access shall be permitted within the shaded areas illustrated in Figures 1 to 4.
- (4) District road setbacks shall not apply to gates, open fences or other means of open enclosure less than 1.83 metres (6 feet) in height unless as identified in Section 6.2 of this Bylaw.
- (5) The minimum setback from railway right-of-ways and station grounds for buildings shall be as follows:
  - a) 15.24 metres (50 feet) for all residential, commercial, public use and recreational developments that are not deemed compatible with railway operations; or
  - b) For manufacturing and other land uses that are deemed compatible with railway operations the minimum setback requirements may be more restrictive as determined by the Development Officer keeping in view traffic generation, site constraints, safety and access.
- (6) If, in the opinion of the Development Officer, a development or subdivision proposal may be affected by railway operations, the Development Officer may refer the development or subdivision proposal to Canadian National Railways: Business Planning Branch, for their review and comments.

- (7) The Development Officer may prescribe or approve the screening of uses which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials or other similar uses.
- (8) Notwithstanding Highway Development Control Regulations (Alberta Regulation 163/70) which apply to highways, this Bylaw may establish a higher standard than Alberta Regulation 163/70 for development adjacent to highways and intersections.
- (9) Undeveloped parcels legally created prior to April 1995, are excluded from the conditions shown in the Supplementary Regulations.

# ***Explanation Notes***

## ***Building Setbacks From Railway Right-of-Ways***

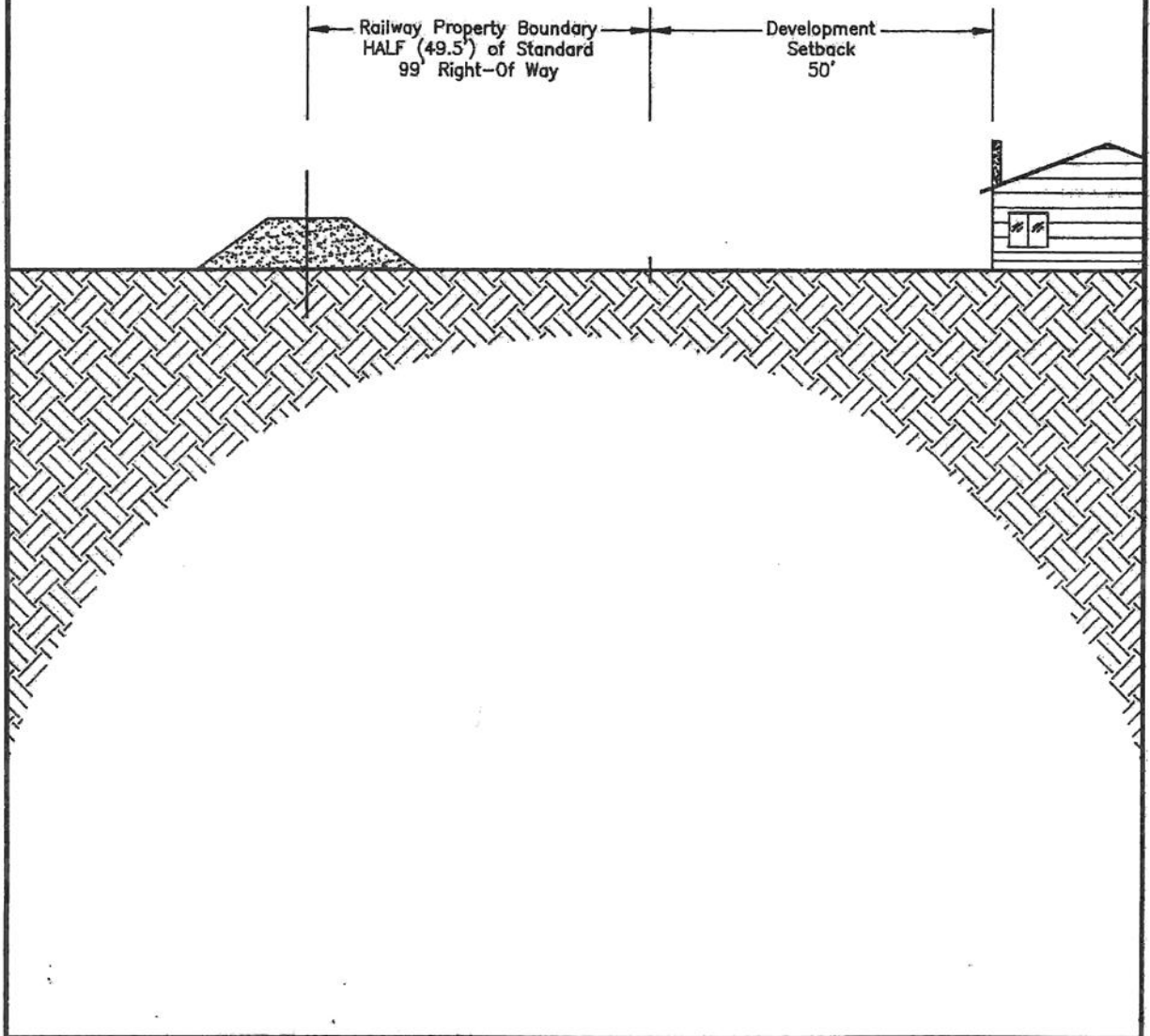


Figure 1 – Intersection and Setbacks For Municipal Roads and Municipal Roads

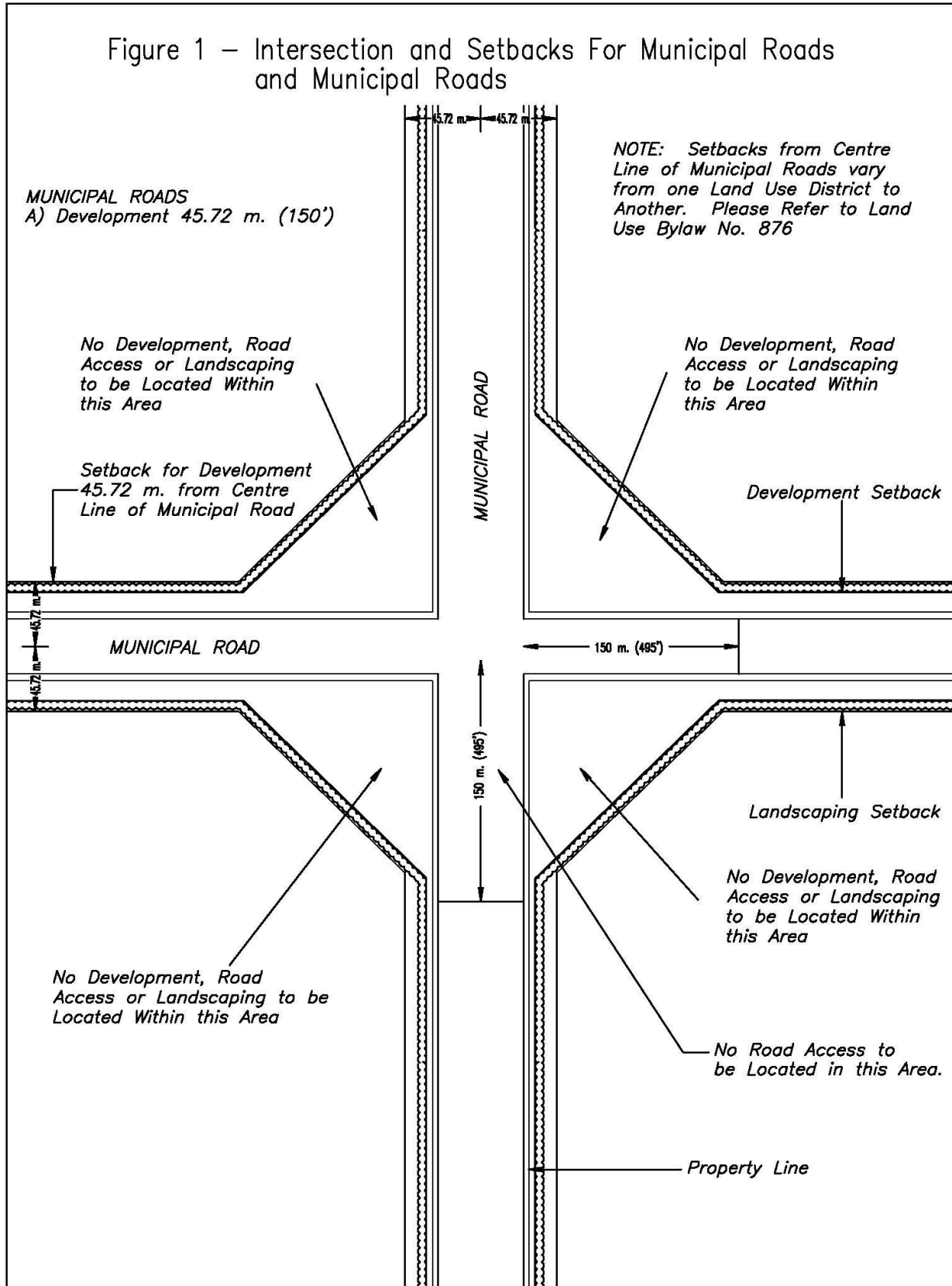


Figure 2 – Intersection and Setbacks For Highways and Municipal Roads

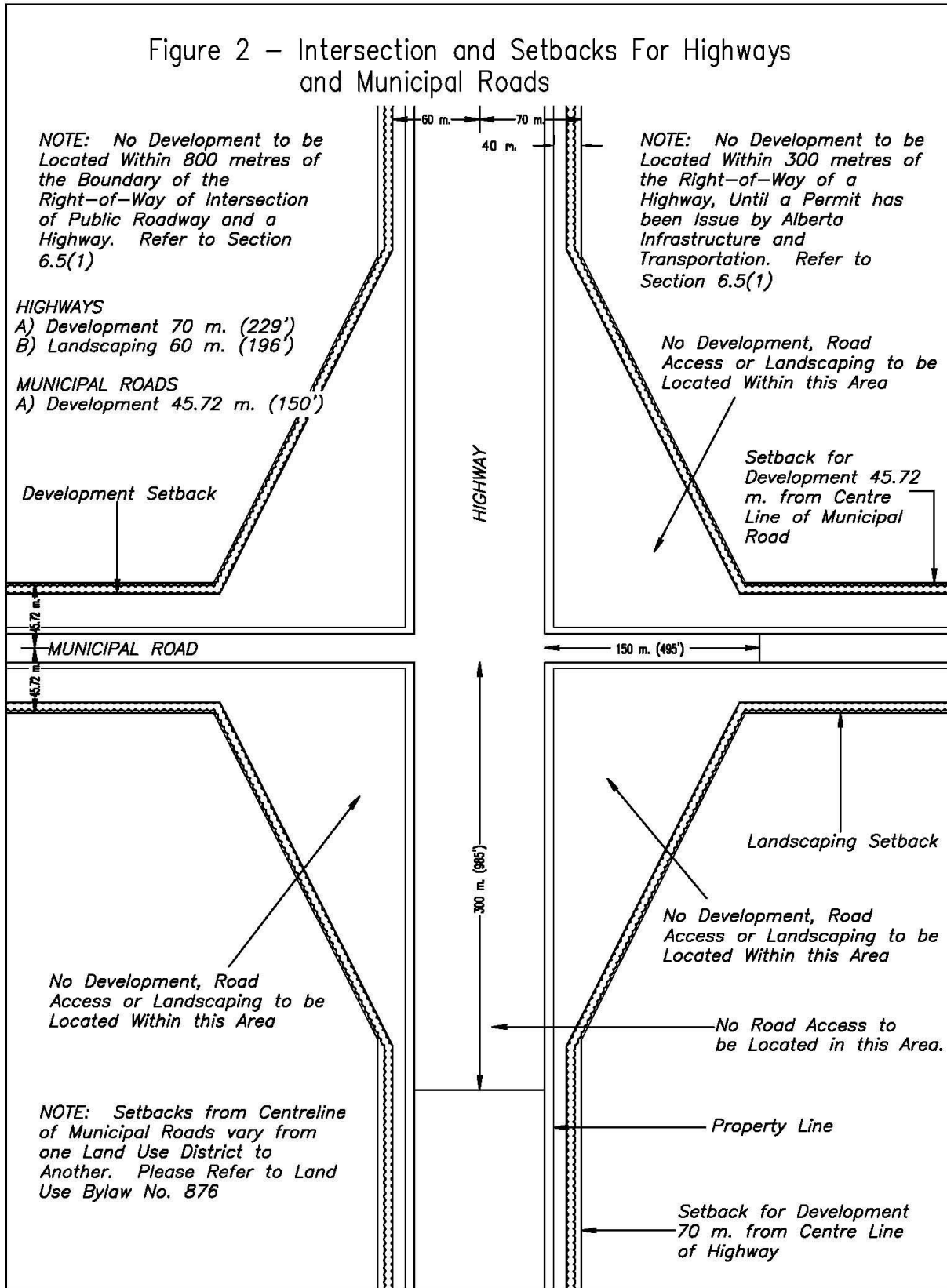
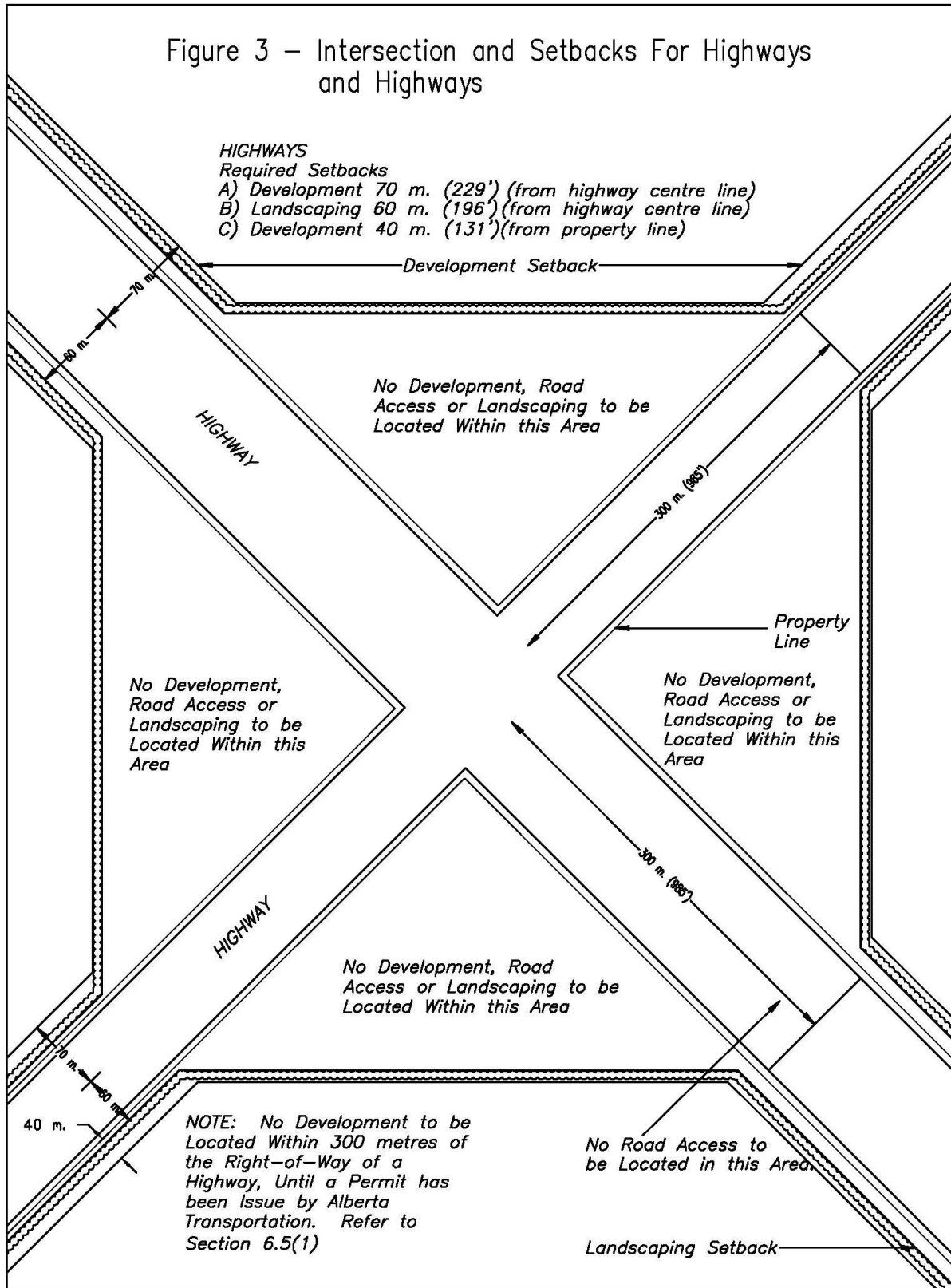




Figure 3 – Intersection and Setbacks For Highways and Highways



**SECTION 6.6 DEVELOPMENT NEAR WATERBODIES AND WATERCOURSES**

(1) Where a parcel of land borders on or contains a coulee, ravine or valley, with or without a watercourse, the following building or structure setbacks from the upper break of the coulee, ravine or valley shall apply:

<b>DEPTH OF RAVINE, COULEE OR VALLEY</b>	<b>SLOPE STEEPNESS (8° – 45°)</b>	<b>SLOPE STEEPNESS (Greater than 45°)</b>
Less than 6.1 m (20 ft)	15.24 m (50 ft)	15.24 m (50 ft)
Greater than 6.1 m (20 ft) but less than 15.24 m (50 ft)	30.48 metres (100 ft)	Equal to or greater than 30.48 m (100 ft) and subject to Section 6.6.3 to 6.6.7
Greater than 15.24 m (50 ft) but less than 30.48 m (100 ft)	53.34 m (175 ft)	Equal to or greater than 53.34 m (175 ft) and subject to Section 6.6.3 to 6.6.7
Greater than 30.48 m (100 ft)	Greater than 53.34 m (175 ft) and subject to Section 6.6.3 to 6.6.7	

(2) Notwithstanding Subsection 6.6 (1), the Development Officer may increase the building or structure setbacks where deemed necessary and on the basis of a Geo-technical Study that may be required by the Development Officer.

(3) Notwithstanding anything contained in this Bylaw, the Development Officer may require a detailed engineering study of the soil conditions prepared by a certified Professional Engineer, prior to the issuance of a development permit or the construction of any development abutting, or partially or wholly contained within a coulee, ravine or valley. The engineering study shall contain evidence of:

- a) Test borings;
- b) Ground water piezometer test;
- c) Slope indicators where necessary; and
- d) Surface erosion analysis.

(4) The detail engineering study completed by a certified Professional Engineer shall certify that the design of the proposed development was undertaken with the full knowledge of the soil and slope conditions effecting development on the proposed site.

(5) Where a parcel of land borders on or contains a water body, setback for development shall be determine by the Development Officer but shall not be less than 30.5 metres (100 feet).

(6) The foregoing regulations shall not apply to the construction of gates, fences, walls, or other means of enclosure less than 1.83 metres (6 feet) in height.

929/DEV/2016  
2017/01/10

(7) In making a decision on setbacks from a water body or watercourse, the Development Officer may refer the application for a development permit to Alberta

Environment and Parks, Water Approvals Division for comments prior to the issuance of a development permit.

## **SECTION 6.7            DEVELOPMENT STANDARDS**

- (1) Site coverage, yard setback of buildings, height and parcel density shall be prescribed for the district in which the site and proposed development is to be located.
- (2) Notwithstanding Subsection (1), the Development Officer may regulate the height of buildings on a site for a development where design considerations related to institutional, religious, agricultural and industrial process require greater height to operate. All residential and commercial buildings will be required to conform to the height restriction set in this Bylaw for that district.
- (3) In each district established by this Bylaw and any amendments thereto, no building shall be erected or moved on a site which comprises an area less than specified in the Land Use District Regulation.
- (4) Notwithstanding the above, a lot with a separate record in the Land Titles Office containing less than the minimum area or width specified for the district may be developed subject to all other requirements of this Bylaw being fulfilled.

## **SECTION 6.8            DWELLING UNITS PER PARCEL**

The Municipal District of Fairview No.136 will allow one (1) dwelling unit to a lot or parcel of land. However in consultation with the Council:

- (1) The Development Officer may allow a second dwelling unit on a parcel.
- (2) A development permit shall be required for the second or any additional dwellings thereon on a parcel of land.
- (3) When determining whether or not to grant an exemption under Section 6.8.1. the Development Officer shall consider the following criteria:
  - a) The location and suitability of the site for the proposed dwelling;
  - b) The ownership details that highlight human relationship, such as a family member or relatives occupying the dwelling;
  - c) Access to and from the site;
  - d) The provision of proper water and sewer services;
  - e) Existing and future surrounding land uses;
  - f) Whether the additional dwelling is related to or necessary for the operation of an existing farm located on the parcel.
- (4) Where this Bylaw limits the number of dwellings that may be erected or placed on a parcel of land, the Development Officer may attach as a condition of approval of a

development permit, a time period after which an additional dwelling must be removed from the subject property.

#### **SECTION 6.9 MINIMUM SERVICING REQUIREMENTS**

929/DEV/2016  
2017/01/10

- (1) For all developments sanitary sewage shall be provided in compliance with Alberta Private Sewage Systems Standard of Practice and to the satisfaction of the Development Officer.
- (2) For all developments the availability and suitability of on-site water shall be confirmed and shall be licensed pursuant to the provisions of Alberta Environment and Park's Water Act.
- (3) For all developments, storm drainage facilities shall be provided to the satisfaction of the Development Officer.
- (4) The Development Officer shall be well within his or her rights to require reports, studies and or substantiating documents/certificates to determine satisfactory compliance of servicing requirements under this section.

#### **SECTION 6.10 SEWAGE AND DUGOUT SETBACKS**

929/DEV/2016  
2017/01/10

- (1) The Development Officer may require the developer of the water dugout to provide adequate fencing, guardrails and/or berm to its satisfaction, so as to prevent the dugout location from being a hazard to the traveling public. The size, type and location of the berm, fencing or guardrails will be site specific and will be determined at the time of an application and shall be referred to the Public Works Department for input as to required design standards.
- (2) The Development Officer may refer any application for a development permit to the following agencies for comments and recommendations on how the proposal will affect human health and the environment:
  - a) Alberta Environment and Parks;
  - b) Alberta Health Authority;
  - c) Alberta Labour – Plumbing Inspection Branch; and
  - d) Any other agencies that the Development Officer deems necessary.

#### **SECTION 6.11 LANDSCAPING AND SCREENING**

- (1) In addition to any other provisions of this Bylaw, landfill sites, gravel pits, sewage lagoons, sewage treatment plants, industrial storage yards and other similar forms of development may be required to be screened from view by a vegetated buffer strip or some other form of screening.

- (2) In considering an application, the Development Officer may impose conditions requiring the retention of trees or additional plantings of such type and extent that are considered necessary.
- (3) Any area required to be landscaped shall be landscaped such that the finished surface contours do not direct surface drainage onto an adjoining site.
- (4) The finished grade with landscaping on any site shall exceed the general elevation of the street line by no more than 0.61 metres (2 feet).

**SECTION 6.12 ILLUMINATION**

- (1) Lighting fixtures, which are not a public utility and are designed for exterior illumination of a site, shall be installed with the light directed and deflected away from public roads and adjacent properties so as not to be a source of nuisance or cause for glare.

