



TOWN OF FALHER

LAND USE BYLAW

BYLAW NO. 24-04

Prepared By



BYLAW 24-04

BEING A BYLAW OF THE TOWN OF FALHER, IN THE PROVINCE OF ALBERTA, TO REPLACE TOWN OF FALHER LAND USE BYLAW 23-04.

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

WHEREAS The Council of Town of Falher, in the Province of Alberta, deems it advisable to replace the Town of Falher Land Use Bylaw No. 14-05, as amended, and;

WHEREAS The Council of Town of Falher, in the Province of Alberta, deems it advisable to adopt a new Land Use Bylaw to reflect the Town's aspirations;

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

TITLE

1. This Bylaw may be cited as the "Town of Falher Land Use Bylaw No. 24-04."

SERVERABILITY

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

SCHEDULES

3. The following schedules form a part of this Bylaw:
 - a. Schedule "A" – Land Use Bylaw
 - b. Schedule "B" – Land Use District Map

REPEAL

4. Bylaw No. 14-05, and any amendments thereto, are hereby repealed.

EFFECTIVE DATE

5. That this Bylaw shall take force and effect on the date of its final passage.

READ a first time this 12th day of JUNE, 2024.

PUBLIC HEARING held this 26th day of JUNE, 2024.

READ a second time this 12th day of MARCH, 2025.

READ a third time and finally passed this 12th day of MARCH, 2025.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

USER GUIDE

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

Purpose

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

Structure

The Land Use Bylaw is structured into eight parts, and these are subdivided into sections.

Part 1 addresses the overall purpose and intent of the Bylaw. Part 2 establishes the roles of the relevant agencies, including approving and appeal authorities. Part 3 addresses the development permit process, requirements, decision timelines, notification and appeal procedures. Part 4 establishes the procedures for amending the Land Use Bylaw.

Parts 5 and 6 contain regulations addressing the use of land and buildings within the Town. Part 5 contains General Land Use Provisions that apply throughout the Town to all land use designations, while Part 6 contains Specific Land Use Provisions that establish additional regulations for particular uses that may occur in various districts.

Part 7 divides the Town into Land Use Districts that specify what uses are enabled within each area of the Town as well as establish site requirements applicable to each District. Each development permit application is subject to the applicable General Land Use Provisions, Specific Land Use Provisions and District specific regulations.

Part 8 contains provisions for enforcing the regulations in Bylaw in accordance with the provisions of the *Municipal Government Act*.

The structure of the Land Use Bylaw document works best when interpreted holistically rather than as separate parts.

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PART ONE

GENERAL POLICY AND PURPOSE

1.1 TITLE

- (1) This Bylaw may be cited as the “Town of Falher Land Use Bylaw” and is referenced as “this Bylaw” in the text herein.

1.2 PURPOSE

- (1) Pursuant to the *Municipal Government Act*, the purpose of this Bylaw is to facilitate orderly, economical and beneficial development of land in the Town of Falher by regulating the use and development of land and buildings within the Town’s corporate boundaries. To that end, this Bylaw:
 - (a) identifies the approving authorities, and defines the roles and responsibilities of these authorities;
 - (b) defines the appropriate uses of land and buildings allowed within the Town, and establishes general and special provisions applicable to these uses;
 - (c) classifies the Town into land use districts, with each land use district enabling uses that are permitted or discretionary; and establishing district-specific rules for the use or development of land and buildings within each district;
 - (d) outlines the requirements and process for making decisions on development permit and land use bylaw amendment applications, including notification and appeal procedures;
 - (e) implement the policies of the statutory plans of the Town; and
 - (f) establishes procedures for enforcing the provisions of the Bylaw.
- (2) This Bylaw shall conform with the Town of Falher Municipal Development Plan, and shall be applied in a manner that serves to implement policies established in statutory plans that have been adopted by the Town, the *Municipal Government Act*, as amended from time to time.
- (3) This Bylaw shall be used in conjunction with the Guidelines, Standards, Policies, and Procedures as adopted and amended by Council from time to time.

1.3 APPLICATION

- (1) The provisions of this Bylaw apply to all land and buildings within the corporate boundaries of Town of Falher.

1.4 CONFORMITY WITH THIS BYLAW

- (1) No person shall commence any development unless it is in accordance with the provisions of this Bylaw.

1.5 COMPLIANCE WITH OTHER LEGISLATION

- (1) In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to comply with any other applicable federal, provincial and municipal legislation, including obtaining any required permits, licences or approvals.
- (2) The applicant is also responsible for complying with the conditions of any caveats, covenants, easements or other instruments affecting the land or building.
- (3) The Town is not responsible for, nor does it have the obligation to determine what other legislation may apply to a development, nor to monitor enforcement or compliance with such legislation.

1.6 TRANSITION

- (1) An application for subdivision, development permit or amendment to the Land Use Bylaw submitted prior to coming into force of this Bylaw shall be evaluated under the provisions of the Town's Land Use Bylaw 14-05, as amended.

1.7 RULES OF INTERPRETATION

- (1) Compliance with the policies in this Bylaw shall be interpreted and applied as follows:
- (2) The meaning of all terms and vocabulary used in this Bylaw shall be interpreted in accordance with:
 - (a) the *Municipal Government Act* and any other applicable Statutes of Alberta, to which this Bylaw refers;
 - (b) the definitions provided for in section 1.9;
 - (c) their usual and customary meaning, where such words are not defined in this Bylaw or the *Municipal Government Act* or other applicable Statutes of Alberta.
- (3) Words used in the singular include the plural and vice-versa. In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text shall govern.

- (4) Where this Bylaw allows an exercise of discretion or judgment, the discretion or judgment is that of the Development Authority, or in the case of an appeal, the judgment of the Appeal Body.
- (5) This Bylaw uses the operative terms “shall”, “must”, “should” and “may.” The interpretation of these operative terms is set out below:
 - (a) Shall and “must” means compliance or adherence to a course of action, except where variance has been granted, pursuant to this Bylaw or another legislation;
 - (b) Should means compliance is desired or recommended, but may be impractical or premature due to valid planning principles or unique/extenuating circumstances;
 - (c) May means discretionary compliance or a choice in applying a provision.
- (6) When a regulation involves two or more conditions or provisions connected by a conjunction, the following interpretation shall apply:
 - (a) “And” means all the connected items shall apply in combination;
 - (b) “Or” indicates that the connected items may apply singularly;
 - (c) “And/Or” means the items may apply singularly or in combination.
- (7) The system of measurement used in this Bylaw is the metric system. Imperial equivalents are given as a convenience, but may not be exact. In case of conflict, the metric measure shall govern.