**SECTION 6.13 LANDS SUBJECT TO FLOODING, SLUMPING OR SOIL EROSION**

929/DEV/2016  
2017/01/10

- (1) Development on lands subject to flooding or within the 100 year floodplain shall be discouraged as determined by Alberta Environment and Parks.
- (2) Notwithstanding Subsection (1), development may be allowed on lands within the 100 year floodplain if sufficient landfill can be provided to raise the building or development site above the elevation of the 100 year flood probability contour or other proven flood proofing techniques that can be employed.
- (3) In reviewing a development permit application for a development on a site that may be subject to flooding or is located in a designated floodplain, the Development Officer considering flood damage reduction measures may approve the proposed development subject to any or all of the following:
  - a) The usage of fill, piles, posts or piers to raise the development above the 100 year flood level;
  - b) “Wet flood proofing” standards which allow basements to be flooded without significant damage to the structure;
  - c) Other flood reduction measures as approved by the Canadian Mortgage and Housing Corporation;
  - d) Diking of the watercourse;
  - e) Increased development setbacks from the watercourse;
  - f) Site specification of development locations and/or orientations;
  - g) The usage of back-flow prevention valves (stop valves);
  - h) Any other flood abatement measures deemed necessary by the Development Officer;

- i) A certificate from a qualified professional engineer certifying that the design for the proposed development was undertaken with full knowledge of the potential for flooding on the subject property; and
  - j) Comments and recommendations from Alberta Environment and Parks, Water Approval Division.
- (4) In reviewing a development permit or subdivision application, an application to amend this Bylaw or any statutory plan, the Development Officer may require the following information regarding land subject to slumping:
- a) A geo-technical study prepared by a qualified engineer registered with APEGGA, addressing the safety and stability of the proposed development. The geo-technical study will establish building setbacks from property lines based on the land characteristics of the subject property;
  - b) A certificate from a qualified professional engineer certifying that the design of the proposed development was undertaken with full knowledge of the soil and slope conditions of the subject property; and
  - c) A certificate from a qualified professional engineer when the proposed development includes cut and/or fill sections on slopes, including the addition of fill to the subject property.
- (5) The Municipal District may require the landowner and/or the developer to register a restrictive covenant against the certificate of title for the subject property as a condition of approval and issuance of a development permit for the subject property.
- (6) The developer may require undertaking mitigation measures to reduce the potential for damages to development where such development is allowed.
- (7) When a development is allowed, as a condition of approval, the developer shall hold the Municipal District harmless from any loss of or damage to the development of neighbouring properties caused by flooding or slumping.
- (8) The Municipal District may require securities in the form of a letter of credit to ensure any or all of the works are carried out in accordance to the development permit and conditions of approval.

#### **SECTION 6.14      MOVED-IN BUILDINGS**

- (1) An application for a development permit will be required for buildings to be moved onto a parcel within the Municipal District and the application shall include a recent photograph of the building.
- (2) Any building to be placed on a parcel within any district established by this Bylaw, other than a farm building in an Agricultural Conservation District, must be approved by the Development Officer.

- (3) Notwithstanding subsection (2), any development permit application to move a building onto a parcel within a Hamlet of the Municipal District shall be referred to the Council for their review and approval.
- (4) The Development Officer may inspect the subject building, or have another qualified person do so, and in either case, the expenses of such inspection including the inspector's time shall be paid by the applicant before any development permit is issued.
- (5) The Development Officer, while issuing the development permit shall consider compatibility of the building with the existing character of the neighbourhood in which it is proposed to be set, and may refuse a development permit if, in his/her opinion the building is architecturally or materially unsuitable for the location.
- (6) The Development Officer may require the façade of the subject building to be renovated to blend in with the neighbouring buildings. It may include, but not be limited to, putting on new siding, new windows, new doors or new shingles. The developer will have one year from the date of issuance of the development permit to complete the renovations required by the Development Officer.
- (7) The Development Officer may require the applicant to provide a cash security or a letter of credit of such amounts that are necessary to ensure the completion of any renovations set out as a condition in the development permit.
- (8) The subject building shall conform to Alberta Safety Code and building standards.
- (9) Conditions imposed by the Development Officer for a building to be moved in may be on a case-by-case basis and condition or lack of condition while issuing a development permit for another building to be moved-in will not be perceived to form precedence for imposing conditions on any current application for the issuance of a development permit.

## **SECTION 6.15      PARKING AND LOADING FACILITIES**

- (1) No land, building or structure shall be erected or used in any land use district, unless parking and loading is provided and maintained in accordance with regulations contained in this Section.
- (2) Required parking spaces shall not include any parking spaces used or intended to be used for the storage or parking of motor vehicles for hire or gain, display or sale.
- (3) No use shall be located on any required parking area or obstruct any parking area or space.
- (4) Minimum parking dimension will be an unobstructed rectangular block of 3.0 metres x 6.0 metres (10 feet x 20 feet).
- (5) The minimum aisle width serving a parking lot shall be 7 metres (23 feet) unless the aisle provided for access to and from parking spaces with angled parking less than 60 degrees is a one-way aisle, in which case the minimum width of the aisle will be 5.5 metres (18 feet).

- (6) The minimum width of any driveway leading to a parking lot shall be 5.5 metres (18 feet).
- (7) Access to and from parking and loading spaces shall be provided by an unobstructed aisle and/or driveway.
- (8) All parking calculations are to be based on Gross Floor Area for non-residential uses unless otherwise stipulated.
- (9) A parking space on a driveway serving as an access to a parking space within a garage may be included in the calculation of the number of parking spaces required.
- (10) Where visitor parking spaces are required, a parking space on a driveway shall not be used for calculating the required visitor parking.
- (11) The following table will regulate **parking requirements**:

Line	Type of use	Minimum off-street parking
<b>Residential</b>		
1.	Apartment Dwellings	1 space per one bedroom unit 1.5 spaces per two-bedroom unit 2 spaces per three-bedroom unit
2.	Duplex Dwelling	1.5 spaces per unit
3.	a) Dwelling 1. Detached 2. Semi-detached 3. Accessory Building used as a dwelling b) Manufactured homes c) Modular building d) Caretaker residence	2 spaces per unit
4.	Farm Occupation	2 spaces per dwelling unit plus 1 space each for number of employees not residing on farm where the business is operating
5.	Group homes	1 space per staff member plus 1 visitor parking space for group homes having up to 6 residents and 2 visitor plus 1 space for each staff member for group homes having more than 6 residents
6.	Home based business	2 spaces per dwelling unit plus 1 space for each employee not residing in residential unit where the business is operating
7.	Other residential forms of housing	2 spaces per unit plus 0.25 for visitor parking per unit



8.	Secondary Suites	1 space
<b>Line</b>	<b>Type of use</b>	<b>Minimum off-street parking</b>
<b>Commercial and Institutional</b>		
1.	Auto sale and purchase	1 space for every 25 m <sup>2</sup> (269 ft <sup>2</sup> ) GFA or a minimum of 2 spaces whichever is greater (parking is exclusive of display and storage area)
2.	Auto servicing and repairs	1 space for every 18.5 m <sup>2</sup> (376.7 ft <sup>2</sup> ) area or minimum of 2 spaces whichever is greater.
3.	Automobile gas bar	1 space for every 15 m <sup>2</sup> (161.46 ft <sup>2</sup> ) area of retail floor area or minimum of 2 spaces whichever is greater.
4.	Bank or Financial Institution	1 space for every 15 m <sup>2</sup> (161.46 ft <sup>2</sup> ) GFA
5.	Bulk oil distributors	2 spaces plus 1 space for every 250 m <sup>2</sup> yard area plus 1 space for every employee
6.	Country Inn	1 space per guest room in addition to other uses identified therein
7.	Country Store	1 space per 18.5 m <sup>2</sup> (200 ft <sup>2</sup> ) GFA
8.	Convenience Store	1 space per 18.5 m <sup>2</sup> (200 ft <sup>2</sup> ) GFA
9.	Clinic/ medical facility	3 spaces per practitioner or 1 per 18.5 m <sup>2</sup> (200 ft <sup>2</sup> ) GFA
10.	Craft Microbrewery	6 spaces per 100 m <sup>2</sup> (1076.4 ft <sup>2</sup> ) GFA or 1 space for every 4 seats whichever is more
11.	Farm Implementation Dealer	1 space per 18.5 m <sup>2</sup> (200 ft <sup>2</sup> ) GFA
12.	Restaurant-Drive in/thru	6 spaces per 100m <sup>2</sup> (1076.4 ft <sup>2</sup> ) GFA plus 5 stacking spaces subject to a minimum of 11 parking spaces
13.	Gas Station with convenience store/ store/ café bar	1 space for every 15 m <sup>2</sup> (161.46ft <sup>2</sup> ) of retail floor area or minimum of 2 spaces per each pumping station/stall, whichever is greater.
14.	Gas Station with car washing facilities	1 space for every 15 m <sup>2</sup> (161.46 ft <sup>2</sup> ) of retail floor area or minimum of 2 spaces per each pumping station/stall which ever is greater and 3 spaces for every car washing bay
15.	Hotel	1 space per guest room plus 6 spaces per 100 m <sup>2</sup> GFA of public use area including meeting and conference rooms, recreational facilities, commercial facilities, dining, bar and lounge areas but does not include guest rooms,

		washrooms, lobbies, hallways, stairs or common areas of passage
16.	Kennel	1 space per 28 m <sup>2</sup> (301.39 ft <sup>2</sup> ) GFA
17.	Laundromat	1 space per 18.5 m <sup>2</sup> (200 ft <sup>2</sup> ) GFA
<b>Line</b>	<b>Type of use</b>	<b>Minimum off-street parking</b>
<b>Commercial and Institutional</b>		
18.	Lodging House	1 space per guest room plus 1 space for proprietor
19.	Lumber yard	2 spaces plus 1 space for every 2 employees
20.	Manufacturing/processing of raw material	1 space per 100 m <sup>2</sup> (1076.4 ft <sup>2</sup> ) GFA
21.	Market Garden	3 spaces for every 100 m <sup>2</sup> (1076.4 ft <sup>2</sup> ) retail area and 1 space for every 100 m <sup>2</sup> (1076.4 ft <sup>2</sup> ) wholesale or warehouse
22.	Meat cutting and packaging establishment & Abattoir	1 space per 50 m <sup>2</sup> (538.2 ft <sup>2</sup> ) GFA
23.	Motel	1 space per unit plus 2 additional spaces for staff
24.	Office	1 space per 35 m <sup>2</sup> (376.74 ft <sup>2</sup> ) GFA
25.	Outdoor Storage facility	1 space for every 200m <sup>2</sup> (2152.8 ft <sup>2</sup> ) yard area plus one space for each employee located on site
26.	Restaurant	6 spaces per 100 m <sup>2</sup> (1076.4 ft <sup>2</sup> ) GFA or 1 space for every 4 seats whichever is more
27.	Restaurant with outdoor patio	1 space per 30 m <sup>2</sup> (322.9 ft <sup>2</sup> ) GFA of outdoor patio area in addition to the requirements for a restaurant or take out restaurant
28.	Retail Commercial	1 space for every 18.5 m <sup>2</sup> (200 ft <sup>2</sup> ) area under retail
29.	Salvage yard/wrecker	4 spaces for every 250 m <sup>2</sup> (2691 ft <sup>2</sup> ) area of yard area under use put to salvage operations plus 1 space for every employee working the highest shift plus 1 space for every vehicle used in the operation
30.	Sawmill	4 spaces for every 250 m <sup>2</sup> (2691 ft <sup>2</sup> ) area of yard area under sawmill operations plus 1 space for every employee working the highest shift plus 1 space for every vehicle used in the operation
31.	Truck Stop, servicing and repair	1 space for every 18.5 m <sup>2</sup> (200 ft <sup>2</sup> ) of covered area or minimum of 2 spaces whichever is greater.

32.	Veterinary Clinic	1 space per 45 m <sup>2</sup> GFA
33.	Warehouse/storage/freight facility	1 space per 50 m <sup>2</sup> (538.2 ft <sup>2</sup> ) GFA with minimum 2 spaces
<b>Line</b>	<b>Type of use</b>	<b>Minimum off street parking</b>
34.	Commercial recreational establishment	1 space per 18.5 m <sup>2</sup> (200 ft <sup>2</sup> ) GFA
<b>Community and Recreational</b>		
1.	Community Hall	4 spaces for every 100m <sup>2</sup> (1076.4 ft <sup>2</sup> ) GFA
2.	Day care centre	1 per class room with minimum 2 parking space
3.	Places of religious assembly	20 spaces for every 100 m <sup>2</sup> (1076.4 ft <sup>2</sup> ) GFA or 1 space for every 5 fixed seats
4.	Public Recreation Area	1 space for every 35 m <sup>2</sup> (376.74 ft <sup>2</sup> ) GFA
5.	Schools	1 space for each classroom plus 1 space for every 20 students
6.	Funeral Home or undertaking establishment	1 space per 10 m <sup>2</sup> (107.6 ft <sup>2</sup> )GFA
7.	Campsite/RV Park	1 space per campsite or recreational vehicle site
<b>Industrial</b>		
1.	Agricultural Industry	1 space for every 2 employees
2.	Co-generation electric plant	Minimum of 2 spaces plus 1 space for each employee on site
3.	Contractor Business	Minimum of 2 spaces plus 1 space for each employee on site
4.	Extraction Industry	1 space for every 2 employees
5.	Landfill associated with an industrial use	Minimum of 2 spaces plus 1 space for each employee on site
6.	Manufacturing Industry	Minimum of 2 spaces plus 1 space for each employee on site
7.	Oil and Gas service Industry	Minimum of 2 spaces plus 1 space for each employee on site
8.	Rural Industry	1 space for every 2 employees
9.	Seed Cleaning	Minimum of 2 spaces plus 1 space for each employee on site

- (12) Parking Space requirements may be varied if it is reasonably justified by the applicant on the basis of a parking study that the required number of parking spaces will exceed his requirements for that particular use.
- (13) Where parking space standards are not listed for a particular use, the development Officer will calculate the parking requirements on the basis of GFA, number of customers, employees and users on site.
- (14) Parking spaces for persons with disability shall be provided and maintained on the same lot in proximity to the main entrances to a building or structure. One handicap parking space is to be provided for every 25 parking space requirement.

- (15) Loading spaces of a 3.5 metres x 9.0 metres (11.5 feet x 29.5 feet) unobstructed rectangular size are to be provided for the following uses:
  - a) Retail Store/Centre;
  - b) Office Building that are not part of a residential dwelling;
  - c) Overnight accommodation except motels and bed and breakfast;
  - d) Restaurants;
  - e) Manufacturing/Warehousing and Wholesale facilities.
  - f) Industrial operation
  
- (16) Notwithstanding subsection 15 above no off street loading space will be required for any building or structure with a GFA less than 2500 square metres (26,909.8 feet). One space will be required for every 5000 square metres (53,819.5 square feet) GFA.
  
- (17) Notwithstanding subsection 16 above the size of the loading space may be reduced if it can be substantially certified that the loading and unloading of material and goods will be done by mid-sized commercial vehicles only.

**SECTION 6.16            REMOVAL OF TOP SOIL**

- (1) A development permit is required for the removal or stockpile of top soil for non-agricultural purposes.
  
- (2) A development permit shall only be granted, where it is shown to the satisfaction of the Development Officer, that the land or adjacent land will not be adversely affected by the removal of the top soil.
  
- (3) An application for the removal of top soil may be referred to Alberta Environment and Parks and/or Alberta Agriculture and Rural Development.
  
- (4) Where the top soil has been removed or stockpiled outside the developed or construction area, the developer shall replace and seed that area following the completion of work.

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**SECTION 6.17            SIGN CONTROL**

- (1) No billboards, signboards or other advertising devices shall be erected displayed or altered or allow or cause to be displayed, erected or altered on public and private land or allow or cause to be affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit issued by the Development Officer.
  
- (2) The applicant for a development permit for a sign shall in no case proceed with the construction, display, erection, alteration or relocation of such sign until the details, as herein before provided, have been approved and a development permit granted.

- (3) No signs or advertising structures shall be erected on or affixed to public or private property without the prior consent of the appropriate public authority in the former case and the property owner or tenant in the latter case.
- (4) No sign or advertisement shall resemble or conflict with a traffic sign. Any application for a sign permit shall be refused if, in the opinion of the Development Officer, its erection, construction and presence will have a detrimental effect on the safety of pedestrians and traffic.
- (5) All advertisements shall be maintained to be kept in a safe, clean and tidy condition. Council may have the sign removed if it is not adequately maintained.
- (6) In considering a development application for a sign, the Development Officer shall have due regard to the amenities/services near where the sign is located and to the design of the proposed sign.
- (7) Signs, notices or advertising devices that are located within the following limits, shall not be issued a development permit without prior approval from Alberta Transportation (Public Highways Act Regulation):
  - a) The limits of the right-of-way of highway;
  - b) 300 metres (984.5 feet) from any limit of a highway; or
  - c) One half mile (800 metres) of the centre point of the intersection of a highway with another highway, or any other public road.
- (8) Notwithstanding the above, the following signs may be erected on land or affixed to the exterior surface of a building or structure without application for a development permit, provided that the sign is not illuminated and that any necessary permits have been obtained from Alberta Transportation in accordance with the Highway Development Control Regulations:
  - a) Political signs, real estate signs, signs announcing any local event of a religious, educational, recreational or cultural nature, or similar signs of a temporary nature not exceeding 1.85 square metres (20 square feet) and limited to one sign per parcel. Any temporary sign installed on the property shall be removed within 14 days of the termination of the event for which the signs are erected, by the owner of such signs or the owner of property on which the sign is erected, failing which the Development Officer may have such signs removed or destroyed.
  - b) Signs for the purpose of information, identification or direction; related to the carrying on of a profession, business or trade, or related to an institution of religious, educational, cultural, recreational or similar character, not exceeding 1.85 square metres (20 square feet) and limited to one sign per parcel.
  - c) Advertisements or signs in relation to the function of local authorities, utility board or other public or quasi-public bodies.
  - d) Signs necessary for safety or purposes of identification, direction or warning for the motoring public as required by Alberta Transportation.

- e) Signs stating the name of any architectural firm, the names of contractors and suppliers, as well as signs advertising the future use of the building may be erected on the site where a building is under construction and it shall be removed immediately after any portion of the said building is occupied.

**SECTION 6.18 STORAGE TANKS**

- (1) All storage tanks and storage in above ground and below ground tanks will require a development permit and are also subject to the other provisions of this Bylaw and Section 7.19.
- (2) Above and below ground storage tanks with a capacity of less than 45,461 litres (10,000 gallons) will be allowed in any land use district provided the stored product is ancillary to the use of that operation permitted on those lands and for which a development permit has been issued for a development that showed the location, dimensions and design of the storage tank as part of the site plan application.
- (3) Notwithstanding Section 6.18(2) above all regulated storage of material, goods, liquids and gases will require adhering to the minimum separation required under the corresponding regulatory legislation.
- (4) Notwithstanding Section 6.18 (3) above the Council may prescribe higher separation standards than those prescribed in the regulatory legislation for that product.
- (5) Above ground storage tanks with capacity more than 45,461 litres (10,000 gallons) will be allowed only in those land use district(s) where this use has been permitted or this use is allowed by Council as a discretionary use.

**SECTION 6.19 UTILITIES**

- (1) In a development to be served by private water and sewer systems, necessary approvals regarding the provision of on-site potable water and disposal of sewer should be obtained from the Development Officer and other agencies, as may be required.
- (2) The erection of a building on any site where it would otherwise be permitted under this Bylaw shall be prohibited when, in the opinion of the Development Officer, satisfactory arrangements have not been made by the developer for the supply of water, electric power, sewage to the building or structure and street access to the lot. Payment of the cost of installing or constructing any such utility or facility by the developer may be required as security prior to any approval.

**SECTION 6.20 OBJECTS PROHIBITED OR RESTRICTED IN YARDS**

- (1) One recreational vehicle may be parked on a site in a Hamlet Residential District, for living and sleeping accommodation by a bona fide tourist for a period not to exceed thirty (30) days within any given six (6) month period.
- (2) Not more than two (2) recreational vehicles shall be stored or parked on a parcel, except in any Agricultural District, where approved by the Development Officer.

- (3) No person shall allow a motor vehicle which has all or part of its superstructure removed, or a motor vehicle which is in a dilapidated or unsightly condition to remain to be parked on a parcel in a Hamlet Residential District, or within 30 metres (98.42 feet) of a local road or 40 metres (131.84 feet) of a Highway in an Agricultural District, unless it is suitably housed or screened to the satisfaction of the Development Officer.

#### **SECTION 6.21 ENCROACHMENTS/PROJECTIONS OVER YARDS**

- (1) Encroachments into required setbacks are allowed as below:
  - a) On a site in a residential district, a cornice, sill, or a canopy of eaves, projecting a distance not exceeding one-half ( $\frac{1}{2}$ ) of the minimum side yard setback required for the site subject to a maximum of 0.91 metres (3 feet);
  - b) A chimney which projects 0.61 metres (2 feet) or less provided that in each case it is not less than 0.91 metres (3 feet) from the lot line; and
  - c) Unenclosed steps with or without a landing and above the surface of the yard if they do not project more than 2.4 metres (8 feet) over or on a minimum front or rear yard, or more than 0.91 metres (3 feet) over or on a minimum side yard.

#### **SECTION 6.22 HEIGHT OF BUILDINGS**

Subject to the provisions of other sections of this Bylaw, the height of residential dwellings on a site where a development permit is or is not required is 10.97 metres (36 feet) and 2 storeys.

- (1) Height for buildings being used for Industrial, Agricultural, Commercial, Religious and Institutional purposes that require greater heights as part of their design, usage and operation will not be restrictive unless site conditions warrant otherwise.
- (2) Notwithstanding anything to the contrary the height of commercial buildings within Hamlets may be restricted to 10.97 metres (36 feet) and 2 storeys.

#### **SECTION 6.23 THE KEEPING OF ANIMALS**

- (1) In a Hamlet Residential District (H-R) a maximum of two (2) domestic animals per lot may be allowed to be kept on private land. Such animals must be kept on a non-commercial basis and must be maintained in a manner that will not cause a nuisance or detract from the appearance of the area.
- (2) No person shall keep or permit to be kept in any Hamlet Residential District (H-R) the following:
  - a) Animals, livestock or poultry; with the exception of dogs, cats, small caged birds, rodents and other usual domestic pets, providing always that domestic pets are kept under the condition that they do not act as a nuisance, reduce the amenities of the area or living preference of neighbouring property owners; and

b) Any pets or domestic animals on a commercial basis.

(3) This Section shall be administered by a “Designated Officer”.

**SECTION 6.24                    CONSIDERATION FOR CONFINED FEEDING OPERATIONS (CFOs)**

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2012/02/08

Notwithstanding Subsection 3.2(12) (d) of this Bylaw, where a development permit is not required for a confined feeding operation or manure storage facility as the subject of an approval, registration or authorization under Part 2 of the Agricultural Operation Practices Act and as per Sections 618(1) and 618.1 of the Municipal Government Act (MGA), the Development Authority shall review an application for a ‘Confined Feeding Operation’ (CFO) considering the following:

- (1) At the time of formal application, the applicant for a CFO shall demonstrate how they have formed a committee of primarily adjacent landowners who will be requested to provide feedback throughout the application process until the Public Hearing is complete;
- (2) The effects of siting the proposed CFO relative to prevailing winds so as to minimize odours;
- (3) The effects of siting the proposed CFO and its associated activities relative to adjacent water bodies and water courses so as to prevent water contamination;
- (4) The effects of siting the proposed CFO in proximity to local areas or sites of environmental and or social significance or areas of intensive recreation;
- (5) The need for visual screening of natural material to maintain aesthetics in the surrounding area;
- (6) The effects on community services being provided to or used by the site such as power and the movement of vehicles hauling material to and from the site.

**SECTION 6.25                    TEMPORARY DEVELOPMENT**

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2012/02/08

Notwithstanding Subsection 3.2(5) of this Bylaw, where a development permit application in a land use district is for a temporary development, the Development Authority:

- (1) Shall consider and decide upon a development and the specific time duration for the development permit;
- (2) Shall impose a condition on such a permit that the Municipal District of Fairview No. 136 is not liable for any costs involve in the cessation or removal of the development at the expiration of the time period stated in the permit.



## **SECTION 6.26**

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2012/02/08

## **NON-CONFORMING BUILDINGS AND USES**

- (1) A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform to this bylaw.
- (2) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alternations may be made thereto or therein.
- (3) A non-conforming use of part of a lot may not be exceeded or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except;
  - (a) to make it a conforming building;
  - (b) for the routine maintenance of the building, if the Development Authority considers it necessary.
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this bylaw and upon approval from the development authority.
- (6) The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

## **SECTION 6.27**

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## **DEMOLITION**

- (1) A demolition permit shall be required for the demolition of any building or structure for residential, commercial or industrial uses, or portion thereof, prior to the commencement of its demolition, in addition to any other Safety Codes permits that may be required.
- (2) For municipal assessment purposes, landowners must submit a demolition permit application as required per subsection (1) above.
- (3) Demolition permit applications shall be exempt from a Demolition Permit Fee.
- (4) Notwithstanding subsection (1), any buildings erected or established under Section 3.2 of this Bylaw will not require a demolition permit.
- (5) Whenever a demolition permit is issued for the demolition or removal of a building or structure, a condition shall be included, requiring clearing the lot of all debris related to the demolition, and finished to graded condition to the satisfaction of the Development Officer.

- (6) When a demolition permit is to be approved for the demolition or removal of a building or structure, the Development Officer may require the applicant to provide a cash deposit, an automatically renewable irrevocable letter of credit, or other acceptable form of security in such amount as to finance the costs of reclamation to any public utility or municipal property if applicable.
- (7) Whenever the demolition or removal of a building or structure is proposed, the property owner shall, at their own expense, protect any wall, structure, sidewalk, landscaping (hard and/or soft) or roadway that may be affected by such demolition or removal, including those on neighbouring properties, from damage or displacement.
- (8) The Development Officer may require as a condition of the demolition permit that the site be fenced and/or screened to ensure adequate public safety.
- (9) The applicant shall be responsible for obtaining all necessary Safety Codes approvals and utility service disconnections before demolition or removal of buildings or structures.

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**PART 7**  
**SPECIAL LAND USE PROVISIONS**

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## **PART 7: SPECIAL LAND USE PROVISIONS**

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### **SECTION 7.1 AUTOMOBILE / TRUCK WASHING ESTABLISHMENTS**

The minimum site area for an automobile washing establishment shall be 743.22 square metres (8,000 square feet), with a minimum lot width of 27.43 metres (90 feet) and frontage on a major thoroughfare. In the case of service stations or gas bars not containing a car washing establishment, the minimum site area may be reduced subject to a minimum 12.2 metres (40 feet) frontage on a major thoroughfare.

- (1) Parking shall be provided as per Section 6.15 (11) and below:
  - a) Washing establishment- 2 stacked parking spaces per washing bay on entry and one space on exit with a minimum of 2 additional parking spaces on site.
  - b) Gas bar with store- 2 parking spaces for each pumping station/stall or 1 space for every 15 square metres (161.45 square feet) of retail floor area, whichever is greater
  - c) Combination of above- Parking to be provided, calculating both (a) and (b).
  - d) The minimum site area for a truck stop and/or truck washing establishment shall be 0.81 hectares (2 acres).

### **SECTION 7.2 PLACE OF WORSHIP**

- (1) The site upon which a place of worship is situated shall have a frontage of not less than 30.5 metres (100 feet) and an area of not less than 929 square metres (10,000 square feet).
- (2) The front, side and yard setbacks in the case of a place of worship site shall be those permitted within the district in which such place of worship site is located.

### **SECTION 7.3 FAIRVIEW AIRPORT**

- (1) Development near the Fairview Airport will be required to conform to Part 8 – Fairview Airport Vicinity Protection Area – of this Bylaw.
- (2) Part 8, is a regulation to co-ordinate land use and development on lands close to the Fairview Airport, and all subdivision and/or development proposal located wholly or partially within the Airport Vicinity Protection Area boundary, as delineated on the Land Use District Map, shall refer to this plan directly.

### **SECTION 7.4 SUPPLEMENTARY FARM OCCUPATION**

- (1) The Development Officer requires a development permit for any supplementary farm occupation proposal.
- (2) A Supplementary Farm Occupation shall be no more than a supplement to the use of a parcel of land for agricultural purposes and shall not:

- a) Take place on a parcel of land less than 32.37 hectares (80 acres) in size;
  - b) Employ any more than three (3) persons other than the occupants of the principal on-site residential building;
  - c) Store or maintain any goods, materials or equipment not directly related to the operation;
  - d) Create a nuisance by way of dust, noise, odour, smoke or traffic generation;
  - e) Be confined to an area not to exceed 4,047 square metres (43,560 square feet) as determined by the Development Officer; and
  - f) Contain no more than one sign not exceeding 1.1 square metres (12 square feet).
- (3) Supplementary farm occupations are limited to those which are approved by the Development Officer for the dwelling where they are carried on for a period not exceeding one (1) year at which time an application may be made for the continuance of the use.

**SECTION 7.5 GRAVEL PITS**

- (1) The following information may be required by the Development Officer in support of a development permit application for a gravel pit:
- a) A legal description and map outlining the location and extent of the proposed gravel pit operation;
  - b) An indication of the extent of excavation to take place at the proposed site;
  - c) A map outlining the access and haul roads to be used in relation to the operation of the gravel pit;
  - d) The location of power lines used to serve the gravel pit operation;
  - e) A description of the gravel pit operation;
  - f) A description of the existing site conditions;
  - g) A description of the proposed site's topography and drainage; and
  - h) A project report.
- (2) The Development Officer shall require the applicant for a development permit for a gravel pit to provide a description and plan for the reclamation of the proposed site.
- (3) If the proposed gravel pit operation is located in close proximity to a highway, valley or residence, the Development Officer may require the gravel pit operation to be screened from view.
- (4) The Development Officer shall refer development permit applications for gravel pits to Alberta Environment and Parks Compliance Division for possible development and reclamation approval or comments.

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## **SECTION 7.6 GRIMSHAW GRAVELS AREA**

- (1) The Grimshaw Gravels Area shall be outlined on the Land Use Bylaw District Map and the following provisions shall apply to that area of the Municipal District.
- (2) Notwithstanding any other provision in this Bylaw, the Development Officer may refer any application for an amendment to the Land Use Bylaw or a development permit to the following agencies for comments and recommendations on how the proposal will affect the Grimshaw Gravels Area:
  - a) Alberta Environment and Parks – Water Resources Division;
  - b) Alberta Health Authority;
  - c) Alberta Labour – Plumbing Inspection Branch;
  - d) Municipal District Departments; and
  - e) Any other agencies that the Development Officer deems necessary.
- (3) On an application for an amendment to the Land Use Bylaw or a development on land located within the Grimshaw Gravels Area, the following information may be required by the Development Officer:
  - a) A professional engineer report and analysis on the impact of the development on the Grimshaw Gravels Area, especially the groundwater re-charge area;
  - b) A professional engineer report identifying the quality and quantity of the groundwater supply on the subject property;
  - c) Water level contour mapping; and
  - d) An indication of the suitability of the subject property for sewage disposal.
- (4) While considering an application for a development in proximity to the Grimshaw Gravels (Aquifer) and other similar environmentally sensitive areas, the Development Officer shall consider the following:
  - a) Evaluate all subdivisions and development proposals in the area against any potentially negative effects on the environment;
  - b) May require environmental impact assessments to determine setbacks and any other negative environmental impacts on the area;
  - c) Request additional information for all developments and subdivision proposals in the area to assess the impacts on the groundwater characteristics; and
  - d) Shall not support any development which may have negative effects on the ground water quality or quantity.

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## **SECTION 7.7 ENVIRONMENTALLY SENSITIVE LANDS**

- (1) Development on lands which are designated or deemed by the Municipal District to be environmentally sensitive shall be discouraged.

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- (2) When reviewing an application for development on environmentally sensitive lands, the Development Officer shall consider the following:
  - a) The impact of the proposed development on the subject and surrounding area;
  - b) The soil and slope conditions of the area surrounding the subject property;
  - c) Any information on the past history of the subject property and surrounding area from a geo-technical perspective; and
  - d) Comments and recommendations from Alberta Environment and Parks.
- (3) As part of the development permit application, the Development Officer may require a geo-technical study, prepared by a qualified geo-technical engineer, addressing the proposed development. The geo-technical study will establish building setbacks from property lines based upon the land characteristics of the subject property.
- (4) The Development Officer may require all or any of the following as conditions of approval for a development permit application on land which is considered environmentally sensitive:
  - a) A certificate from a qualified professional geo-technical engineer certifying that the design of the proposed development was undertaken with full knowledge of the soil and slope conditions of the subject property;
  - b) A certificate from a qualified professional geo-technical engineer when the proposed development includes cut and/or fill sections on slopes and/or including the addition of fill to the subject property;
  - c) The registration of a restrictive covenant against the certificate of title for the subject property related to the approved development; and
  - d) The registration of an easement against the certificate of title for the subject property entitling the Municipal District or an agent on behalf of the Municipal District the right to enter the subject property to carry out such improvements and repairs as are required to maintain the stability of adjacent properties which, if not corrected, could adversely affect surrounding lands.

## **SECTION 7.8 HOME-BASED BUSINESS**

- (1) Home-based business shall be no more than supplementary uses to the principal residential building and shall not:
  - a) Have outside storage of materials, commodities or finished products on or off the site;
  - b) Create nuisance by way of dust, noise, smell smoke or traffic generation;
  - c) Sell any commodity other than the principal product or by-product of the home-based business on the premises;
  - d) Require alterations to any building unless the alterations are approved by the Development Officer;
  - e) Contain more than one sign not to exceed 1.1 square metres (12 square feet) applicable only to dwellings within a hamlet.

## SECTION 7.9

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## MANUFACTURED HOMES

- (1) An application for a development permit for a manufactured home shall be referred to the Council for their review and approval.
- (2) Before a development permit is issued for a manufactured home, the Development Officer shall receive verification that the home meets the requirements of the Alberta Building Codes. If the CSA A277 sticker or the Alberta Municipal Affairs sticker is missing, the Development Officer may require an inspection by an Alberta Safety Codes Officer.
- (3) Should an inspection by an Alberta Safety Codes Officer be required, and should the inspection indicate that upgrades to the manufactured home are necessary to bring the home into compliance with the CSA A277 standard, all required upgrades shall be made within the time specified by the Development Officer.
- (4) In addition to subsection (1) and subsection (2), a recent photograph of the used manufactured home may be required as part of the development permit application to ensure that the exterior is in good visual condition.
- (5) Used manufactured homes under consideration for relocation on a parcel shall be of sound construction and condition, with intact exterior finishes and additions in good repair in conformance with Provincial regulations.
- (6) The manufactured home must meet the following aesthetic regulations within all district that allow manufactured homes:
  - a) The height of the main floor above grade shall be consistent with the height of the main floor of dwellings in the immediate area.
  - b) The undercarriage of a manufactured home shall be completely screened from view by skirting.
  - c) The orientation of the manufactured home shall be approved by Council.
  - d) All attached accessory structures, additions, porches, and skirting shall:
    - i. be of a quality and appearance equivalent to that manufactured home;
    - ii. be considered as part of the main building; and
    - iii. be erected only after obtaining a development permit.
- (7) The hitch and wheels are to be removed from the manufactured home.
- (8) The property is to be grassed and landscaped within one (1) year from the date of issue of the development permit.



- (9) With the exception of driveways, no accessory building or structure shall be located in the front yard of any Hamlet residential district.
- (10) All accessory structures, additions, porches and skirting shall be of a quality and appearance equivalent to the manufactured home and additions shall not exceed 30 percent of the gross floor area of the manufactured home.
- (11) Manufactured homes may be permitted for temporary periods not exceeding:
  - a) A twelve (12) month period where it is to be used solely for farm help purposes; and
  - b) A six (6) month period where it is to be used as a temporary dwelling while a principal dwelling on the property is actually under construction.
- (12) Further to subsection (11), where a person wants to extend the temporary period beyond the time set out in the permit, he/she shall, not later than sixty (60) days prior to the day on which the permit will cease to be in effect, make written application to Council for renewal of the permit setting forth the reasons therefore.

**SECTION 7.10      MOTELS**

(1) Site Requirements:

MOTEL	MINIMUM NUMBER OF UNITS	YARDS
1 Storey	5 Units	Front: 7.62 m (25 ft) Side: 3.05 m (10 ft) Rear: 3.05 m (10 ft)
2 Storey	6 Units	

(2) Space Between Buildings:

- a) No less than 3.66 metres (12 feet) of clear and unoccupied surface space shall be provided between each building on site unless those buildings are connected by a continuous roof to form a shelter.

(3) Driveways:

- a) Each rentable unit shall face onto or abut a driveway not less than 6.1 metres (20 feet) in width and shall have unobstructed access thereto.

(4) Entrances and Exits:

- a) Not more than one motor vehicle entrance and one motor vehicle exit to a roadway, each a minimum width of 5.48 metres (18 feet), provided that one (1) combined motor vehicle entrance shall be permitted, not less than 9.1 metres (30 feet) in width.

(5) Maintenance of Site and Buildings:

- a) The owner, tenant, operator or person in charge of a motel shall at all times:
  - i. Provide for garbage collection and disposal, to the satisfaction of the Development Officer; and
  - ii. Provide an appropriate fence where required, not less than 0.762 metres (2.5 feet) in height around the boundaries of the site and shall provide landscaping.

**SECTION 7.11        SOUR GAS FACILITIES**

- (1) Future subdivisions and development shall be directed away from sour gas facilities.
- (2) The Municipal District will maintain information indicating the location of all sour gas facilities within the Municipal District as supplied by the Alberta Energy Regulator (AER). The information will be regularly upgraded as required.
- (3) The AER will provide the Municipal District of Fairview No. 136 with a copy of each proposed sour gas development when the proposed facility is located within 1.5 kilometres (0.93 miles) of a permanent overnight accommodation, or when the development is considered a public facility.
- (4) All developments proposed in the Municipal District of Fairview No. 136 will be required to maintain the setbacks from sour gas lines and facilities as outlined by the AER. Development setbacks will be based on the production level of sour gas facility at the time of the development permit application.
- (5) Municipal District of Fairview No.136 will work with the AER to notify the respective landowners of upgrades to facilities that increase sour/gas pressure in the line, and thereby increasing the setback requirements.
- (6) All proposed sour gas facilities shall have an approved operating license from AER prior to approval of the development permit. All conditions of the AER placed on the development shall be adhered to, and will form part of the conditions of the development permit.

**SECTION 7.12        OIL/GAS DEVELOPMENT SETBACKS**

- (1) All proposed oil/gas development shall require approval prior to construction, either in the form of a development permit or letter of authorization with a set number of conditions pertaining to the specific development. These conditions may vary due to site-specific features such as zoning, geography, the location of water (surface or subsurface), other impacting features or as varied by the Development Officer.
- (2) The following are guidelines pertaining to oil/gas development:

- a) Sites are to comply with all regulations as required by Alberta Environment and Parks, Alberta Energy Regulator (AER) and/or Public Lands Division;

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- b) All sites shall conform to any regulations and standards as set by the Municipal District of Fairview No. 136 Transportation Policy;
- c) All sump pits shall be located a minimum of 20 metres (65.6 feet) from the property line adjacent to all surveyed road allowances;
- d) All permanent and non-permanent structures, including well heads, shall be located a minimum of 40 metres (131.2 feet) from the property line adjacent to all surveyed road allowances; and
- e) All dirt/fill piles or temporary structures shall be located so as to ensure safety and visibility when accessing the road allowance.

**SECTION 7.13 OILFIELD EQUIPMENT STORAGE**

- (1) No permanent buildings or structures will be allowed in conjunction with the storage of equipment.
- (2) Sites should be located with good access to major transportation routes.
- (3) Entrances and exits to the site shall be located so as to minimize negative effects on the road network, and shall be sited to the satisfaction of the Development Officer, who may consult with Alberta Transportation.

**SECTION 7.14 MULTI-PARCEL COUNTRY RESIDENTIAL DEVELOPMENT**

- (1) Multi-parcel country residential development subdivisions where permitted, shall be developed in accordance with the development policies for the areas as identified in the Municipal District of Fairview No. 136 Municipal Development Plan (Bylaw 868).
- (2) Prior to submitting an application for a multi-parcel country residential subdivision, the Development Officer may require the preparation of an area structure plan or an outline plan, and shall be prepared by the developer.
- (3) The multi-parcel country residential subdivisions shall not be permitted within:
  - a) 100 year flood plain areas;
  - b) 804.7 metres (1/2 mile) from the boundary of a parcel of land containing a confined feeding operation; and
  - c) 804.7 metres (1/2 mile) from the boundary of a parcel of land containing a gravel extraction operation.

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- (4) Development areas considered by the Municipal District or Alberta Environment and Parks as environmentally sensitive should minimize habitat destruction and preserve unique topographical features such as riparian zones through innovative subdivision and site design.

## **SECTION 7.15 TRAIL DEVELOPMENTS**

- (1) Construction standards for all trails must be appropriate for the use expected of the trail. Surfacing, drainage, width and grade standards shall be to the satisfaction of the Development Officer.
- (2) Trail developments must incorporate access points and may require parking areas and amenities, together with landscape buffering or a form of screening where deemed necessary by the Development Officer.
- (3) Trails shall, where required by the Development Officer, be clearly marked by appropriate signs related to safety concerns and, where necessary, ensure that the course can be followed.
- (4) Details to be submitted in respect of a development permit for a trail development, shall include information regarding future maintenance of the trail.

## **SECTION 7.16 GENERAL PROVISIONS FOR RECREATIONAL USES**

- (1) When deciding upon a development permit application for a recreational use in any land use district, the Development Officer shall consider the following:
  - a) The recreational building shall be architecturally designed to be compatible with the surrounding area.
  - b) A recreation centre or lodge may have ancillary buildings available for the lodging of its patrons. In no way shall a recreation centre or lodge be organized to provide any form of permanent habitation of the rooms by its patrons.
  - c) Where the development will generate significant noise, the developer shall take steps to reduce the level of noise and its impact on existing and/or future development in the area to the satisfaction of the Development Officer.
  - d) Recreational development shall be compatible with the surrounding environment, and in the opinion of the Development Officer, have no adverse effect on:
    - i. The water table and water bodies or water courses; and
    - ii. The aesthetic value of the area.

## **SECTION 7.17 TEMPORARY INDUSTRIAL/RESIDENTIAL/BUNKHOUSE CAMP**

- (1) Notwithstanding Subsection 3.2(5) of this Bylaw, a development permit shall be required for the construction of a temporary industrial or residential camp. For the purpose of this section of the Bylaw, this will include residential camps that are used in conjunction with construction projects.
- (2) In considering an application for a temporary industrial or residential camp, the Development Officer shall consider the following:
  - a) The location, type and purpose of the camp;

- b) Access to the camp;
  - c) The provision of services to the camp; and
  - d) Adjacent land uses.
- (3) The development of a temporary industrial camp shall conform to the Alberta Work Camps Regulation.

**SECTION 7.18            TRANSFER OF CROWN LAND TO PRIVATE OWNERSHIP**

- (1) Land which is transferred from the Crown of Alberta to private ownership shall be immediately considered to be zoned as Agricultural Conservation District (AG-1), unless otherwise zoned by the Municipal District, and not require a formal amendment to this Bylaw, provided that the development on the subject property or proposed development meets the spirit and intent of the Agricultural Conservation Land Use District.

**SECTION 7.19            LOCATION OF PRESSURE VESSEL STORAGE FACILITIES**

- (1) The Development Officer will make the decision to allow pressure vessel storage facilities for materials such as anhydrous ammonia, propane, oxygen, etc., with a storage capacity exceeding 45,461 litres (10,000 gallons) in the following areas:
- a) Inside and within a 0.8 kilometres (0.5 miles) radius of the designated boundaries of any settlement, hamlet or town as established through the Municipal District of Fairview No. 136 Land Use Bylaw; or
  - b) Provided the location is not within a distance of 0.8 kilometres (0.5 miles) of an existing residence.
- (2) All pressure vessel containers shall be constructed, located and inspected in accordance with the provisions of the Alberta Safety Codes Act, and its regulations.
- (3) Upon receipt of a development permit application for a development which includes a pressure vessel container with a storage capacity exceeding 45,461 litres (10,000 gallons), the Development Officer will require the application to include:
- a) A site plan detailing the location of each pressure vessel;
  - b) An approved emergency response plan, detailing procedures in the event of a pressure vessel rupture or explosion; and
  - c) Where applicable, a contact person and the location of the nearest emergency response team provided by the product vendor.
- (4) Upon receipt of an application for a development permit which includes a pressure vessel with a storage capacity in excess of 45,461 litres (10,000 gallons) the Development Officer shall refer the development proposal to the applicable fire chief for his/her comments and recommendations.
- (5) Notwithstanding other provisions of this Bylaw, no residential development shall be allowed within 0.8 kilometres (0.5 miles) of an existing anhydrous ammonia storage vessel with a storage capacity exceeding 45,461 litres (10,000 gallons).

- (6) When reviewing a development proposal for the placement of commercial pressure vessels with a storage capacity less than 45,461 litres (10,000 gallons) within a hamlet, the Development Officer shall consider:
  - a) The material to be stored in the pressure vessel(s);
  - b) The orientation of the pressure vessel(s) to buildings in the surrounding neighbourhood, especially those which are used for residential use or public assembly;
  - c) The ability of the local fire department to respond to an accident involving the proposed development;
  - d) The truck route through the community which will be used to service the proposed development; and
  - e) Distance from any residence or institution.

**SECTION 7.20      LANDFILL**

- (1) The only landfill site to be allowed in the Municipal District shall be owned and/or operated by the Municipal Government.
- (2) The Developer Officer may require landfills to be properly fenced, screened or buffered from adjacent land uses.
- (3) A landfill shall be setback 91.4 metres (300 feet) from the right-of-way of all roads, including highways.
- (4) The Development Officer shall take into consideration how a landfill conforms to the Municipal District's overall plan for solid waste disposal for the municipality.

**SECTION 7.21      COMMUNICATION TOWERS AND COMMUNICATION STRUCTURES**

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- (1) In all cases, the process outlined in this section does not usurp any federal decision making authority, nor does it confer a right of veto to the Municipal District of Fairview No. 136 in the location of telecommunication facilities.
- (2) Nothing in this Bylaw will affect the ability of the Council to allow communication towers to be constructed in any district and prescribe height requirements, setbacks and minimum separation distances on a case by case basis.
- (3) Applicants must submit a development permit application and the applicable fee to the Development Authority.

- (4) For the purpose of flight safety, recommendations made under Transport Canada 'Aviation-Land Use in the Vicinity of Airports' (TP1247E) on the limits of an 'Outer Surface' along a common plane being established at a constant elevation of 45 metres above the assigned elevation of the aerodrome reference point and extending over a horizontal distance of 45 metres (147.65 ft) within a radius of 4 (four) kilometres around the airport, as amended from time to time, or as varied based on Transport Canada requirements. This will apply to all communication towers and communication structures (Schedule 7, Part 8: Airport Vicinity Protection Area of this bylaw) subject to subsection (2) above.
- (5) Notwithstanding subsection (4) above, the height restrictions to communication towers on lands outside the Airport Vicinity Protection Area that fall within the height limitation contours (Schedule 7, Part 8: Airport Vicinity Protection Area of the Land Use Bylaw) apply, subject to subsection (2).
- (6) Lighting and marking shall be in accordance with relevant Transport Canada regulations or guidelines.
- (7) The proponent is required to provide copies of any reports and/or applications submitted to federal and provincial regulatory bodies.
- (8) The Development Authority shall provide recommendations to Industry Canada with respect to proposed telecommunication facilities, and will encourage the following:
  - a) Telecommunication facilities should be located in a manner that minimizes the impact on the natural environment and residential communities while recognizing the unique location requirements for siting these facilities;
  - b) Co-location opportunities with existing and proposed structures should be explored;
  - c) Facilities and equipment should conform to the appearance of the buildings in the affected land use district. Use of appropriate vegetation and screening is encouraged;
  - d) Facilities and equipment should demonstrate that consideration has been given to minimize the risks to birds;
  - e) All communication towers, facilities and visible accessory equipment should meet the minimum setback requirements of the district in which it is located. Guy wires and other supporting structures should be set back a minimum of 3.05 m (10 ft.) from any lot line. This setback may be increased at the discretion of the Development Authority based on location and access issues including but not limited to potential dangers from public access;
  - f) Communication towers and facilities should be appropriately fenced to the satisfaction of the Development Authority to prevent access to the base of the tower and any other supporting structures;

- g) The use of any portion of a communication tower or facility for erecting signs, other than signs for warning or equipment information, is prohibited; and
  - h) When communication towers and facilities cease operations, they shall be immediately removed and the development site reclaimed.
- (9) Notices shall be sent by the applicant to property owners within a radius of six times the height of the proposed telecommunication facility. The radius is to be measured from the outside perimeter of the supporting structure, which is the further point of the supporting mechanism, be it the guy line, building edge, face of the self-supporting tower, etc. Notice shall also be placed in two consecutive issues of the local newspaper. Both forms of notice shall include the following information:
- a) A description of the proposed installation, including physical details of the structure;
  - b) Its location and address;
  - c) The carrier;
  - d) The date, time, location of a public open house, if required;
  - e) The applicant's contact information; and
  - f) The applicant is required to obtain public comments prior to submitting an application. Copies of public comments are to be included as part of the application.
    - i. The proponent shall respond to all comments in writing, acknowledging receipt of the comment, and address in writing all reasonable and relevant concerns within sixty (60) days;
    - ii. The proponent shall clearly indicate on the reply that the commenting party has twenty-one (21) days from the date of correspondence to reply to the proponent's response.

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**METEOROLOGICAL (MET) TOWERS AND OTHER MONITORING TOWERS**

- (1) Meteorological (MET) towers and other monitoring towers shall comply with the following development standards:
- a) The tower shall be set back a minimum distance equal to the total height of the tower from all property lines;



- b) The tower's guy wire anchors may extend no closer than 3.05 metres (10 feet) to the property boundaries of the installation site, this setback may be increased at the discretion of the Development Authority based on location and access issues including but not limited to potential dangers from public access;
- c) The tower should be appropriately fenced to the satisfaction of the Development Authority to prevent access to the base of the tower;
- d) The tower shall comply with all required setbacks to municipal roads or provincial highways, unless a variance has been approved by the Development Authority or Alberta Transportation;
- e) The tower may be required to be marked with aviation paint (e.g. banding in orange and white or otherwise conspicuous colour combination) and marker balls (in solid orange) installed on the top of guy wires, in accordance with Transport Canada requirements or guidelines;
- f) At the time of an application being made for meteorological (MET) towers and other monitoring towers above the height of 24.38 m (80 ft.) the Development Authority may impose conditions related to safety matters including the installation of warning lights on top of the tower or structure in accordance with the relevant Transport Canada regulations or guidelines; and
- g) Any other requirements deemed necessary by the Development Authority.

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**WIND ENERGY CONVERSION SYSTEMS, CATEGORY 1 & 2**

- (1) Only one WECS shall be approved per titled parcel.
- (2) Applications for WECS, Category 1 and 2 shall be accompanied by:
  - a) The manufacturer's information on power generation and the tower;
  - b) Appropriate letter of approval from Transport Canada and NAV Canada for WECS, Category 2;
  - c) Shadow and flicker, and noise data;
  - d) An analysis for noise to any property line;
  - e) Scaled drawings of foundation and tower built to Alberta Building Code requirements, and be certified by a professional engineer; and
  - f) An accurate site plan showing and labelling the information including the exact location of the turbine (tower and rotor arc) including setbacks and building locations.

- (3) Additional regulations:
- a) The tower base of the WECS, Category 1 and 2 shall be located no less than two times the total height of the WECS from the property line;
  - b) Unless otherwise required by the Development Authority, a WECS, Category 1 and 2 shall be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of a WECS to the satisfaction of the Development Authority;
  - c) No advertising shall appear on the tower or blades; and
  - d) Other information that may be required by the Development Authority.
- (4) All development applications for a WECS, depending on the category, may be required to be accompanied by the results of any public consultation process.
- (5) An application for a WECS, Category 2 shall be subject to the following requirements:
- a) Prior to a decision being made by the Development Authority, a developer of a WECS must conduct a public consultation program, at the complete expense of the developer, which provides all landowners and residents within 2 km (1.2 miles) of the property or parcel subject to a WECS proposal information regarding the proposal;
  - b) The public consultation program shall include one (1) public meeting prior to the application for a WECS being submitted to the Municipal District of Fairview No. 136;
  - c) The notice for the public meeting may be made either by mail out or newspaper advertising;
  - d) The applicant shall prepare a report or summary of the comments or feedback received from the public in regards to the proposal, with a copy of the report submitted to the Development Authority; and
- (6) The Development Authority may require a public consultation process, for any proposal for a WECS, Category 1 if warranted by the location of the land, adjacent land uses, and any natural, scenic or ecological features of the landscape.

**SECTION 7.24            WIND ENERGY CONVERSION SYSTEMS, CATEGORY 3**

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- (1) Only one WECS shall be approved per titled parcel

- (2) Applications for WECS, Category 3

- a) The Development Authority may approve a WECS, Category 3 application on a case-by-case basis having regard for:
  - i. Information provided in the application;
  - ii. Proximity to other land uses in the immediate area;
  - iii. Consideration of the cumulative effect of all WECS approved or proposed in the immediate area;
  - iv. Existing and proposed transmission network; and
  - v. Information received from the circulation of the application to the public.
- b) Prior to a decision being made, the Development Authority shall hold a public meeting in order to solicit the views of the public in regard to the application for a WECS, Category 3 development.
- c) The applicant shall forward to the Municipal District of Fairview No. 136 copies of all regulatory and utility permits, approvals, and conditions prior to commencement of construction.
- d) A WECS, Category 3 development permit shall have a maximum five (5) year development timeline as follows:
  - i. Commencement of construction shall occur within two (2) years of the issuance of the development permit;
  - ii. Construction shall be completed within two (2) years of commencement of construction;
  - iii. A time extension of one (1) year term for either the pre-construction phase or construction phases may be considered by the Development Authority, provided they are applied for prior to that respective phases expiration. The applicant must provide reasons why the extension is necessary;
  - iv. The Development Authority may consider suspending the five (5) year timeline described above in cases where a development hardship on the part of the applicant is proven to the satisfaction of the Development Authority. The Development Authority shall specify the duration of any timeline suspension as part of the approval.
- e) In balancing existing land uses and the development of WECS, Category 3, the Development Authority may require developers to minimize impacts:

- i. Within 1.6 km (1.0 miles) of a Provincially controlled highway;
- ii. Within 3.2 km (2.0 miles) of the boundary of a Provincially or Federally designated parks;
- iii. Along ridge lines;
- iv. Within 2 km (1.2 miles) of residences located on lands designated Agricultural Conservation District (AG-1), Agricultural – Industrial District (AG-2), and Country Residential District (CR) or of a Hamlet or Town.

(3) Application requirements for WECS, Category 3

- a) All development applications for a WECS, Category 3 shall be accompanied by:
  - i. An accurate site plan showing and labelling the information including the exact location of the wind turbine (tower and rotor arc) including setbacks, all associated substations, collection and transmission system on or adjacent to the subject land, and contours of the land and access roads for the complete wind farm;
  - ii. A visual representation depicting the wind turbine from:
    - 1. No further than 5 km (3.1 miles) away;
    - 2. Each residence within 2 km (1.2 miles) of the wind turbine; and
    - 3. The site plan and all setbacks are to include a 50 m (164.04 ft.) buffer surrounding the proposed supporting structures to address a potential relocation that may be granted, up to 50 m (164.04 ft.) from the original application. This variance is permitted through Rule 007 of the Alberta Utilities Commission.
    - 4. Any significant sites as determined by the Development Authority;
  - iii. Visual representation shall include:
    - 1. Scale elevations; and
    - 2. Photographs and/or digital information of the proposed WECS showing total height, tower height, rotor diameter, colour and the landscape;
  - iv. The turbine specifications indicating:
    - 1. The WECS maximum rated output in kilowatts;

2. Safety features and sound characteristics;
  3. Type of tower; and
  4. Dimensions of tower and rotor;
  - v. A Noise Impact Assessment for proposed wind turbines in accordance with Rule 012 Noise Control of the Alberta Utilities Commission;
  - vi. The potential impact for shadow or flicker from the boundary of the potential development to the following:
    1. The boundary of the development;
    2. Any habitable or occupied residence within 2 km (1.2 miles) of the turbine;
  - vii. A report regarding any public information meetings or other process conducted by the developer;
  - viii. Any impacts to the local road system including required approaches from public roads having regard to Municipal District of Fairview No. 136 standard;
  - ix. Post-construction reclamation plan; and
  - x. Decommissioning plans.
- b) Prior to making a decision on a development application for a WECS, the developer shall provide copies of appropriate reports, comments and requests for approvals from the following:
- i. Transport Canada
  - ii. NAV Canada
  - iii. Alberta Culture and Tourism
  - iv. Alberta Environment and Parks
  - v. Alberta Transportation
  - vi. Alberta Electric System Operator (AESO)

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(4) Referrals for WECS, Category 3

- a) Prior to making a decision on a development application for a WECS, the Development Authority shall refer and consider the input from the following:
  - i. An adjacent jurisdiction if its boundaries are located within 2 km (1.2 miles) of the proposed WECS;
  - ii. Municipal district landowners within a 2 km (1.2 miles) radius of the WECS; and
  - iii. Other relevant regulatory authorities and agencies.

(5) Setbacks for WECS, Category 3

- a) The turbine base shall be no closer to the property line than four times the height of the wind turbine tower.
- b) The minimum setbacks related to undeveloped or developed municipal roadways measured from the tower base shall be the total height (as defined in this section) plus ten (10) percent.
- c) The minimum setback related to an Alberta Highway rights-of-way shall be determined by Alberta Transportation.
- d) At no time shall the modeled sound level of a WECS, Category 3 exceed the "Permissible Sound Level" established under Rule 012 of the Alberta Utilities Commission.
- e) Notwithstanding the above where, in the opinion of the Development Authority, the setbacks referred to in Setbacks for WECS, Category 3 a) – b) are not sufficient to reduce the impact of a WECS, the Development Authority may increase the required setback.
- f) The minimum vertical blade clearance from grade shall be 7.5 m (24.6 ft.) for a WECS employing a horizontal axis rotor unless otherwise required by the Development Authority.

(6) Tower access and safety for WECS, Category 3

- a) To ensure public safety, the approval authority may require that:
  - i. A security fence with a lockable gate shall surround the WECS tower not less than 1.8 m (6 ft.) in height;
  - ii. No ladder or permanent tower access device shall be located less than 3.7 m (12 ft.) from grade;
  - iii. A locked device shall be installed on the tower to preclude access to the top of the tower;

- iv. The use of tubular towers, with locked door access, will preclude the above requirements; and
  - v. Any additional information as required by the Development Authority.
- (7) The proponent is required to inform the Municipal District of Fairview No. 136 in the case of the relocation of any supporting structure, as a relocation is permitted up to 50 m (164.04 ft.) without additional approvals through Rule 007 of the Alberta Utilities Commission.
- (8) Distribution lines for WECS, Category 3
- a) All collector lines (less than 69 Kv), will be underground except where the Development Authority approves overhead installations.
- (9) Colour and finish for WECS, Category 3
- a) Unless otherwise required by the Development Authority, a WECS shall be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of a WECS to the satisfaction of the Development Authority.
  - b) No advertising shall appear on the towers or blades. On other parts of the WECS, the only lettering will be the manufacturer's and/or owner's identification.
- (10) Repowering for WECS, Category 3
- a) Should a developer propose alteration, retooling or repowering of an existing WECS where the equipment has changed from the original approval, the developer shall apply for a new development permit.
- (11) Decommissioning for WECS, Category 3
- a) Should a WECS discontinue producing power for two years, the WECS operator shall provide a status report to the Development Authority. A review of the status report may result in a request for the WECS to be decommissioned. Failure to comply with a decommissioning request may result in the issuance of a stop order by the Development Authority in accordance with the provision of the Municipal Government Act.
  - b) The Development Officer may require, as a condition of a development permit, that the developer provide a guaranteed security to ensure reclamation is completed to a state satisfactory to the Municipal District of Fairview No. 136. The security shall amount to 100% of reclamation costs and may be in the form of cash or an automatically irrevocable letter or credit.

**WIND FARM**

- (1) A wind farm is a system consisting of two or more WECS of any category, and related facilities connected to the same substation or metering point used for the production of electric power. The boundary of the wind farm is defined by all titled parcels participating in the project.
- (2) Applications for a Wind Farm
  - a) The Development Authority may approve a Wind Farm application on a case-by-case basis having regard for:
    - i. Information provided in the application;
    - ii. Proximity to other land uses in the immediate area;
    - iii. Consideration of the cumulative effect of all WECS in the immediate area;
    - iv. Existing and proposed transmission network; and
    - v. Information received from the circulation of the application to the public.
  - b) Prior to a decision being made, the Development Authority shall hold a public meeting in order to solicit the views of the public in regard to the application for a Wind Farm development.
  - c) The applicant shall forward to the Municipal District of Fairview No. 136 copies of all regulatory and utility permits, approvals, and conditions prior to commencement of construction.
  - d) A Wind Farm development permit shall have a maximum five (5) year development time line as follows:
    - i. Commencement of construction shall occur within two (2) years of the issuance of the development permit;
    - ii. Construction shall be completed within two (2) years of commencement of construction;
    - iii. A time extension of one (1) year term for either the pre-construction phase or construction phases may be considered by the Development Authority, provided they are applied for prior to that respective phases expiration. The applicant must provide reasons why the extension is necessary;
    - iv. The Development Authority may consider suspending the five (5) year timeline described above in cases where a development hardship on the part of the applicant is proven to the satisfaction of the Development Authority.



The Development Authority shall specify the duration of any timeline suspension as part of the approval.

- e) In balancing existing land uses and the development of a Wind Farm, the Development Authority may require developers to minimize impacts:
  - i. Within 1.6 km (1.0 miles) of a Provincially controlled highway;
  - ii. Within 3.2 km (2.0 miles) of the boundary of a Provincially or Federally designated parks;
  - iii. Along ridge lines;
  - iv. Within 2 km (1.2 miles) of a residence or from a Hamlet or Town boundary.

(3) Application requirements for a Wind Farm

- a) All development applications for a Wind Farm shall be accompanied by:
  - i. An accurate site plan showing and labelling the information including the exact location of each existing and proposed wind turbine (tower and rotor arc) including setbacks, all associated substations, collection and transmission system on or adjacent to the subject land, and contours of the land and access roads for the complete wind farm;
  - ii. A digital database listing exact location and base elevation of each wind turbine in a format acceptable to the Municipal District of Fairview No. 136;
  - iii. A visual representation depicting the Wind Farm from:
    - 1. No further than 5 km (3.1 miles) away;
    - 2. Each residence within 2 km (1.2 miles) of the wind farm boundaries;
    - 3. Any significant sites as determined by the Development Authority;
  - iv. Visual representation shall include:
    - 1. Scale elevations; and
    - 2. Photographs and/or digital information of the proposed WECS showing total height, tower height, rotor diameter, colour and the landscape;
  - v. The turbine specifications indicating:
    - 1. The WECS maximum rated output in kilowatts;
    - 2. Safety features and sound characteristics;
    - 3. Type of tower; and

- 4. Dimensions of tower and rotor;
- vi. A noise impact assessment for proposed power plants in accordance with Directive 038 of the Alberta Energy Regulator;
- vii. The potential impact for shadow or flicker from the boundary of the potential development to the following:
  - 1. The boundary of the development;
  - 2. Any habitable or occupied residence within 2 km (1.2 miles) of any turbine;
- viii. A report regarding any public information meetings or other process conducted by the developer;
- ix. Any impacts to the local road system including required approaches from public roads having regard to Municipal District of Fairview No. 136 standard;
- x. Post-construction reclamation plan; and
- xi. Decommissioning plans.
- b) Prior to making a decision on a development application for a Wind Farm, the developer shall provide copies of appropriate reports, comments and requests for approvals from the following:
  - i. Transport Canada
  - ii. NAV Canada
  - iii. Alberta Culture and Tourism
  - iv. Alberta Environment and Parks
  - v. Alberta Transportation
  - vi. Alberta Electric System Operators (AESO)

929/DEV/2016  
2017/01/10

(4) Referrals for a Wind Farm

- a) Prior to making a decision on a development application for a Wind Farm, the Development Authority shall refer and consider the input from the following:
  - i. An adjacent jurisdiction if its boundaries are located within 2 km (1.2 miles) of the proposed wind farm project boundary;

- ii. Municipal district landowners within a 2 km (1.2 miles) radius of the wind farm project boundary; and
- iii. Other relevant regulatory authorities and agencies.

(5) Setbacks for a Wind Farm

- a) All wind turbines within a wind farm shall comply with the setbacks for WECS, Category 3 for wind turbines.

**SECTION 7.26**  
940/DEV/2017  
2018/01/23

**CRAFT MICROBREWERIES**

- (a) The development of microbreweries, must be licensed by the Alberta Gaming Liquor Commission (AGLC), meet the requirements of Alberta Health Services, as well as any other applicable provincial regulations and bylaws.
- (b) The manufacturing of beer and other alcoholic beverages within a microbrewery shall adhere to the production maximum for the M.D. of Fairview No. 136 (<400,000 hectoliters) per annum.
- (c) The development of microbreweries may be combined with other accessory uses such as a 'Restaurant' and 'Tasting Room', provided both uses are permitted in the respective district.
- (d) Microbreweries shall mitigate nuisance through screening, setback distances, hours of operation, separation, based on site specific conditions, at the discretion of the Development Authority for the following:
  - a) noise
  - b) odour
  - c) vibration
  - d) smoke, dust and other kinds of particle matter; or,
  - e) any other nuisance factors
- (e) Setbacks for Craft Microbreweries must conform to the respective district provisions.
- (f) Add the following to Section 6.15 (11) Parking Requirements: Craft Microbrewery: 6 spaces per 100 m<sup>2</sup> (1076.4 ft<sup>2</sup>) GFA or 1 space for every 4 seats whichever is more.
- (g) There shall be no outdoor manufacturing activities, or unenclosed outdoor storage of material or equipment associated with the business.

**SECTION 7.27**  
976/DEV/2020  
2021/04/13

**SHIPPING CONTAINER**

- (1) The use of a shipping container on any parcel of land within the Municipal District shall require a development permit prior to their placement, and shall be considered as a discretionary use in agricultural, industrial and commercial districts.

(2) Notwithstanding subsection (1), the shipping container will not need a development permit if the shipping container is used solely for temporary storage for no longer than six (6) months during a renovation or moving process, provided it complies with the bylaw.

(3) A maximum of one (1) permanent shipping container will be allowed within a parcel of land. Any additional shipping containers may be permitted at the discretion of the Development Officer.

(4) Shipping containers shall be subject to the minimum required setbacks for accessory buildings of each respective district, and shall only be located on the rear or side yards of the principal building.

(5) Shipping containers shall be used for storage purposes only, and shall not be used to store dangerous or hazardous materials.

(6) Shipping containers shall not be used for human or animal habitation.

(7) Shipping containers shall not be stacked one upon another.

(8) As part of condition of approval, the Development Officer may require the shipping container to be:

a) screened from view from any public roadway and/or neighboring properties;

b) finished or painted to match or complement the exterior finish of the principal building; and

c) maintained in good condition to the satisfaction of the Development Officer.

## **SECTION 7.29**

951/DEV/2018  
2018/09/11

## **CANNABIS RETAIL SALES**

(1) The owner or applicant must obtain any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.

(2) Cannabis Retail Sales use shall not be located within 100 metres from the following

a) a private or public school;

b) a provincial health care facility; or

c) school reserve or municipal and school reserve.

(3) The separation distance between uses shall be measured from lot line to lot line.

(4) The development shall not operate in conjunction with another approved use.

(5) Customer access to the store is limited to a store-front that is visible from the street.

- (6) No customer parking shall be located behind a facility and all parking areas in front of the building shall be well lit.
- (7) Parking shall be provided in accordance with the minimum requirements under Section 6.15 (11) for Retail Commercial.

**SECTION 7.30**  
951/DEV/2018  
2018/09/11

**CANNABIS PRODUCTION FACILITY**

- (1) The owner or applicant must provide, as a condition of development, a copy of the current license for all activities associated with cannabis production as issued by the Federal Government.
- (2) The owner or applicant must obtain any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.
- (3) The development must be done in a manner where all of the processes and functions are fully enclosed within a stand-alone building including all loading stalls and docks, and garbage containers and waste material.
- (4) The development shall not include an outdoor area for storage of goods, materials or supplies.
- (5) The development shall not operate in conjunction with another use where alcohol, tobacco, or pharmaceuticals are sold.
- (6) The development must include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system.
- (7) The Development Officer may require, as a condition of a development permit, a waste management plan, completed by a qualified professional, which includes but is not limited to, details on:
  - a) the incineration of waste products and airborne emissions, including smell;
  - b) the quantity and characteristics of liquid and waste material discharged by the facility; and
  - c) The method and location of collection and disposal of liquid and waste material discharged by the facility.
- (8) Parking shall be provided in accordance with the minimum requirements under section 6.15 (11) for Manufacturing Industry.

**SECTION 7.31**  
964/DEV/2020  
2020/02/11

**OUTDOOR CANNABIS CULTIVATION**

- (1) Cannabis cultivator/producer shall obtain all necessary federal, provincial, and municipal approvals before commencing the cultivation outdoors.

- (2) The cannabis cultivator/producer shall provide a copy of their licence for all activities associated with the outdoor cultivation of cannabis. The copy shall be provided to the municipality as part of the development permit application.

**SECTION 7.32**  
996/DEV/2022  
2022/11/15

### **DATA PROCESSING CENTRE**

- (1) Where AUC approval has been applied for, or received, the Development Permit application for a Data Processing Centre shall not be deemed complete until a copy of the approval from AUC has been received by the Municipal District.
- (2) Where AUC approval has been applied for, or received, a copy of the application submitted to the AUC may be used to satisfy some or all the requirements for a Development Permit. The Development Authority may also request additional information be submitted as part of the Development Permit application as outlined under Section 3.4.
- (3) The Development Authority shall require, as a condition of Development Permit approval, that the applicant(s) acquire all necessary Provincial permits and approvals pertinent to the proposed development. Further, the applicant(s) shall be required to supply a copy of any such Provincial permit or approval to the Municipal District for its records.
- (4) The period for a development permit for the operation of a Data Processing Centre shall be at the discretion of Development Authority, based on the scope of the proposed project. In districts where this use is allowed, the Development Authority can set the limit to a maximum of 5 years.
- (5) The quality of the design and finishing of the buildings or shipping containers shall be to the satisfaction of the Development Authority.
- (6) A noise impact assessment shall be required by the Development Authority. If deemed necessary, a noise mitigation plan may be required by the Development Authority.
- (7) The Data Processing Centre and associated power plant shall have a minimum setback of 800 meters from the nearest wall of an existing dwelling unit.
- (8) Notwithstanding Section 7.32 (7), the setback may be reduced without requiring a variance if the noise impact assessment and noise mitigation plan is deemed sufficient to the satisfaction of the Development Authority.
- (9) In determining the appropriateness and suitability of a site for a proposed Data Processing Centre, with associated power plant, the Development Authority shall consider information required by the AUC as part of applications for power plants, as well as may consider due regard for the following:
  - a) the purpose of this Bylaw and the purpose of the district in which the development is located and future use of the site;

- b) the provisions of the Municipal Development Plan and other relevant statutory plans;
  - c) relevant guidelines and applications made for provincial approval;
  - d) conservation of topsoil for agricultural use;
  - e) conservation of designated historical resources;
  - f) conservation of trees and maintenance of habitat;
  - g) protection of environmentally significant and sensitive areas;
  - h) protection of water bodies and watercourses;
  - i) safety and potential nuisance effect(s) on adjacent properties.
- (10) When evaluating the appropriateness of a proposed Data Processing Centre, the Development Authority shall consider:
- a) All surface drainage must be contained on site and any adjacent water bodies must be adequately protected from run-off. Site grade where the proposed Data Processing Centre is located should retain the natural contour of the land.
  - b) Suitable fencing may be installed to provide security and discourage trespassing.
  - c) There must be adequate spacing between equipment and related infrastructure used in the Data Processing Centre to allow firefighting of both forage and electrical fire.
  - d) Landscaping and screening may be required at the discretion of the Development Authority to address any adverse visual impact to nearby residences and public roadway.
  - e) A weed control plan may be required to the satisfaction of the Municipal District's Agricultural Services Board, or designate.
  - f) Plans for decommissioning and reclamation which outlines how the sites will be returned to their pre-development state, where required by the AUC, shall be required by the Development Authority.
- (11) Any development shall be designed to mitigate all off-site nuisance factors including excessive noise, odour, traffic, dust, and other impacts to the satisfaction of the Development Authority. A mitigation plan shall be provided at the time of the development permit application to demonstrate that these nuisance factors have been mitigated.

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**PART 8**  
**FAIRVIEW AIRPORT**  
**VICINITY PROTECTION AREA**

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## **PART 8: FAIRVIEW AIRPORT VICINITY PROTECTION AREA**

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### **SECTION 8.1 DEFINITIONS**

(1) Within this Section, the following definitions shall apply:

- a) **“AIRPORT”** means the Fairview Airport within the Protection Area;
- b) **“AIRPORT REFERENCE POINT ELEVATION”** means the lowest threshold elevation point of the runway as shown on the map in Schedule 4 of this Part;
- c) **“AIRPORT RUNWAY”** means the area of land within the airport that is used or intended to be used for the take-off and landing of aircraft;
- d) **“BASIC STRIP”** means a basic strip as described in Schedule 4 of this Part;
- e) **“DEVELOPMENT”** includes a proposed development;
- f) **“LAND USE BYLAW”** means the Land Use Bylaw for the Municipal District of Fairview No. 136 as amendment from time to time;
- g) **“MUNICIPALITY”** means the Municipal District of Fairview No. 136;
- h) **“NOISE EXPOSURE FORECAST AREA”** or **“NEF AREA”** means an area of land within the Protection Area that:
  - i. Is enclosed by the 40 NEF Contour;
  - ii. Lies between two (2) NEF contours; or
  - iii. Lies between the twenty five (25) NEF Contour and the boundary of the Protection Area;
- i) **“NEF CONTOUR”** means a numbered contour as shown in the map in Schedule 2 of this Part;
- j) **“OUTER SURFACE”** means the outer surface as described in Schedule 4 of this Part;
- k) **“PROTECTION AREA”** means the Fairview Airport Vicinity Protection Area as described in Schedule 1 and in Schedule 2 of this Part;
- l) **“TAKE-OFF / APPROACH SURFACE”** means a take-off and approach surface as described in Schedule 4 of this Part;
- m) **“TRANSITIONAL SURFACE”** means a transitional surface as described in Schedule 4 of this Part.

- (2) For the purpose of this Regulation, accessory land use, structure or development means a land, structure or development that is subordinate or incidental to the major land use, structure or development, as the case may be.
- (3) For the purpose of this Regulation, a reference to a land use, structure or development may include accessory land use, structure or development, as the case may be.

## **SECTION 8.2            GENERAL PROVISIONS**

- (1) This Section applies only to a development or proposed development within the boundary of the Fairview Airport Vicinity Protection Area.
- (2) All developments within the Protection Area under the jurisdiction of the Municipal District of Fairview No. 136, require a development permit except for those that comply with the height limitations in Section 8.6 and the following:
  - a) Works of maintenance, repair or alteration on a building, both internal and external, if the work:
    - i. Does not include structural alterations; and
    - ii. Does not change the use or intensity of the use of the structure.
  - b) The erection, construction or the maintenance of gates, open fences, screening fences or other means of enclosure;
  - c) The erection or installation of machinery, buildings or structures needed in connection with operations for which a development permit has been issued for the period of those operations; and
  - d) The construction and maintenance of that part of a public utility placed in or on a public thoroughfare or public utility easement.
- (3) The Development Officer shall administer this Regulation.
- (4) The Development Officer may issue a development permit for a development if the development conforms to this Regulation and this Land Use Bylaw.
- (5) A decision of the Subdivision and Development Appeal Board shall conform to this Regulation.
- (6) The Development Officer and Subdivision and Development Appeal Board are not precluded by this Regulation from attaching to a development permit, in accordance with the Land Use Bylaw, any conditions that do not conflict with this Regulation.

## **SECTION 8.3            ESTABLISHMENT OF PROTECTION AREA**

- (1) The area described in Schedule 1 is established as the Fairview Airport Vicinity Protection Area.

- (2) If any discrepancy exists between the description of the protection area in Schedule 1 and the location of the protection area as shown in Schedule 2, the description in Schedule 1 prevails.

#### **SECTION 8.4           LAND USE**

- (1) For the purpose of this Section and Schedule 3, the Protection Area is divided into the following land use districts, as shown in Schedule 2, namely:
  - a) The Airport Property District, designated A-P, and
  - b) The Airport Rural District, designated A-R
- (2) Notwithstanding 8.4(1), a land use Bylaw amendment may be initiated for a district within the Airport Vicinity Protection Area in accordance with established procedures and the re-designation shown on Schedule 2 of this Part. A Bylaw amended shall be evaluated against the intent of these districts. Should the land use be amended, all other site provisions in this section shall continue to apply. The intent of this is to allow development to proceed while preserving the intent, direction and spirit of the above referenced protection districts and associated site provisions.
- (3) For the purpose of this Section, one land is substantially similar to another if, in the opinion of the Development Officer:
  - a) Its intended use is the same as that of the other;
  - b) It is no more sensitive to external noise than the other;
  - c) It does not attract birds;
  - d) It does not generate a large amount of smoke or dust; and
  - e) It does not exceed the height limitations described in Section 8.6.
- (4) The Development Officer may issue a development permit for a development that involves a land use that is designated "P" in Table 1 of Schedule 3 or is substantially similar to such a land use.
- (5) The Development Officer may issue a development permit for a development that involves a land use that is designated "C" followed by a number in Table 1 of Schedule 3, or is substantially similar to such a land use, and the appropriate condition specified in Table 2 of Schedule 3 is deemed to be part of the land use for the purpose of this Regulation.
- (6) The Development Officer shall not issue a development permit for a development that involves a land use that:
  - a) Is designated "NA" in Table 1 of Schedule 3 or is substantially similar to such land use; or
  - b) Is neither listed in Table 1 of Schedule 3, nor authorized under Subsection (4) or (5).

#### **SECTION 8.5           ACCESSORY LAND USE**

- (1) If a development permit application is made for a development that involves an accessory land use, structure or development that, in the opinion of the Development Officer:
  - a) Is more sensitive to external noise than a major land use, structure or development;
  - b) Attracts birds; or
  - c) Generates a large amount of smoke; or dust or both, the Development Officer may consult with other agencies to determine if the development permit application should be approved.

## **SECTION 8.6            HEIGHT LIMITATIONS**

- (1) A development permit shall not be issued for a development in the Protection Area if the highest point of the development exceeds the specified and permitted elevation at the following location:
  - a) The take-off/approach surfaces of the runway of the airport; and
  - b) The transitional surfaces of the runway of the airport.
- (2) For the purposes of this Section:
  - a) If the proposed development is a railway, the highest point of the development shall be deemed to be 6 metres (19.7 feet) higher than the actual height of the rails; and
  - b) If the proposed development is a highway or roadway, the highest point of the development shall be deemed to be 4 metres (13.1 feet) higher than the actual height of the highest part of the travelled portion of the highway.

The airport reference point elevation is deemed to be 655 metres (2149.05 feet) above sea level.

## **SECTION 8.7            ELECTRONIC FACILITIES**

- (1) If a development permit application is made for a development located wholly or partly within an electronic facilities restricted area, the Development Officer may consult with other agencies to determine if the development permit application should be approved.
- (2) The Development Officer may consult with other agencies for comments if:
  - a) The application is made for a development located wholly or partly within the contour lines shown in Schedule 6; and
  - b) The Development Officer is satisfied that the highest point of the development will exceed the maximum height limitations indicated in Schedule 6.
- (3) In Subsection (1), “electronic facilities restricted area” means the restricted area around each electronic facility as shown in Schedule 6.

- (4) For the purposes of Subsection (2)(b):
- a) If the location of a development lies between two (2) numbered contours, shown in Schedule 6, the maximum height limitation applicable to the development is the height limitation represented by the lower of the two (2) numbered contours; and
  - b) If the location of a development lies between a numbered contour and the boundary of the Protection Area shown in Schedule 6, the maximum height limitation applicable to the development is the height limitation represented by the numbered contour.

## **SECTION 8.8            APPLICATION**

- (1) This Regulation does not apply to:
- a) A development in respect of which a development permit application was submitted before the date on which this Regulation comes into force; or
  - b) A development exempted from requiring a development permit before the date on which this Regulation comes into force.

## SCHEDULE 1

### FAIRVIEW AIRPORT VICINITY PROTECTION AREA

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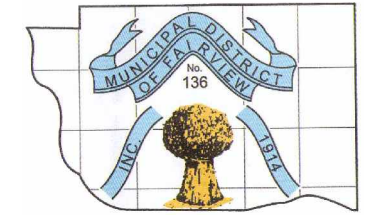
The **Fairview Airport Vicinity Protection Area** consists of the land described below:

In Township 82, Range 3, and West of the Sixth Meridian:

West Half of Section 4;  
Section 5;  
Section 6;  
South Half of Section 7;  
South Half of Section 8;  
South Half of Section 9;  
Northeast Quarter, Section 9.

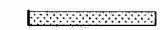
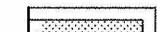




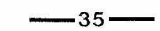


In Township 81, Range 3, and West of the Sixth Meridian:

Northwest Quarter, Section 31;  
Northeast Quarter, Section 31 – lying to the North of Highway 64A (Road Plan 2340 TR);  
Northwest Quarter, Section 32 – lying to the North of Highway 64A (Road Plan 2340 TR);  
Northeast Quarter, Section 32 – lying to the North of Road Plan 1656 MC



# M.D. of Fairview No. 136 Land Use Bylaw No. 876

## Fairview Airport Vicinity Protection Area

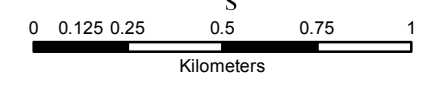
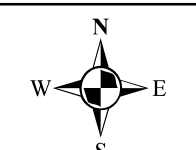
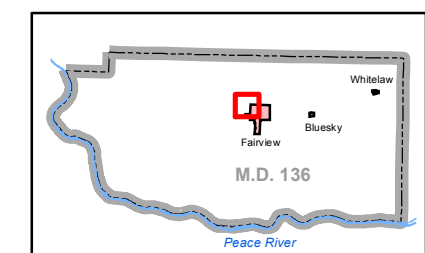
-  Runway
-  Basic Strip
-  Airport Property Boundary
-  Municipal Boundary
-  AVPA Boundary
-  NEF Contour
-  Land Use District Boundary
-  A-P Airport Property District
-  A-R Airport Rural District

### Schedule 2: Land Use District Map

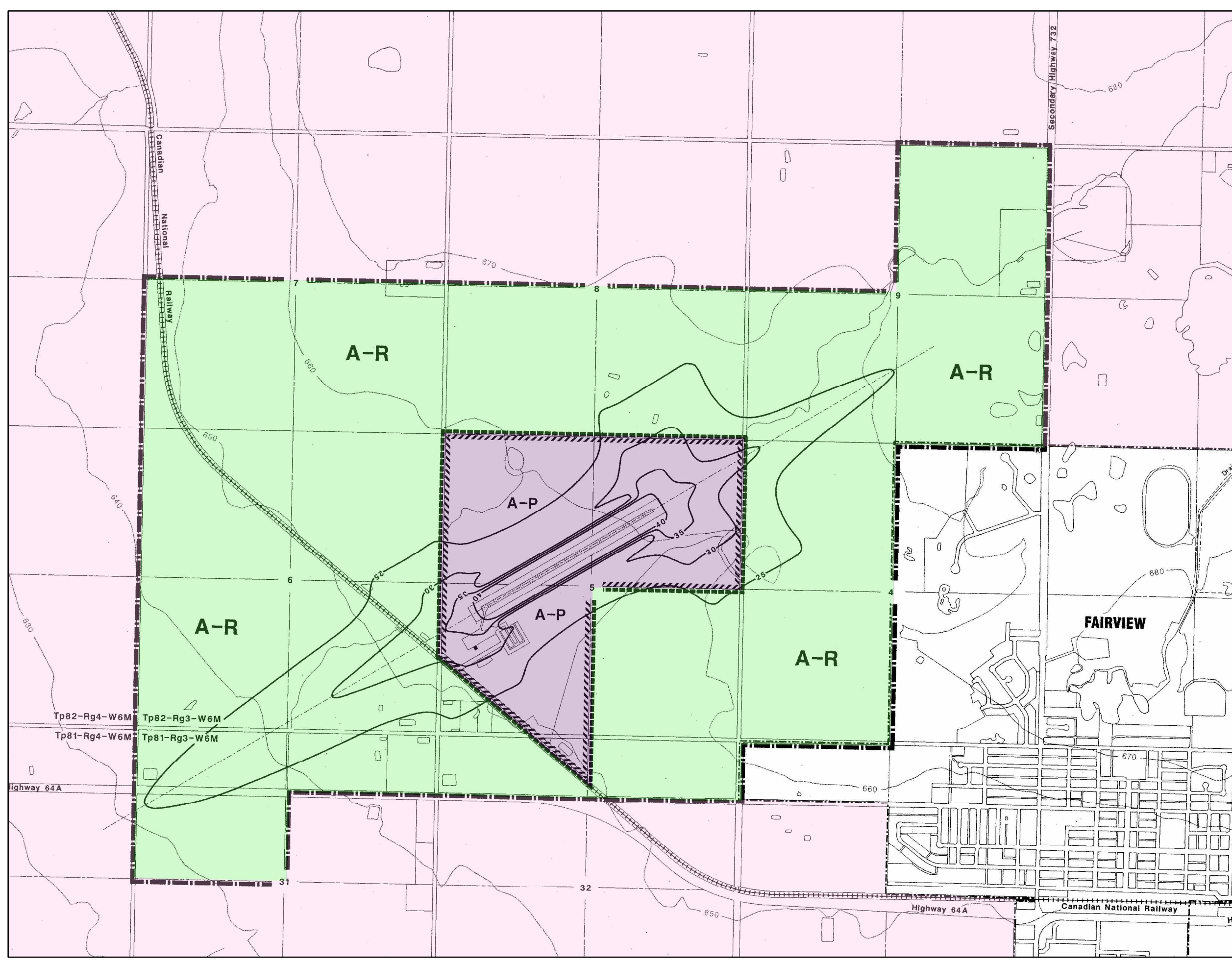
Adopted by Council this 28 th day of September 2010

Original Signed By: *E. H. Mann*  
REEVE

Original Signed By: *D. [Signature]*  
CHIEF ADMINISTRATIVE OFFICER



Adoption Date: September 28, 2010  
Last Updated: September 28, 2010



**SCHEDULE 3**  
**LAND USE IN RELATION TO NOISE EXPOSURE FORECAST AREAS**

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(1) In this schedule:

- (a) “C” followed by a number, where it appears in one of the NEF area columns in Table 1 opposite a particular land use, means that the land use is subject to the conditions set out in Table 2 bearing the same letter and number;
- (b) “NA” where it appears in one of the NEF area columns in Table 1 opposite a particular land use, means that the use is not allowed in that NEF area;
- (c) “NEF 25 Area” means the NEF area that lies between the 25 NEF contour and the boundary of the protection area;
- (d) “NEF 25 – 30 Area” means the NEF area that lies between the 25 NEF contour and the 30 NEF contour;
- (e) “NEF 30 – 35 Area” means the NEF area that lies between the 30 NEF contour and the 35 NEF contour;
- (f) “NEF 35 – 40 Area” means the NEF area that lies between the 35 NEF contour and the 40 NEF contour;
- (g) “NEF 40+ Area” means the NEF area enclosed by the 40 NEF contour;
- (h) “P” where it appears in one of the NEF area columns in Table 1 opposite a particular land use, means the land use in that NEF area is unconditionally permitted by this Regulation;
- (i) “residential replacement or infill” means a new residential development that does not exceed the intensity of use before the coming into force of this Regulation and:
  - i. That will replace a residential development that has been demolished or destroyed, or
  - ii. That is to be built on a lot that, before the coming into force of Regulation is:
    - (a) Registered under *Land Titles Act*, and
    - (b) Designed for residential development in a statutory plan.

(2) Development existing before the coming into force of this Regulation shall be deemed to comply with the exterior insulation requirements set out in this Schedule.



## SCHEDULE 3

**TABLE 1**  
**LAND USE IN RELATION TO NOISE EXPOSURE FORECAST AREAS**

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The performance criteria utilized determines permitted and conditional land uses as follows:

- (1) Uses that involve continuous human occupancy (e.g. residential use)
  - Conditional approval (C1) above the 25 NEF Contour
  - Not permitted above the 30 NEF Contour
- (2) Uses that involve continuous human occupancy but comprise residential replacement of infill
  - Conditional approval (C1) above the 25 NEF Contour
- (3) Uses that involve temporary medium term human occupancy where the majority of people occupy the space for an 8 hour work period (employee oriented)
  - Conditional approval (C1) above the 30 NEF Contour
  - Not permitted above the 40 NEF Contour
- (4) Uses that involve temporary short term human occupancy where the majority of people occupy the space temporarily (customer oriented) (e.g. drive-in restaurants, vehicle and equipment sales)
  - Not permitted above the 40 NEF Contour
- (5) Uses that involve the indoor assembly of people (e.g. clubs, fraternal organizations)
  - Conditional approval (C1) above the 30 NEF Contour
  - Not permitted above the 40 NEF Contour
- (6) Uses that involve outdoor recreation
  - Conditional approval (C3) above the 30 NEF Contour
- (7) Uses that involve outdoor accommodation (e.g. camping, R.V. trailer park)
  - Not permitted above the 35 NEF Contour
- (8) Uses that may attract birds or produce large quantities of smoke, dust or both
  - Referral required (C2)
- (9) Uses that, because of their nature, are not adversely affected by external noise due to limited or no human occupancy or sufficient internal noise generation
  - permitted
- (10) Uses that may be adversely affected by external noise do not involve human occupancy (e.g. kennel, fur farm)
  - Referral required (C2) above the 25 NEF Contour
- (11) Other uses require specific determination of noise compatibility
  - Referral required (C2)

### Airport Property District (A-P)

The Airport Property District (A-P) refers to the area within the airport boundary

Land Use	Performance Criteria	Noise Exposure Forecast Areas				
		NEF 25 Area	NEF 25-30 Area	NEF 30-35 Area	NEF 35-40 Area	NEF 40+ Area
		Airport Regulated Use	9	P	P	P
Extensive Agriculture	9	P	P	P	P	P

### Airport Rural District (A-R)

The Airport Property District (A-R) refers to the area within the AVPA boundary that reflects the Municipal District's land use districts.

Land Use	Performance Criteria	Noise Exposure Forecast Areas				
		NEF 25 Area	NEF 25-30 Area	NEF 30-35 Area	NEF 35-40 Area	NEF 40+ Area
		<b>Agricultural Use</b>				
Extensive Agriculture	9	P	P	P	P	P
Intensive Agriculture	8	C2	C2	C2	C2	C2
Farm Building	9	Treat as an accessory use				
Market Gardening	9	P	P	P	P	P
Fur Farm	10	P	C2	C2	C2	C2
Apiary	10	P	C2	C2	C2	C2
<b>Commercial Use</b>						
Auction Market	8	C2	C2	C2	C2	C2
Clinic, Medical Centre	3	P	P	C1	C1	NA
Convenience Store	4	P	P	P	P	NA
Drive-in Theatre	8	C2	C2	C2	C2	C2
Livestock Holding Station	8	C2	C2	C2	C2	C2
Kennel	10	P	C2	C2	C2	C2
Motel, Hotel	3	P	P	C1	C1	NA
Parking Facility	9	P	P	P	P	P
Restaurant	3	P	P	C1	C1	NA
Service Station/Car Wash	4	P	P	P	P	NA
Tavern/Cocktail Lounge	3	P	P	C1	C1	NA
Farm Occupation		Treat as an accessory use				
Home Occupation		Treat as an accessory use				
Sign	9	P	P	P	P	P
Abattoir	8	C2	C2	C2	C2	C2
Butcher Shop	4	P	P	P	P	NA
Veterinary Clinic	10	P	C2	C2	C2	C2
Laundromat	4	P	P	P	P	NA

Land Use	Performance Criteria	Noise Exposure Forecast Areas				
		NEF 25 Area	NEF 25-30 Area	NEF 30-35 Area	NEF 35-40 Area	NEF 40+ Area
<b>Industrial Use</b>						
Cartage, Freighting, Trucking Yard	9	P	P	P	P	P
Chemical Processing Plant	8	C2	C2	C2	C2	C2
Feed Mill	8	C2	C2	C2	C2	C2
Grain Elevator	8	C2	C2	C2	C2	C2
Gravel and Sand Pit	8	C2	C2	C2	C2	C2
Light Industrial Facility (Office or Lab)	3	P	P	C1	C1	NA
Light Industrial Facility (Other)	9	P	P	P	P	P
Asphalt Plant	8	C2	C2	C2	C2	C2
Oil and Gas Plant	8	C2	C2	C2	C2	C2
Cement Plant	8	C2	C2	C2	C2	C2
Seed Cleaning Plant	8	C2	C2	C2	C2	C2
Bulk Fuel/Fertilizer Sales and Storage	9	P	P	P	P	P
Natural Resource Extraction Industry	8	C2	C2	C2	C2	C2
Pelletizing Plant	8	C2	C2	C2	C2	C2
Warehousing/Storage	9	P	P	P	P	P
Manufacturing/Processing Raw Material	8	C2	C2	C2	C2	C2
<b>Public and Semi-Public Use</b>						
Community Hall	5	P	P	C1	C1	NA
Hospital and Nursing Home	1	P	P	C1	C1	NA
Library	3	P	P	C1	C1	NA
Managed/Natural Bird Habitat	8	C2	C2	C2	C2	C2
Place of worship	5	P	P	C1	C1	NA
Public Incinerator	8	C2	C2	C2	C2	C2
Telephone System	9	P	P	P	P	P
Waterworks System	8	C2	C2	C2	C2	C2
Bus Line/Transportation System	4	P	P	P	P	NA
Sewage Treatment Plant	8	C2	C2	C2	C2	C2
Sanitary Landfill Site	8	C2	C2	C2	C2	C2
School	3	P	P	C1	C1	NA
Thermal Electric Plant	8	C2	C2	C2	C2	C2
Cemetery	9	P	P	P	P	P
<b>Recreational Use</b>						
Swimming Pool	5	P	P	C1	C1	NA
Campsite	7	P	P	P	NA	NA
Golf Course	6	P	P	C3	C3	C3
Passive Park	6	P	P	C3	C3	C3
RV Parking Facility	7	P	P	P	NA	NA
Walking Trail	6	P	P	C3	C3	C3
Race Track	6	P	P	C3	C3	C3
Riding Stable	10	P	C2	C2	C2	C2
Sports Field	6	P	P	P	C3	C3

Land Use	Performance Criteria	Noise Exposure Forecast Areas				
		NEF 25 Area	NEF 25-30 Area	NEF 30-35 Area	NEF 35-40 Area	NEF 40+ Area
<b>Residential Use</b>						
Manufactured Home	1	P	C1	NA	NA	NA
Manufactured Home Park	1	P	C1	NA	NA	NA
Single Family Dwelling	1	P	C1	NA	NA	NA
Residential Infill	2	P	C1	C1	C1	C1
Caretaker Residence	1	P	C1	NA	NA	NA
Farm Building		Treat as an accessory building				

## SCHEDULE 3

### TABLE 2 LAND USE CONDITIONS

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- C<sub>1</sub> Construction shall conform to the exterior acoustic insulation requirements of Part 11 of the Alberta Building Code 1990 declared in force by the Alberta Building Regulation, 1991 (Alta. Reg. 109/91) for those NEF areas other than the NEF 25 area, unless otherwise stated in this Regulation. Where this condition is specified, the Development Officer shall indicate on the Development Permit between which noise contours the proposed development site would be located for reference of the building inspector at the time of the building permit application.
- C<sub>2</sub> The development shall be covered completely.
- C<sub>3</sub> The development shall not include structures for the seating of spectators except as varied to allow for seating of a minor nature as specified in the condition.

## SCHEDULE 4

### HEIGHT LIMITATIONS FAIRVIEW AIRPORT VICINITY PROTECTION AREA

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#### 1. Basic Strip

The basic strip associated with the airport runway is an area of 60 metres out from each end of the runway, 45 metres on each side of the centre line of the runway end with a total length of 1,184.4 metres.

#### 2. Take-off / Approach Surfaces

There are take-off approach surfaces associated with each end of the basic strip and in each case the surface is imaginary and consists of an inclined plane that:

- (a) Commences at and abuts the end of the basic strip;
- (b) Rises at a slope ratio of 1:30 (3.33%) measured from the end of the basic strip;
- (c) Diverges outward on each side as it rises at a rate of 10% measured from the respective projected lateral limits of the basic strip, and
- (d) Ends at its intersection with the outer surface.

### **3. Transitional Surfaces**

There is a transitional surface associated with each level limit of the basic strip, and in each case the transitional surface is an imaginary surface consisting of an inclined plane that:

- (a) Commences at and abuts the lateral limit of the basic strip;
- (b) Rises at a slope ratio of 1:7 (14.3%) measured from an elevation at the centre point of the runway opposite the proposed development, and measured from the sides of the basic strip;
- (c) Ends at its intersection with the outer surface or a take-off / approach surface.

### **4. Airport Zoning Reference Point Elevation**

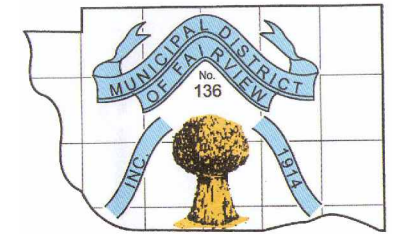
The airport zoning reference point elevation is the elevation used to establish the height of the outer surface and for the purpose of this Regulation is deemed to be 655 metres (2149.05 feet) above sea level.

### **5. Outer Surface**

The outer surface of the Protection Area is an imaginary surface consisting of a common plane established at a constant elevation of 45 metres above the airport reference point elevation and extending to the outer limits of the Protection Area.

### **6. General**

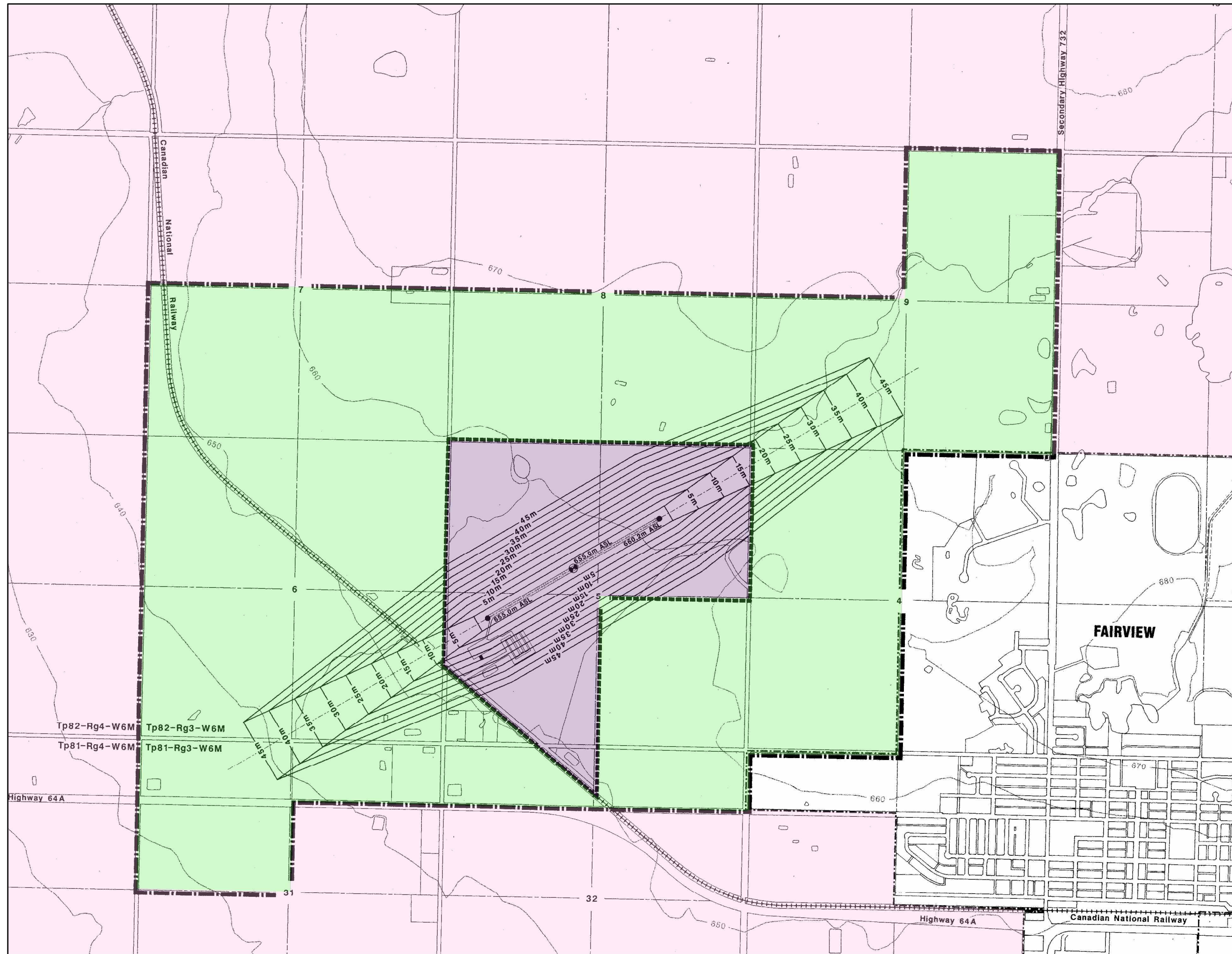
The area location of the take-off/approach surfaces and transitional surfaces are represented on the map shown in Schedule 5, but, if any discrepancy exists between the description of the take-off / approach surfaces or transitional surfaces in this Schedule and their location on the map in Schedule 5, the description in this Schedule prevails.



# M.D. of Fairview No. 136 Land Use Bylaw No. 876

## Fairview Airport Vicinity Protection Area

- Runway
- Basic Strip
- Airport Property Boundary
- Municipal Boundary
- AVPA Boundary
- 45m Height Limitation Contour
- Airport Zoning Reference Point Elevation (655.0m ASL)
- Runway Threshold Elevation

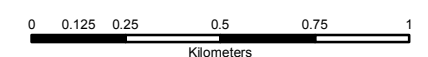
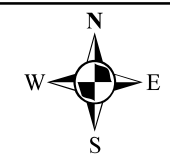
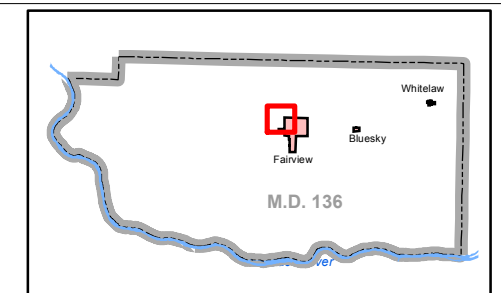


### Schedule 5: Height Limitations Map

Adopted by Council this 28 th day of September 2010

Original Signed By: *E. A. Reeve*  
REEVE

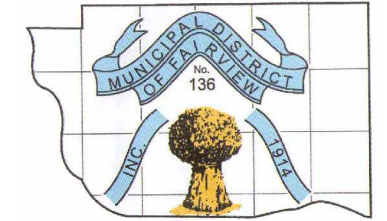
Original Signed By: *[Signature]*  
CHIEF ADMINISTRATIVE OFFICER



Adoption Date: September 28, 2010  
Last Updated: September 28, 2010



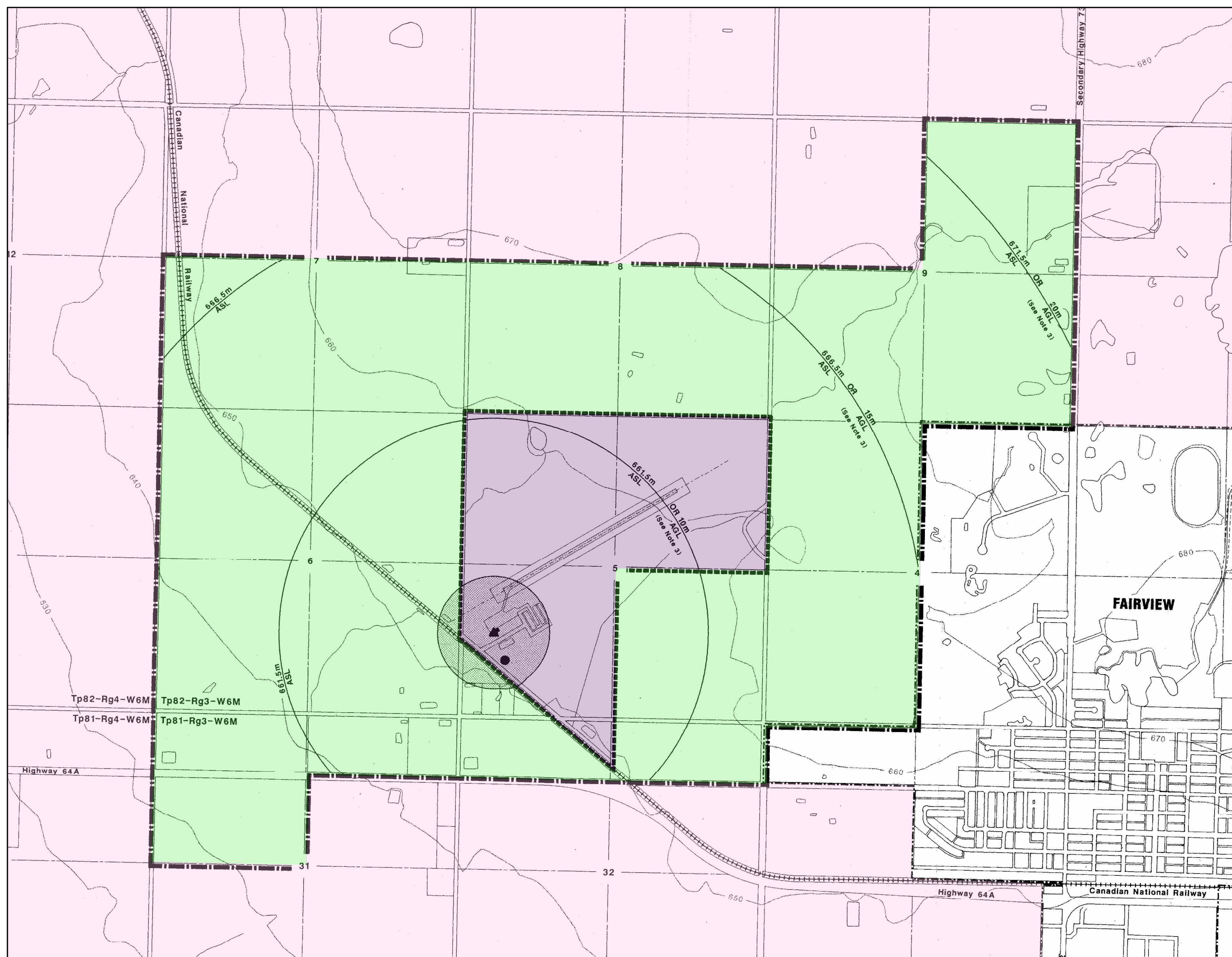




# M.D. of Fairview No. 136 Land Use Bylaw No. 876

## Fairview Airport Vicinity Protection Area

- Runway
- Basic Strip
- Airport Property Boundary
- Municipal Boundary
- AVPA Boundary
- 657m ASL
- Electronic Facilities Restricted Area
- NDB Location
- DME Location

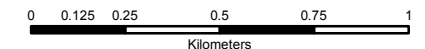
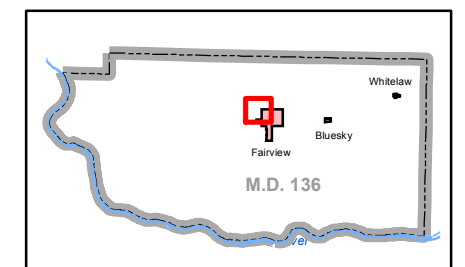


### Schedule 6: Electronic Facilities Protection Map

Adopted by Council this 28 th day of September 2010

Original Signed By: *E. A. Reeve*  
REEVE

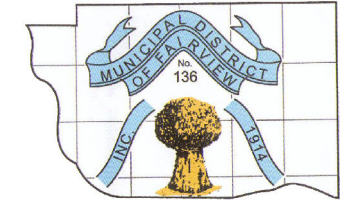
Original Signed By: *[Signature]*  
CHIEF ADMINISTRATIVE OFFICER



Adoption Date: September 28, 2010  
Last Updated: September 28, 2010







# M.D. of Fairview No. 136 Land Use Bylaw No. 876

## Fairview Airport Vicinity Protection Area

Height Restrictions for Communication  
Tower and Communication Structures

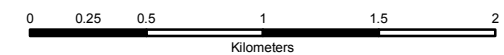
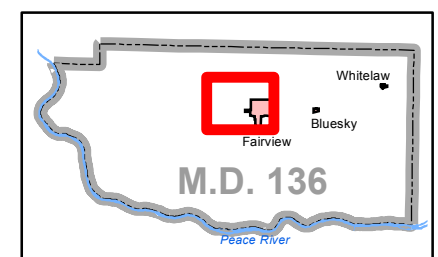
- Reference Elevation Point
- Airport Facility Building
- Height Limitation Contour
- - - Height Limitation Contour Extension
- ▭ Flight Divergence Area
- ▭ Airport Strip
- ▭ Airport Property Boundary
- ▭ AVPA Boundary
- ▭ Town of Fairview Boundary

Schedule 7: Height Restrictions for Communication  
Tower and Communication Structures

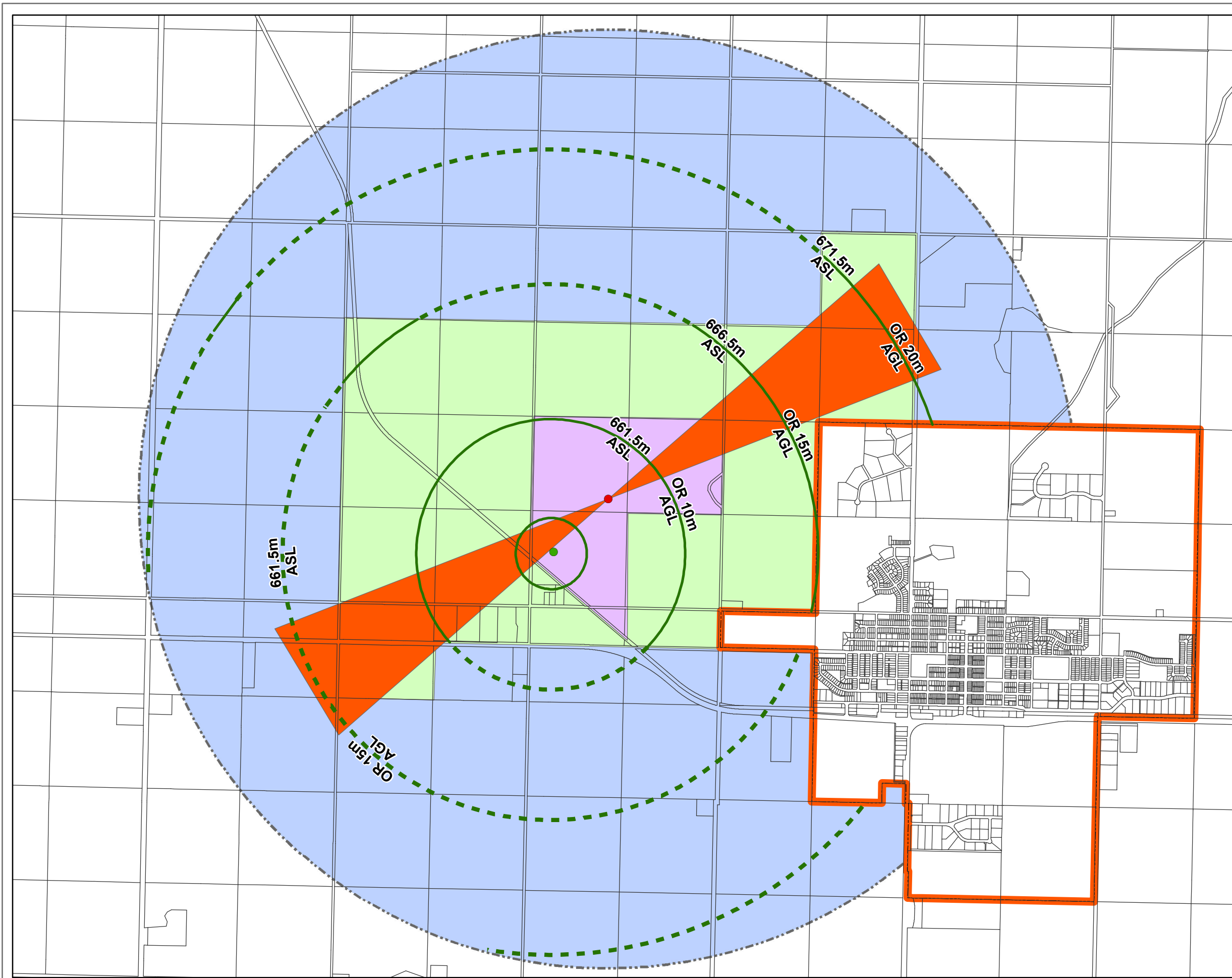
Adopted by Council this 28th day of September 2010

Original Signed By: *E.A. Reeve*  
REEVE

Original Signed By: *[Signature]*  
CHIEF ADMINISTRATIVE OFFICER



Adoption Date: September 28, 2010  
Last Updated: September 28, 2010



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## **PART 9: LAND USE DISTRICTS REGULATIONS**

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### **SECTION 9.1 DISTRICT CLASSIFICATION**

- (1) For the purpose of this Bylaw, all lands within the boundaries of the Municipality shall be divided into the following districts:

<b>D I S T R I C T</b>	<b>S Y M B O L</b>
<ul style="list-style-type: none"> <li>▪ <b>Crown Land Management District</b></li> </ul>	<b>CLM</b>
<u>Agricultural Districts</u>	
<ul style="list-style-type: none"> <li>▪ <b>Agricultural – Conservation District</b></li> <li>▪ <b>Agricultural – Industrial District</b></li> </ul>	<b>AG-1 AG-2</b>
<u>Additional Districts</u>	
<ul style="list-style-type: none"> <li>▪ <b>Country Residential District</b></li> <li>▪ <b>Highway Development District</b></li> <li>▪ <b>Rural Industrial District</b></li> <li>▪ <b>Rural Recreational District</b></li> <li>▪ <b>Rural Settlement District</b></li> </ul>	<b>CR HD RM R-REC RS</b>
<u>Hamlet Districts</u>	
<ul style="list-style-type: none"> <li>▪ <b>Hamlet Residential District</b></li> <li>▪ <b>Hamlet Manufactured Homes Park District</b></li> <li>▪ <b>Hamlet Commercial District</b></li> <li>▪ <b>Hamlet Industrial District</b></li> </ul>	<b>H-R H-MHP H-C H-M</b>

### **SECTION 9.2 DISTRICT SYMBOLS**

- (1) Throughout this Bylaw and any amendments thereto, a district may be referred to either by its full name or by its symbol as set out in Section 9.1.

### **SECTION 9.3 DISTRICT MAP**

- (1) The District Map, as may be amended or replaced by Bylaw from time to time, is that map attached to and forming part of this Bylaw and among other things bears the following identification:
- a) Schedule C: Land Use Bylaw District Map;
  - b) Adopted by Council this \_\_\_\_ day of \_\_\_\_\_, 2009;
  - c) Signatures of Reeve and Chief Administration Officer.
- (2) In the event that a dispute arises over the precise location of a boundary of any district as shown on the Land Use Bylaw District Map, the Council may request advice from the Development Officer and/or the Mackenzie Municipal Services Agency, and shall decide thereon.

## SECTION 9.4 CROWN LAND MANAGEMENT DISTRICT (CLM)

(1) Purpose:

These lands are under Provincial jurisdiction and will not be regulated under this Bylaw.

(2) However, for the purpose of providing guidance, the following uses may be permitted as discretionary uses subject to a disposition (lease, license, disposition leading to a patent, etc.) being obtained from the Public Lands Division of Alberta Agriculture and Rural Development and/or appropriate authority.

a) Discretionary Uses:

- Above ground storage tank with capacity exceeding 45,461 litres (10,000 gallons)
  - Accessory building or structure
  - Caretaker's residence
  - Cemetery
  - Communication tower with building
  - Country store
  - Extensive agriculture
  - Recreational, extensive
  - Farm building
  - Historic site
  - Home-based business
  - Intensive agricultural
  - Recreational, intensive
  - Landfill
  - Market garden
  - Meteorological (MET) towers and other monitoring towers
  - Natural resource extraction industry
  - Park
  - Place of worship
  - Public campsite
  - Public use
  - Recreational cabin
  - Sawmill and/or planer mill
  - Trail development
  - Trapper's cabin
  - Wind Energy Conversion System, Category 3
  - Wind Farm
  - Other similar uses deemed appropriate by the Province
- 929/DEV/2016  
2017/01/10
- 957/DEV/2019  
2019/03/26
- 957/DEV/2019  
2019/03/26
- 929/DEV/2016  
2017/01/10

(3) The General Land Use Provisions that apply to a development in any district may be referred to in evaluating a development in the Crown Land Management District.

(4) Any Crown Land sold or otherwise disposed of to private ownership shall, immediately and automatically upon transfer from the Crown, be zoned as "Agricultural – Conservation District (AG-1)" for the purpose of this Bylaw.

**SECTION 9.5                    AGRICULTURAL CONSERVATION DISTRICT (AG-1)**

(1) Purpose:

The purpose of this district is to provide for the conservation of land for a wide range of agricultural purposes, to minimize the fragmentation of agricultural land, and to limit non-agricultural land uses to those uses that are not likely to interfere or are compatible to agricultural land uses.

(2) Uses:

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

a) Permitted Uses:

- Accessory building or structure
- Extensive agriculture use
- Farm building
- Manufactured Homes
- Modular building
- Single-detached dwelling
- Wind Energy Conversion System, Category 1

976/DEV/2020  
2021/04/13

929/DEV/2016  
2017/01/10

b) Discretionary Uses:

- Aboveground storage tank with capacity exceeding 45,461 litres (10,000 gallons)
- Agricultural industry
- Airport or airstrip
- Bed and Breakfast establishment
- Cannabis cultivation, outdoors
- Cannabis production facility
- Caretaker's residence
- Cemetery
- Community hall
- Country store
- Data processing centre
- Farm occupation
- Home-based business
- Intensive agricultural use
- Meteorological (MET) towers and other monitoring towers
- Natural resource extraction industry
- Place of worship
- Recreational cabin
- recreational, Extensive
- recreational, Intensive
- School
- Shipping Containers
- A trail Development

964/DEV/2020  
2020/02/11  
951/DEV/2018  
2018/09/11  
993/DEV/2022  
2022/09/13

996/DEV/2022  
2022/11/15

929/DEV/2016  
2017/01/10

957/DEV/2019  
2019/03/26  
957/DEV/2019  
2019/03/26

976/DEV/2020  
2021/04/13

- Wind Energy Conversion System, Category 2
- Wind Energy Conversion System, Category 3
- Wind Farm
- Other uses deemed to be similar to the uses above by the Development Officer

(3) Site Provisions:

In addition and subject to regulations contained in Part 6 and 7 respectively, the following regulations shall apply to every development in this district:

a) Parcel Size:

- i. A residential use excluding a farm building: Maximum size of parcel will be 5.26 hectares (13 acres) and minimum size will be 4.04 hectares (10 acres) to comply with sewage setbacks requirements, utility needs and boundary anomalies.
- ii. All other uses:
  - 1. The parcel size should be able to accommodate the building, business, service and on-site parking facilities and amenities and setbacks as required for the operation of that use.

b) Parcel Density per Quarter Section (maximum):

- i. One (1) parcel, being the quarter section;
- ii. In the case of a farmstead or fragmented parcel, the maximum parcel density per quarter section may be increased to two (2) parcels with the balance of the quarter section being one of the parcels;
- iii. For uses other than residential-maximum parcel density will be at the discretion of the Subdivision Approving Authority.

c) Dwelling Density per Parcel (maximum): On a parcel less than 32.37 hectares (80 acres) a maximum of one (1) residence unit shall be permitted;

- i. On a parcel of 32.37 hectares (80 acres) or more, a maximum of two (2) residences may be permitted subject to Council approval;
- ii. All further residential development is subject to Section 6.8 of this Bylaw.

d) Minimum Setbacks: The following setbacks shall apply

SETBACKS OF DEVELOPMENT	SITE/ PARCEL ACCESSING A MUNICIPAL ROAD	DEVELOPMENTS FROM HIGHWAYS	
		From centreline of road	From Property line
Front Yard -from centreline of road	45.72 m (150 ft)	70 metres (230 feet)	40 metres (131.24 feet)
Side Yard (Exterior)	45.72 m (150 ft)	70 metres (230 feet)	40 metres (131.24 feet)

-from centerline of road			
Side Yard (Interior) - from property line	15.24 m (50 ft)	N/A	N/A
<b>SETBACKS OF DEVELOPMENT</b>	<b>SITE/ PARCEL ACCESSING A MUNICIPAL ROAD</b>	<b>DEVELOPMENTS FROM HIGHWAYS</b>	
		<b>From centreline of road</b>	<b>From Property line</b>
<b>Rear Yard (from property line)</b>	30.5 m (100 ft)	Where rear yard abuts Highway 70 metres (230 feet). In all other cases 30.5 m (100 ft) from property line	Where rear yard abuts a Highway 40 metres (131.24 feet) In all other cases 30.5 m (100 ft)
<b>Landscaping</b>	Within Property line	60 metres (196.8 feet)	30 metres (98.43 feet)
<b>Road Intersections or Curves</b>	Road intersections or curves- No development, road access, or landscaping will be permitted within the areas shown on Section 6.5 - Figures 1-3 of this Bylaw.		

NOTE: All applications for a proposed development, including change in use of existing development within 300 metres (984.3 feet) from a highway as defined under the Public Highway Development Act or within 800 metres (2624.8 feet) from the centre point of an intersection of a highway with another road will require a 'Roadside Development Approval' from Transportation.

(4) Additional Requirements:

- a) Agricultural industrial uses are limited to those requiring a minimum use of municipal services; and those that are
  - i. Directly related to agriculture; or
  - ii. For reasons of environmental protection, require large areas of land.
- b) The Development Officer may decide on such other requirements as are necessary having due regard to the nature of a proposed development and the purpose of this district.
- c) The heights of all residential and commercial building are restricted to two storeys and 10.97 metres (36 feet).
- d) All Agricultural Industrial buildings, community and religious building and industrial use buildings and accessory structures that have design, manufacturing or process requirements for greater building height will have no height restrictions except those within the Airport Vicinity Protection Area.
- e) Height is restricted to 6.0 metres (19.69 feet) and one storey for accessory buildings and structures unless the accessory building or structure is part of a process related to agricultural industry requiring additional height.

- f) Parking: The design of the parking areas and the number of parking and loading spaces shall be governed by Section 6.15. Where parking standards are not defined, Council of Municipal District of Fairview No. 136 may prescribe standards based on the use, number of employees and number of visitors the use is likely to generate or on the basis of recommendations of a parking study conducted by the developer or applicant.

**SECTION 9.6                    AGRICULTURAL – INDUSTRIAL DISTRICT (AG-2)**

(1) Purpose:

The purpose of this district is to encourage agricultural based industry that will promote and compliment the prime agricultural function and products of the agricultural district.

(2) Uses:

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

a) Permitted Uses:

- Agricultural and agricultural by-product industry
- Public use
- Wind Energy Conversion System, Category 1

929/DEV/2016  
2017/01/10

b) Discretionary Uses:

- Aboveground storage tank with capacity exceeding 45,461 litres (10,000 gallons)
- Accessory building or structure
- Cannabis production facility
- Caretaker’s Residence
- Data processing centre
- Shipping Containers
- Wind Energy Conversion System, category 2

951/DEV/2018  
2018/09/11  
976/DEV/2020  
2021/04/13  
996/DEV/2022  
2022/11/15  
929/DEV/2016  
2017/01/10

(3) Site Provisions:

In addition, and subject to regulations contained in Part 6 and 7 respectively, the following regulations shall apply to every development in this district:

- a) Parcel Size: The parcel size should be adequately sized to accommodate the building, business, service, on-site parking facilities and amenities and setbacks as required for the operation of that use.



b) Minimum Setbacks: The following setbacks shall apply

SETBACKS OF DEVELOPMENT	SITE/ PARCEL ACCESSING A MUNICIPAL ROAD	DEVELOPMENTS FROM HIGHWAYS	
		From the centreline of road	From Property line
Front Yard	18.3 metres (60 feet)	70 metres (230 feet)	40 metres (131.24 feet)
Side Yard (Exterior)	18.3 metres (60 feet)	70 metres (230 feet)	40 metres (131.24 feet)
Side Yard (Interior)	6.1 metres (20 feet)	N/A	N/A
Rear Yard	18.3 metres (60 feet)	Where rear yard abuts Highway 70 metres (230 feet). In all other cases 18.3 metres (60 feet) from property line	Where rear yard abuts a Highway 40 metres (131.24 feet) In all other cases 18.3 metres (60 feet)
Landscaping	Within property line	60 metres (196.8 feet)	30 metres (98.43 feet)
Road Intersections or Curves	Road intersections or curves- No development, road access, or landscaping will be permitted within the areas shown on Section 6.5 - Figures 1-3 of this Bylaw.		

NOTE: All applications for a proposed development, including change in use of existing development within 300 metres (984.3 feet) from a highway as defined under the Public Highway Development Act or within 800 metres (2624.8 feet) from the centre point of an intersection of a highway with another road will require a 'Roadside Development Approval' from Alberta Transportation.

c) Municipal Road Setback Requirements: All dimensions indicated in the table under Section 3 (b) above are measured from the property line.

- i. Notwithstanding the above no agricultural industry use shall be sited within 300 metres (984.3 feet) of a Highway without a permit from Alberta Transportation;
- ii. Notwithstanding the above, the minimum setback from a roadway may be reduced to accommodate an existing building located within the setback requirements.

d) Building Height:

- i. No restriction for agricultural industry buildings or structures where industrial process dictates height, except in the Airport Vicinity Protection Area.
- ii. Height is restricted to 10.97 metres (36 feet) and two storeys for retail buildings on site.

- iii. Height is restricted to 6.0 metres (19.69 feet) and one storey for accessory buildings and structures unless the accessory building or structure is part of a process related to agricultural industry requiring additional height.
- e) Parking: The design of the parking areas and the number of parking and loading spaces shall be governed by Section 6.15. Where parking standards are not defined, Council of Municipal District of Fairview No. 136 may prescribe standards based on the use, number of employees and number of visitors the use is likely to generate.

(4) Additional Requirements:

a) Landscaping and Buffering:

- i. All storage areas shall be screened or enclosed by suitable means. The Development Officer may place a condition on issuance of a Development Permit requiring such landscaping and buffering and require securities in the form of a letter of credit to ensure that landscape buffer and screening are implemented as per the approved Development Permit.
- ii. Any rural industrial development located adjacent to a highway may also require to be appropriately screened from these public roadways by suitable means and the Development Officer may place a condition on issuance of a Development Permit requiring such screening and may also require securities in the form of a letter of credit to ensure that the screening is implemented as per the approved Development Permit.

b) Municipal Servicing:

- i. All new developments shall be serviced by an approved water distribution system and an approved sewage collection system.
- ii. All new developments shall be served by the required utilities to the satisfaction of the Development Officer.
- iii. All developments shall provide necessary garbage collection facilities.
- iv. All developments shall provide proper and adequate on-site drainage to the satisfaction of the Development Officer.

c) Accessory Building:

- i. Any accessory building or structure shall conform to the setback requirements as described in Subsection 9.6(3)(b).
- ii. No person shall erect an accessory building unless the Development Officer has approved the location of the building in relation to the site and specifics of the existing building (s) on the proposed site.

d) When deciding on a development permit application in AG-2 land use district, the Development Officer shall take into account the following considerations:

- i. The affect of the development on a Highway.
  - ii. The future widening of roads in the area. In this case all required setbacks will be from the road widening limit and the Development Officer/Development Authority will require that the strip of land required for road widening be dedicated to the municipality by the owner prior to issuance of a development permit.
  - iii. Access to the property: Consideration will be given to location, functionality and traffic safety while determining suitability of ingress and egress points.
  - iv. The capacity of the municipality to provide future municipal servicing to the property. In case servicing by means other than municipal means is required, the Development Officer/Development Authority may require the owner to demonstrate that the property and development proposed can be adequately serviced by other means.
- e) The Development Officer may decide on such other requirements as are necessary having due regard to the nature of a proposed development and the purpose of the district.

## SECTION 9.7 COUNTRY RESIDENTIAL DISTRICT (CR)

### (1) Purpose:

The general purpose of this district is to regulate the development of country residences and associated uses in areas of low agricultural potential. Minor agricultural pursuits may be permitted in this district.

### (2) Uses:

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

#### a) Permitted Uses:

- Accessory building or structure
- Bed and Breakfast establishments
- Manufactured Homes
- Modular building
- Park and playgrounds
- Single-detached dwelling

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2021/04/13

#### b) Discretionary Uses:

- Farm building
- Home-based business
- Minor agricultural use
- Private Stable
- Public use
- recreational, Extensive
- recreational, Intensive
- Wind Energy Conversion System, Category 1
- Other similar uses deemed appropriate by the Development Officer

957/DEV/2019  
2019/03/26  
929/DEV/2016  
2017/01/10

### (3) Site Provisions:

In addition, and subject to regulations contained in Part 6 and 7 respectively, the following regulations shall apply to every development in this district:

#### a) Parcel size:

- i. For residential use (single-detached dwelling) excluding a farm building:
  - 1. Minimum: 0.4 hectares (1 acre)
  - 2. Maximum: 2 hectares (5 acres)
- ii. For accessory building or structure, farm building or a home-based business:
  - 1. Minimum: 0.4 hectares (1 acre)
  - 2. Maximum: 2 hectares (5 acres)
- iii. All other uses:

1. Minimum: a quarter section subject to Section 6.8

b) Parcel Density per Quarter Section (maximum):

i. Residential uses:

1. One (1) farmstead per quarter section;
2. Parcel density for multi-parcel country residential proposals shall be subject to Section 7.14 and Council decision.

ii. All other uses: as required by the Development Officer

c) Minimum Setbacks: The following setbacks shall apply

SETBACKS OF DEVELOPMENT	SITE/ PARCEL ACCESSING A MUNICIPAL ROAD	DEVELOPMENTS FROM HIGHWAYS	
		From the centreline of road	From Property line
<b>Front Yard</b>	30.5 m (100 feet)	70 metres (230 feet)	40 metres (131.24 feet)
<b>Side Yard (Exterior)</b>	30.5 m (100 feet)	70 metres (230 feet)	40 metres (131.24 feet)
<b>Side Yard (Interior) - from property line</b>	15.24 m (50 feet)	N/A	N/A
<b>Rear Yard (from property line)</b>	30.5 m (100 feet)	Where rear yard abuts Highway 70 metres (230 feet). In all other cases 30.5 m (100 ft) from property line	Where rear yard abuts a Highway 40 metres (131.24 feet) In all other cases 30.5 m (100 ft)
<b>Landscaping</b>	Within property line	60 metres (196.8 feet)	30 metres (98.43 feet)
<b>Road Intersections or Curves</b>	Road intersections or curves- No development, road access, or landscaping will be permitted within the areas shown on Section 6.5 - Figures 1-3 of this Bylaw.		

NOTE: All applications for a proposed development, including change in use of existing development within 300 metres (984.3 feet) from a highway as defined under the Public Highway Development Act or within 800 metres (2624.8 feet) from the centre point of an intersection of a highway with another road will require a 'Roadside Development Approval' from Alberta Transportation.

d) Notwithstanding Subsection 9.7(3)(c) the following minimum site provisions for Accessory buildings and structures shall apply:

- i. Interior Side Setback (minimum): 7.62 metres (25 feet).
- ii. Rear Yard Setback (minimum): 30.5 metres (100 feet).

e) Building Height:

- i. No restriction for agricultural Industry buildings or structures where industrial process dictates height, except in the Airport Vicinity Protection Area.
  - ii. Height is restricted to 10.97 metres (36 feet) and two storeys for residential or retail buildings on a site.
  - iii. Height is restricted to 6.0 metres (19.69 feet) and one storey for accessory buildings and structures.
- f) Parking: The design of the parking areas and the number of parking and loading spaces shall be governed by Section 6.15. Where parking standards are not defined, Council of Municipal District of Fairview No. 136 may prescribe standards based on the use, number of employees and number of visitors the use is likely to generate.

(4) Additional Requirements:

- a) In making a decision for issuing a development permit in the Country Residential District the Development Officer may consider matters including:
  - i. The provisions, operations and maintenance of sewer and water facilities;
  - ii. The provision of power and heat;
  - iii. The collection and disposal of refuse;
  - iv. Distance from parks and recreational areas; and
  - v. Availability of school accommodation and school bussing.
- b) The exterior finishing of any building constructed in the Country Residential district is to be made of wood, metal, brick or other similar siding to the satisfaction of the Development Officer. The finish and appearance of buildings should complement other structures and natural site features adjacent to the subject development.
- c) The Development Officer may decide on such other requirements as are necessary having due regard to the nature of a proposed development and the purpose of this district.
- d) A private stable may be allowed on a site for a minor agricultural use.
- e) Proximity to Confined Feeding Operations: Notwithstanding any other part of this Bylaw, no Country Residential District "CR" shall be located within 3.2 kilometres (2 miles) of a Confined Feeding Operation.

## SECTION 9.8 HIGHWAY DEVELOPMENT DISTRICT (HD)

### (1) Purpose:

The general purpose of this district is to regulate primarily commercial development adjacent to highways.

### (2) Uses:

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

#### a) Permitted Uses:

- Ancillary or accessory building and structures
- Convenience food store
- Extensive Agriculture
- Farm Building
- Hotel
- Motel
- Public Utilities
- Restaurant and café
- Service stations and car wash
- Truck stop

#### b) Discretionary Uses:

951/DEV/2019  
2018/09/11

940/DEV/2017  
2018/01/23

957/DEV/2019  
2019/03/26

976/DEV/2020  
2021/04/13

929/DEV/2016  
2017/01/10

- Aboveground storage tank with capacity exceeding 45,461 litres (10,000 gallons).
- Agricultural machinery and sales
- Agricultural supply depot
- Bulk fuel facility
- Cannabis Retail Sales
- Cardlock facility
- Caretaker's residence
- Commercial establishments
- Craft microbrewery
- Highway maintenance yards
- Laundromat
- Natural resource extractive industry
- Offices
- Park
- Public use
- Public campsite
- Recreation and entertainment use
- recreation, Indoor participant
- Recreational vehicle park
- Service and servicing establishments
- Shipping Containers
- Wind Energy Conversion System, Category 1
- Ancillary traffic utility establishments (weigh scales etc)

Other similar uses deemed appropriate by the Development Officer.

(3) Site Provisions:

In addition and subject to regulations contained in Part 6 and 7 respectively, the following regulations shall apply to every development in this district:

- a) Parcel Size (minimum): The parcel size should be adequately sized to accommodate the building, business, service, on-site parking facilities and amenities and setbacks as required for the operation of that use.
- b) Minimum Setbacks: The following setbacks shall apply

SETBACKS OF DEVELOPMENT	SITE/ PARCEL WITH ACCESS FROM MUNICIPAL/ SERVICE ROAD	DEVELOPMENTS FROM HIGHWAYS	
		From the centreline of road	From Property line
Front Yard	15.24 m (50 feet)	70 metres (230 feet)	40 metres (131.24 feet)
Side Yard (Exterior)	15.24 m (50 feet)	70 metres (230 feet)	40 metres (131.24 feet)
Side Yard (Interior) - from property line	7.62 m (25 feet)	N/A	N/A
SETBACKS OF DEVELOPMENT	SITE/ PARCEL WITH ACCESS FROM MUNICIPAL/ SERVICE ROAD	DEVELOPMENTS FROM HIGHWAYS	
		From the centreline of road	From Property line
Rear Yard (from property line)	7.62 m (25 feet)	Where rear yard abuts Highway 70 metres (230 feet). In all other cases 7.62 m (25 feet) from property line	Where rear yard abuts a Highway 40 metres (131.24 feet) In all other cases 7.62 m (25 feet)
Landscaping	30 metres (98.43 feet)	60 metres (196.8 feet)	30 metres (98.43 feet)
Road Intersections or Curves	Road intersections or curves- No development, road access, or landscaping will be permitted within the areas shown on Section 6.5 - Figures 1-3 of this Bylaw.		

NOTE: All applications for a proposed development, including change in use of existing development within 300 metres (984.3 feet) from a highway as defined under the Public Highway Development Act or within 800 metres (2624.8 feet) from the centre point of an intersection of a highway with another road will require a 'Roadside Development Approval' from Alberta Transportation.



- c) Notwithstanding Subsection 9.8 (3)(b) the following minimum site provisions for Accessory Uses shall apply:
  - i. Interior Side Setback (minimum): 7.62 metres (25 feet)
  - ii. Rear Yard Setback (minimum): 7.62 metres (25 feet)
- d) Building Height:
  - i. No restriction for hotel buildings except in the Airport Vicinity Protection Area;
  - ii. Height is restricted to 10.97 metres (36 feet) and two storeys for all other buildings on site;
  - iii. Height is restricted to 6.0 metres (19.69 feet) and one storey for accessory buildings and structures unless the accessory building or structure is part of a process related to the extraction industry.
- e) Parking: The design of the parking areas and the number of parking and loading spaces shall be governed by Section 6.15. Where parking standards are not defined, Council of Municipal District of Fairview No. 136 may prescribe standards based on the GFA, use, number of employees and number of visitors the use is likely to generate.

(4) Additional Requirements:

- a) Landscaping and Buffering:
  - i. All highway development areas shall be landscaped and buffered where required. The Development Officer may place a condition on issuance of a Development Permit requiring such landscaping and buffering and require securities in the form of a letter of credit to ensure that landscape buffer and screening are implemented as per the approved Development Permit.
  - ii. Any extraction industrial development, RV Parks, Campsites, maintenance yards, and other such uses located adjacent to a highway may also require to be appropriately screened from public roadways by suitable means and the Development Officer may place a condition on issuance of a Development Permit requiring such screening and may also require securities in the form of a letter of credit to ensure that the screening is implemented as per the approved Development Permit.
- b) Municipal Servicing:
  - i. All new developments shall be serviced by an approved water distribution system and an approved sewage collection system where available;
  - ii. All new developments shall be served by the required utilities to the satisfaction of the Development Officer;
  - iii. All developments shall provide necessary garbage collection facilities;
  - iv. All developments shall provide proper and adequate on-site drainage to the satisfaction of the Development Officer;

- v. Any access from the highway will require approval from Alberta Transportation.
- c) When deciding on a development permit application in Highway Development land use district, the Development Officer shall take into account the following considerations:
  - i. The affect of the development on a Highway;
  - ii. The future widening of road in the area: In this case all required setbacks will be from the road widening limit and the Development Officer/Development Authority will require that the strip of land required for road widening be dedicated to the municipality by the owner prior to issuance of a development permit.
  - iii. Access to the property: While issuing a Development Permit the Development Officer shall give consideration to the location of the proposed access point into the site and assess suitability keeping in view nearby intersections, existing access points and driveways into other properties and any other factors as would relate to functionality, traffic and safety concerns.
  - iv. The capacity of the municipality to provide future municipal servicing to the property: In case servicing by means other than municipal means is required, the Development Officer/Development Authority may require the owner to demonstrate that the property and development proposed can be adequately serviced by other means.
- d) The Development Officer may decide on such other requirements as are necessary having due regard to the nature of a proposed development and the purpose of this district

## SECTION 9.9 RURAL INDUSTRIAL DISTRICT (RM)

### (1) Purpose:

The general purpose of this district is to accommodate industrial uses which are considered appropriate in a rural area.

### (2) Uses:

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

#### a) Permitted Uses:

- Accessory building or structure
- Agricultural industry
- Extensive agriculture

#### b) Discretionary Uses:

951/DEV/2018  
2018/09/11

- Cannabis production facility
- Caretaker's residence
- Co-generation electrical plant
- Contractor's business

996/DEV/2022  
2022/11/15

- Data processing centre
- Gas Plant
- Industrial Campsites
- Laboratories and research facilities
- Landfill, associated with an industrial operation
- Lumber yard

929/DEV/2016  
2017/01/10

- Maintenance and storage facilities
- Manufacturing, Packaging and Processing Industry
- Meteorological (MET) towers and other monitoring towers
- Natural resource extraction industry
- Office and related activities
- Oilfield and gas field services
- Public use
- Recreation area

996/DEV/2022  
2022/11/15

- Sales of machinery, vehicles, agricultural equipment and goods
- Salvage yard/auto wrecker
- Shipping Containers
- Sawmill
- Service Industry
- Trucking and freight terminals
- Warehouse

929/DEV/2016  
2017/01/10

- Wind Energy Conversion System, Category 1
- Wind Energy Conversion System, Category 2
- Other similar uses deemed appropriate by the Development Officer

### (3) Site Provisions:

In addition and subject to regulations contained in Part 6 and 7 respectively, the following regulations shall apply to every development in this district:

- a) Parcel Size: The parcel size should be adequately sized to accommodate the building, business, service, on-site parking facilities and amenities and setbacks as required for the operation of that use.
- b) Development Setbacks:
  - i. The establishment of development setbacks will be based on site conditions subject to (ii) below;
  - ii. Notwithstanding the above, the minimum setback from a roadway shall be 41.1 metres (135 feet) taken from the property line for all buildings and 15.24 metres (50 feet) from the property line for all other development setbacks.
- c) Building Height:
  - ii. No restriction for agriculture, manufacturing, packaging or processing Industry buildings or structures where industrial process dictates height, except in the Airport Vicinity Protection Area;
  - iii. Height is restricted to 10.97 metres (36 feet) and two storeys for all other buildings on site;
  - iv. Height is restricted to 6.0 metres (19.69 feet) and one storey for accessory buildings and structures unless the accessory building or structure is part of the process related to agricultural industry, extraction industry or Manufacturing, Packaging and Processing Industry that require additional height.
- d) Parking: The design of the parking areas and the number of parking and loading spaces shall be governed by Section 6.15. Where parking standards are not defined, Council of Municipal District of Fairview No. 136 may prescribe standards based on the use, number of employees and number of visitors the use is likely to generate.
- e) The erection and placement of a development within 300 metres (984.3 feet) from a highway as defined under the Public Highway Development Act will be subject to a permit obtained from Alberta Transportation.
- f) The erection and placement of a development within 800 metres (2624.8 feet) from the centre point of an intersection of a highway and another highway or public highway as defined under the Public Highway Development Act will be subject to a permit obtained from Alberta Transportation.

(4) Additional Requirements:

- a) Landscaping and Buffering:
  - i. All storage areas shall be screened or enclosed by suitable means and to the satisfaction of the Development Officer;

- ii. Any rural industrial use located adjacent to a highway shall be screened from these public roads by suitable means and to the satisfaction of the Development Officer.
  
- b) Servicing:
  - i. All development shall be serviced by an approved water distribution system and an approved sewage collection system;
  - ii. All development shall be served by the required utilities to the satisfaction of the Development Officer;
  - iii. All development shall provide necessary garbage collection facilities;
  - iv. All development shall provide proper and adequate on-site drainage to the satisfaction of the Development Officer.
  
- c) Prior to the subdivision of a parcel of land, the Municipal District of Fairview No. 136 may require the preparation of an area structure plan and the approval of the plan by both the Municipal District of Fairview No. 136 and Alberta Transportation.
  
- d) Where a parcel of land is located on better agricultural land, the developer shall retain the land for better agricultural purposes until the land is required for further development of an industrial operation.
  
- e) The Development Officer may decide on such other requirements as are necessary having due regard to the nature of the proposed development and of this district.
  
- f) Special Provisions for Industrial Campsites:
  - i. Parking is to be provided and developed on site. The Development Officer may require securities in the form of a letter of credit to ensure that parking is constructed as per the approved development permit.
  - ii. Ingress and egress to the campsite is to be provided so that traffic is not hindered or disrupted in any way. Safety consideration will also be taken into account while reviewing an application for an Industrial Campsite.
  - iii. Site coverage will be confined to allow adequate parking, setbacks, onsite snow storage, facilities and amenities.
  - iv. All camps, buildings and structures are to be a minimum 3.05 metres or 10 feet apart to allow for fire protection.
  - v. Screening and fencing of storage areas are to be shown on the site plan application and the Development Officer may not approve the application if without such screening or fencing the site will look offensive to residents of the camp and the general travelling public. A security may be required to ensure that such screening and fencing is implemented on site.
  - vi. The camps are to be placed on site in a precise geometrical alignment and not give the sense of being placed randomly in a scattered fashion.

**SECTION 9.10 RURAL RECREATIONAL DISTRICT (R-REC)**

(1) Purpose:

The general purpose of this district is to accommodate recreational uses which are considered appropriate in a rural area.

957/DEV/2019  
2019/03/26

(2) Uses:

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

a) Permitted Uses:

- Historic site
- Park/playground

957/DEV/2019  
2019/03/26

b) Discretionary Uses:

- Accessory building or structure
- Campsite
- Caretaker's residence
- Cemetery
- Community hall
- Convenience food store
- Country store
- Laundromat
- Manufactured home
- Market garden use
- Modular building
- Place of worship
- Public use
- recreation, Indoor participant
- Recreational cabin
- recreational, Extensive
- recreational, Intensive
- Recreational Vehicle
- Restaurant
- School
- Single Detached Dwelling
- Other similar uses deemed appropriate by the Development Officer

917/DEV/2015  
2015/05/14

976/DEV/2020  
2021/04/13

(3) Site Provisions:

In addition and subject to regulations contained in Part 6 and 7 respectively, the following regulations shall apply to every development in this district:

a) Parcel Size: The parcel size should be adequately sized to accommodate the building, business, service, on-site parking facilities and amenities and setbacks as required for the operation of that use.

b) Development Setbacks:

i. The establishment of development setbacks will be based on a site conditions subject to (ii) below;

917/DEV/2015  
2015/04/14

ii. Notwithstanding the above, the minimum setback from a roadway shall be:

917/DEV/2015  
2015/04/14

1. 6.1 metres (20 feet) from the property line,
2. 6.1 metres (20 feet) front and rear yard setback from the property line with the exception of lots adjoining a watercourse, and
3. 3.05 metres (10 feet) for interior and exterior side yard setbacks from the property line with the exception of lots adjoining a watercourse.

957/DEV/2019  
2019/03/26

c) Building size:

i. Cabin: 88 square metres (950 square feet) maximum

d) Building Height:

i. Height is restricted to 10.97 metres (36 feet) and two storeys for all buildings on site except for institutional, community and religious buildings where design components may dictate height;

ii. Height is restricted to 6.0 metres (19.69 feet) and one storey for accessory buildings and structures.

e) Parking: The design of the parking areas and the number of parking and loading spaces shall be governed by Section 6.15. Where parking standards are not defined, Council of Municipal District of Fairview No. 136 may prescribe standards based on the use, number of employees and number of visitors the use is likely to generate.

(4) Additional Requirements:

a) Notwithstanding Section 6.6, the setbacks of building from the upper break of a coulee, ravine or valley shall be at the discretion of the Development officer.

b) The Development Officer may decide upon such other requirements as are necessary having due regard to the nature of a proposed development and the purpose of this district.

c) All applications for a proposed development, including change in use of existing development within 300 metres (984.3 feet) from a highway as defined under the Public Highway Development Act or within 800 metres (2624.8 feet) from the centre point of an intersection of a highway with another road will require a 'Roadside Development Approval' from Alberta Transportation.

## SECTION 9.11 RURAL SETTLEMENT DISTRICT (RS)

### (1) Purpose:

The general purpose of this district is to provide for the control of development in an area of the municipality which contains a concentration of residential and community uses but is not a designated hamlet.

### (2) Uses:

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

a) Permitted Uses: No use has been identified for the purpose of allowing Council to assess all applications in order to meet the objective and purpose of this district.

b) Discretionary Uses:

976/DEV/2020  
2021/04/13

957/DEV/2019  
2019/03/26

957/DEV/2019  
2019/03/26

929/DEV/2016  
2017/01/10

- Accessory building or structure
- Cemetery
- Community hall
- Home-based business
- Manufactured Homes
- Modular building
- Park
- Place of worship
- Playground
- Public use
- recreation, Indoor participant
- Single-detached dwelling
- Wind Energy Conversion System, Category 1
- Other similar uses deemed appropriate by the Development Officer

### (3) Site Provisions:

In addition and subject to regulations contained in Part 6 and 7 respectively, the following regulations shall apply to every development in this district:

a) Parcel Size: The parcel size should be adequately sized to accommodate the building, service, on-site parking facilities and amenities and setbacks as required for the operation of that use.

b) Development Setbacks:

- i. The establishment of development setbacks will be based on site conditions subject to (ii) below;
- ii. Notwithstanding the above, the minimum front yard setback from a roadway shall be 7.62 metres (25 feet) measured from the property line for all residential buildings;



- iii. Rear Yard setback shall be a minimum of 7.62 metres (25 feet);
- iv. Side yards (interior) shall a minimum of 3.05 metres (10 feet) from the property line;
- v. No accessory building or structure shall be located in any yard other than the interior side yard or rear yard and shall be no closer to any lot line than 1.5 metres (5 feet).

c) Building Height:

- i. Height is restricted to 10.97 metres (36 feet) and two storeys for all buildings on site except for community and religious buildings where design components may dictate height;
- ii. Height is restricted to 6.0 metres (19.69 feet) and one storey for accessory buildings and structures.

- d) Parking: The design of the parking areas and the number of parking and loading spaces shall be governed by Section 6.15. Where parking standards are not defined, Council of Municipal District of Fairview No. 136 may prescribe standards based on the use, number of employees and number of visitors the use is likely to generate.

(4) Additional Requirements:

- a) When deciding on an application for development in this nature, the Development Officer shall consider the following:
  - i. Site provisions and general requirements as set out for the hamlet districts of this Bylaw as they might apply to a specific development;
  - ii. Existing use of neighbouring lands;
  - iii. Proposed water and sewer servicing;
  - iv. Access points to public roadways; and
  - v. Other such materials deemed necessary having due regard to the nature of a proposed development and the purpose of this district.
- b) All applications for a proposed development, including change in use of existing development within 300 metres (984.3 feet) from a highway as defined under the Public Highway Development Act or within 800 metres (2624.8 feet) from the centre point of an intersection of a highway with another road will require a 'Roadside Development Approval' from Alberta Transportation.

## SECTION 9.12 HAMLET RESIDENTIAL DISTRICT (H-R)

### (1) Purpose:

The purpose of this district is to permit residential uses in established hamlets.

### (2) Uses:

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

#### a) Permitted Uses:

- Accessory building or structure
- Parks
- Playground and outdoor and indoor recreational use
- Semi-detached dwelling and duplexes
- Single-detached dwelling
- Manufactured homes - deleted
- Modular building - deleted

976/DEV/2020  
2021/04/13

#### c) Discretionary Uses:

- Community hall
- Family care facilities
- Group homes
- Home-based business
- Manufactured homes
- Modular buildings
- Nursery, daycare schools
- Post Office and Public use
- Religious institutions
- Senior citizen drop-in centres
- Wind Energy Conversion System, Category 1
- Other similar uses deemed appropriate by the Development Officer

957/DEV/2019  
2019/03/26

976/DEV/2020  
2021/04/13

929/DEV/2016  
2017/01/10

### (3) Site Provisions:

In addition, and subject to regulations contained in Part 6 and 7 respectively, the following regulations shall apply to every development in this district:

#### a) Lot Size:

- i. Un-serviced Lot: 1,858 square metres (20,000 square feet)
- ii. Lots served by piped waterworks system but lacking piped sewerage system: 1,394 square metres (15,000 square feet)
- iii. Lots served by piped sewerage system but lacking piped waterworks system: 929 square metres (10,000 square feet)

- iv. Full serviced lot:
  - 1. all residential uses: 465-930 square metres (5,000-10,000 square feet)
  
- b) Width of Site (minimum):
  - i. Fully serviced lot: 15.24 metres (50 feet)
  - ii. Lot which is not fully serviced: 30.5 metres (100 feet)
  
- c) Front and rear Yard Depth (minimum): 6.1 metres (20 feet)
  
- d) Side Yard Width (minimum):
  - i. Interior Side Yard: 1.5 metres (5 feet)
  - ii. Exterior Side Yard: 3.05 metres (10 feet)
  
- e) Building Height (maximum): 10.97 metres (36 feet)
  
- f) Notwithstanding Subsection 9.12(2) (b), a manufactured home shall not be allowed to locate on a cul-de-sac.
  
- (3.1) Special residential Lots:
 

To accommodate existing lots with frontage/width of 10.66 metres (35 feet) and lots less than 465 square metres (5,000 square feet) the following setbacks will apply, provided these are fully serviced lots

  - a) Frontage 10.66 metre (35 feet)
  - b) Front and rear Yard Depth (minimum): 6.1 metres (20 feet)
  - c) Interior side yard (minimum) 1.5 metres (5 feet)
  - d) Exterior side yard (minimum) 3.05 metres (10 feet)
  - e) Building Height (maximum): 10.97 metres (36 feet)
  
- (3.2) Notwithstanding clause (3.1) above no lots will be permitted to be less than 465 square metres (5,000 square feet) in any future lot divisions within the hamlet district.
  
- (3.3) Notwithstanding clause (3.1.b) above the rear yard depth may be allowed to vary for those lots that have less than 45.7 metres (150 feet) lot depth
  
- (3.4) Notwithstanding 3.1 the municipality will make efforts to sell two existing lots with a width of 10.66 metres (35 feet) to a single buyer and such lots will be treated under section 3.a.iv.1 above for determining setbacks

(4) Additional Requirements:

- a) Accessory Building or Structure:

- i. No accessory building or structure shall be erected in any yard other than the interior side yard or rear yard and shall be no closer to any lot line than 1.5 metres (5 feet);
- ii. The Development Officer may decide on such other requirements as are necessary having due regard to the nature of a proposed development and the purpose of this district.

b) The Keeping of Animals:

- i. No person shall keep or permit to be kept in any Hamlet Residential District (H-R) the following:
  1. Animals, livestock or poultry, with the exception of dogs, cats, small caged birds, rodents and other usual domestic pets, providing always that domestic pets are kept under humane conditions and are not a nuisance to neighbours and residents or reduce the amenities of the area; and
  2. Any pets or domestic animals on a commercial basis.
- ii. This section shall be administered by a Designated Officer.

**SECTION 9.13 HAMLET- MANUFACTURED HOMES PARK DISTRICT (H-MHP)**

976/DEV/2020 (1) Purpose:  
2021/04/13

The general purpose of this district is to permit the development of Manufactured Homes Park in the hamlet areas where common water and sewer facilities are in place.

(2) Uses:

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

a) Permitted Uses:

976/DEV/2020  
2021/04/13

- o Accessory Building and structures
- o Manufactured Homes Park
- o Single-detached dwelling (for park manager)

b) Discretionary Uses:

951/DEV/2018  
2018/09/11  
929/DEV/2016  
2017/01/10

- o Accessory building or structure
- o Cannabis retail sales
- o Country store
- o Home based business
- o Laundromat
- o Manufactured Homes Park office
- o Parks and playgrounds
- o Public use and public utility
- o Recreational, intensive
- o Wind Energy Conversion System, Category 1
- o Other similar uses deemed appropriate by the Development Officer

976/DEV/2020  
2021/04/13

957/DEV/2019  
2019/03/26

929/DEV/2016  
2017/01/10

(3) Site Provisions:

In addition, and subject to regulations contained in Part 6 and 7 respectively, the following regulations shall apply to every development in this district:

976/DEV/2020  
2021/04/13

a) Manufactured Homes Park Area:

- i. Minimum: 1.62 hectares (4 acres)
- ii. Maximum: 16.2 hectares (40 acres)

b) Density (maximum): 20 units per net hectare (8 units per net acre)

c) Park Lot Size (minimum):

976/DEV/2020  
2021/04/13

- i. Single wide Manufactured Homes: 353 square metres (3,800 sq. feet)
- ii. Double wide Manufactured Homes: 400 square metres (4,300 sq. feet)

- d) Width of Park Lot (minimum):
  - i. Single wide Manufactured Homes:
    - 1. Corner lot: 12.2 metres (40 feet)
    - 2. All other lots: 12.2 metres (40 feet)
  - ii. Double wide Manufactured Homes:
    - 1. Corner lot: 13.7 metres (45 feet)
    - 2. All other lots: 12.2 metres (40 feet)
- e) Front (and Exterior) Yard Depth (minimum): 3.05 metres (10 feet)
- f) Rear Yard Depth (minimum): 3.05 metres (10 feet)
- g) Side Yard Width (minimum): 2.3 metres (7.5 feet)
- h) Open Space Area (minimum):
  - i. Five (5) percent of the total area but open space area shall not include the area contained within the public roadway setbacks or required buffer strips.
- i) Buffer Strip:
  - i. A minimum buffer strip of 6.1 metres (20 feet) shall be required to separate the boundary of any park lot from adjacent land uses outside the Manufactured Homes Park boundary.

(4) Additional Requirements:

- a) No accessory building or structure shall be erected in any yard other than the interior side yard or rear yard, and shall be no closer to any lot line than 1.5 metres (5 feet).
- b) Parking (minimum):
  - i. 1 parking space per park lot; plus
  - ii. 1 visitor parking space per two park lots
- c) Spacing:
  - i. A minimum of 4.57 metres (15 feet) of open space shall occur between Manufactured Homes and any addition attached to the Manufactured Homes shall be regarded as part of the Manufactured Homes for purposes of spacing.
- d) A single-detached dwelling in which the park manager may wish to live shall be permitted within the Manufactured Homes Park.

976/DEV/2020  
2021/04/13

- e) Walkways connecting facilities and Park lots shall be provided within the Manufactured Homes Park and shall be a minimum of 0.91 metres (3 feet) in width.
- f) Screens, fences or walls shall be erected where necessary, as determined by the Development Officer around laundry yards, refuse collection points and playgrounds.
- g) Public roadway setbacks and required buffers shall be suitably fenced and landscaped, and protected from any sort of development which would compromise their use.
- h) The Development Officer may decide on such other requirements as are necessary having due regard to the nature of a proposed development and the purpose of this district.
- i) The Development Officer may require securities to ensure that the sidewalk, landscaping and screening is implemented on site in accordance to the approved development permit.

**SECTION 9.14 HAMLET COMMERCIAL DISTRICT (H-C)**

(1) Purpose:

The general purpose of this district is to allow for commercial development in established hamlets.

(2) Uses:

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

a) Permitted Uses:

- Accessory building or structure
- Hotel
- Office
- Restaurant
- Retail establishment

b) Discretionary Uses:

951/DEV/2018  
2018/09/11  
957/DEV/2019  
2019/03/26  
940/DEV/2017  
2018/01/23

- Auto body repair shop
- Bulk oil distributor
- Cannabis retail sales
- Caretaker's residence
- Community hall
- Craft Microbrewery
- Drive-in and take out restaurant
- Entertainment establishments
- General contracting firm
- Motel
- Offices
- Park
- Public use
- Repair shop
- Service station
- Shipping containers
- Single-detached dwelling
- Tire repair shop
- Wind Energy Conversion System, Category 1
- Other similar uses deemed appropriate by the Development Officer

976/DEV/2020  
2021/04/13

929/DEV/2016  
2017/01/10

(3) Site Provisions:

In addition, and subject to regulations contained in Part 6 and 7 respectively, the following regulations shall apply to every development in this district:

a) Parcel Size (minimum):



- i. Fully Serviced Lots: 232 square metres (2,500 square feet) or as otherwise provided in this Bylaw.
  - ii. Un-serviced Lots: the area requirements shall reflect the nature and size of the operation, and shall be based on the recommendations from Alberta Environment and Parks and the Regional Health Unit.
- b) Front Yard Depth: none required
  - c) Side Yard Width: none required, except adjacent to residential districts whereby the side yard shall be a minimum of 3.05 metres (10 feet)
  - d) Rear Yard Depth (minimum): 7.62 metres (25 feet)

(4) Additional Requirements:

- a) No accessory building or structure shall be erected in any yard other than the interior side yard or rear yard, and shall be no closer to any lot line than 0.91 metres (3 feet).
- b) Screening and Fencing:
  - i. All sites abutting a residential district shall be screened from view of the residential district to the satisfaction of the Development Officer;
  - ii. All apparatus on the roof of any building shall be screened to the satisfaction of the Development Officer;
  - iii. Outside storage areas shall be screened to the satisfaction of the Development Officer;
  - iv. The Development Officer may require securities to ensure that landscaping and screening is implemented on site in accordance to the approved development permit.
- c) The Development Officer may decide upon such other requirements as are necessary having due regard to the nature of a proposed development and the purpose of this district.

**SECTION 9.15      HAMLET INDUSTRIAL DISTRICT (H-M)**

(1) Purpose:

The general purpose of this district is to allow for industrial development in established hamlets.

(2) Uses:

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

a) Permitted Uses:

- Accessory building or structure
- Auto body repair shop and sales
- Bulk oil distributor and sales
- General contracting firm
- Industrial/commercial plant
- Seed cleaning plant
- warehouse

b) Discretionary Uses:

951/DEV/2018  
2018/09/11

- Agricultural related equipment repairs
- Cannabis production facility
- Caretaker's residence
- Grain elevators
- Industrial storage use
- Manufacturing of non-noxious goods and material
- Parks and recreation
- Public use and utility
- Saw mills

976/DEV/2020  
2021/04/13

- Shipping containers
- Storage yard
- Wind Energy Conversion System, Category 1
- Other similar uses deemed appropriate by the Development Officer

929/DEV/2016  
2017/01/10

(3) Site Provisions:

In addition, and subject to regulations contained in Part 6 and 7 respectively, the following regulations shall apply to every development in this district:

- a) The site provisions for the Hamlet Industrial District shall be the same as for the Hamlet Commercial District.

(4) Additional Requirements:

- a) No accessory building or structure shall be erected in any yard other than the interior side yard or rear yard, and shall be no closer to any lot line than 1.5 metres (5 feet).
- b) Screening and Fencing:
  - i. All sites abutting a residential district shall be screened from view of the residential district to the satisfaction of the Development Officer.
  - ii. All apparatus on the roof of any building shall be screened to the satisfaction of the Development Officer.
  - iii. Outside storage areas shall be screened to the satisfaction of the Development Officer.
  - iv. The Development Officer may require a security deposit to ensure that landscaping and screening is implemented on site in accordance to the approved development permit
- c) The Development Officer may decide upon on such other requirements as are necessary having due regard to the nature of a proposed development and the purpose of this district.

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# SCHEDULE A

## FORMS AND NOTICES

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FORM A	APPLICATION FOR DEVELOPMENT PERMIT
FORM B	DEVELOPMENT PERMIT
FORM C	NOTICE OF REFUSAL
FORM D	NOTICE OF DECISION OF THE DEVELOPMENT OFFICER
FORM E	APPLICATION FOR AMENDMENT TO THE LAND USE BYLAW
FORM F	STOP ORDER
FORM G	NOTICE OF APPEAL TO THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD
FORM H	NOTICE OF APPEAL HEARING
FORM I	NOTICE OF APPEAL DECISION

**-Deleted**

976/DEV/2021  
2021/04/13

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# **SCHEDULE A AMENDMENTS**

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**976/DEV/2020  
2021/04/13**

## Amendments to Bylaw

DATE	BYLAW NO	PURPOSE
1997/10/21	808	From AG-1 to RM Pt NE 32-81-03-W6M
2010/11/18	887	From AG-1 to RM Pt SW 36-81-04-W6M Lt 01, Blk 01 PI 9022942
2011/02/08	889	From AG-1 to AG-2 Pt SE 25-81-04-W6M Certificate of title 972 246 944
2012/02/28	896	Renumbering Section 3.6 Add Section 3.6(3) Add Section 6.24, 6.25, 6.26
2012/05/08	897	From AG-2 to RM Pt SW 35-81-03-W6M, Lt 2 Blk 01, RP0024867
2012/07/24	900	From AG-1 to H-R Pt of SE 4-82-2-W6M, RP 802 2510
2012/08/21	902	From AG-1 to CR Pt NW 36-81-03-W6M
2013/05/21	904	From AG-1 to R-REC NW 7-80-4-W6M
2015/01/13	909/DEV/2014	Road Closure Area between Lt 4 and 5, Blk 11, PI 471MC
2015/09/08	910/DEV/2014	Rd Realignment Pt NE 18-80-4-W6M PI 4060BM
2014/06/24	913/DEV/2014	Bare Land Recreational Condominium NW 7-80-4-W6M
2015/04/14	917/DEV/2015	R-REC District revisions
2015/05/12	919/DEV/2015	From AG-1 to AG-2 Pt NE 36-81-4-W6M
2016/01/12	924/ROAD/2016	Rd Realignments Clarification Pt BE 18-80-4-W6M PI 4060BM

DATE	BYLAW NO	PURPOSE
2016/10/25	927/DEV/2016	Cancel Subdivision # 882927 Certificate of Title 892 182 072 Consolidate with NW 8-82-4-W6M
2016/12/13	928/DEV/2016	From H-C to H-R Lots 1-3, Blk 5, PI 1400ET Minimum lot size smaller than district provisions (recognized)
2017/01/10	929/DEV/2016	Communication Towers/Structures, Meteorological Towers, and Wind Energy Conversion Systems
2018/01/23	940/DEV/2017	From AG-1 to HD Lot 1, Block 4, PI 8821721 Microbrewery regulations
2018/07/24	947/DEV/2018	From AG-2 to AG-1 Part of SE 25 81 04 W6M Bed and Breakfast Establishment within the residence
2018/08/21	949/DEV/2018	From CR to AG-1 Part of SE 31 80 3 W6M (C of T 072 656 671) Consistent zoning, related to boundary adjustment
2018/08/21	950/DEV/2018	Cannabis Regulations – definitions
2018/09/11	951/DEV/2018	Cannabis Regulations – provisions, district uses
2018/09/11	953/DEV/2018	From AG-1 to H-R Part of SE 16 82 01 W6 (C of T 172 093 620) Part of SE 16 82 01 W6 (C of T 112 069 957) Lot A, Plan 1070 HW (C of T 762 166 234) Lot B, Plan 1070 HW (C of T 012 152 558) Hamlet of Whitelaw: consistent residential zoning for residential uses
2019/03/12	956/DEV/2019	From AG-1 to HD Part of NE 28 81 3 W6 (C of T 162 083 978 +1) Agricultural equipment sales and service
2019/03/26	957/DEV/2019	From AG-1 to R-REC SW 10 82 3 W6 (Link #0038 192 423); Plan 9120543 Lot 2 (Link #0017 099 573) SE 10 82 3 W6 (Link #0020 017 083) Indoor and Outdoor Recreational uses at Cummings Lake Recreation Area



DATE	BYLAW NO	PURPOSE
2020/02/11	964/DEV/2020	Add Outdoor Cannabis Cultivation definition and regulations
2021/04/13	976/DEV/2020	Properly refer to a SDAB; changes in notification requirements for Development Permit application, update to reflect changes in the MGA; add Demolition and Shipping Container and provisions; renaming "mobile homes" to "manufactured homes"; revise definition and provision for moved-in buildings and manufactured homes; remove Schedule A Forms and Notices.
2021/12/21	982/DEV/2021	From RM to AG-1 Part of SW-03-81-4-W6M
2022/01/25	983/DEV/2022	Plan Cancellation of Subdivision Plan# 1221149
2022/09/13	993/DEV/2022	From AG-2 to AG-1 Part of SE 25-81-4-W6M Add Caretaker's Residence in AG-1
2022/11/15	996/DEV/2022	Add Data Processing Centre definition and regulations

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**SCHEDULE B**  
**ZONING DISTRICT DETAIL MAPS**

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