1.8 FORMS AND NOTICES

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

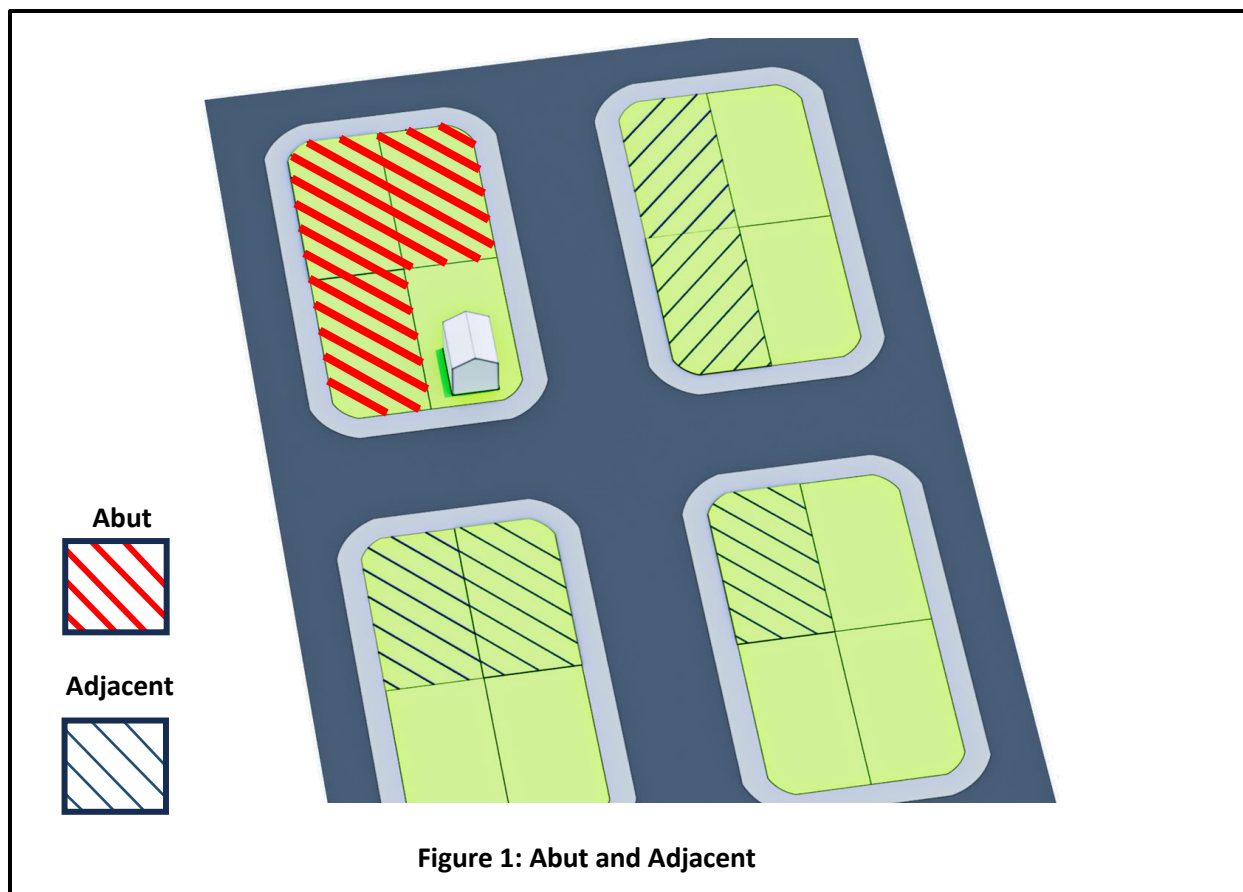
1.9 DEFINITIONS

The following words, terms and phrases included in this Bylaw shall have the following meaning assigned to them:

“ABUT or ABUTTING” means

- (1) immediately contiguous or physically touching; and
- (2) when used with respect to a lot or site, means that lot or site physically touches upon another lot or site, and shares a property line or boundary line with it.

(See Figure 1: Explanation Note for Abut and Adjacent)



“ACCESSORY USE or BUILDING” means a building, structure or use that is subordinate to, exclusively devoted to, and located on the same site as, the principal building or use. Accessory buildings and structures include garages, carports, sheds, storage buildings, decks, patios or balconies, fences, permanently installed private swimming pools and hot tubs as well as other accessory structures, such as poles, satellite dishes and towers. This Use Class also includes those accessory buildings and structures manufactured, constructed or designed as portable or movable, but does not include Sea-Cans.

“ADDITIONAL DWELLING UNIT (ADU)” means a secondary residential building that is located on the same lot as, but is detached from, the primary residence or dwelling unit. This Use Class includes, but are not limited to: Garden Suites, Garage Suites and Tiny Homes. Additional Dwelling Unit does not include Secondary Suites

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

(See Figure 1: Explanation Note for Abut and Adjacent)

“ADULT ENTERTAINMENT FACILITY” means any premises or part thereof used for the provision or pursuance of trade, calling, business, occupation or services appealing to erotic or sexual appetites or inclination, which include, without limiting the generality of the foregoing, any or all of the following: adult mini-theatres, erotic dance clubs, adult video stores and love boutiques.

“AGRICULTURAL USE” means a management system for the raising of crops and other products for market. Buildings and other structures incidental to the operation, excluding a dwelling, are also included. This Use Class includes market garden, but does not include raising of livestock or Confined Feeding Operation, as defined by the *Agriculture Operations Act*.

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

“ALBERTA BUILDING CODE” means the set of rules or regulations adopted by the Government of Alberta that govern the construction, design and modification of buildings and non-building structures. For the purpose of this Bylaw, reference to the Alberta Building Code shall mean the building code in force at the time of development.

“ALTERNATIVE ENERGY SYSTEM – MICRO” means a system or technology used for generating energy from an alternative or renewable source, and that is generally derived from natural and/or non-traditional sources, and is primarily utilized on-site for the sole consumption of the landowner, resident or occupant. Typical Uses include, but are not limited to, small-scale solar energy conversion systems (such as freestanding, roof and wall-mounted solar panels) and small wind electrical systems. This Use Class does not include macro or commercial scale alternative energy systems, such as solar and wind installations, that are primarily intended for generation and distributed of energy off-site to the marketplace.

“AMUSEMENT FACILITY” means a commercial establishment for the public entertainment or recreation that operates for profit or gain, including but not limited to bowling alleys, theatres, games centre, and billiard parlors, but does not include adult entertainment facility.

“ANIMAL HEALTH CARE SERVICES” means a development used for the medical care and treatment of domestic animals, and may include temporary accommodation. This Use Class includes pet clinics and veterinary hospitals.

“APPEAL BODY” means the Subdivision and Development Appeal Board (SDAB) or the Land and Property Rights Tribunal (LPRT), as the case may be.

“ART GALLERY” means a development used for the public display and sale of art.

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

“AUCTION MART” means a public place where property or items of merchandise are offered for sale to persons who bid on the object in competition with each other. Auction Mart includes both auctions for livestock and those for goods and equipment.

“AUTOMOTIVE SERVICE” means a use providing service and repair of motor vehicles and Off-highway Vehicles (OHVs), including the retail sale of gasoline, lubricants, automotive accessories and associated petroleum products, and may provide a towing service, and may include a building or site or part of a site where petroleum products are delivered into containers, tanks, vessels or cylinders. This use includes automotive washing facilities, and paint and body shops.

“AUTO DETAILING SERVICE” means an establishment used for detailed cleaning and application of sealants and protective products to improve the appearance of motor vehicles. Typical services must occur within an enclosed facility and include, but are not limited to, window tinting, interior cleaning and protection, cleaning and care of specialized materials, polish, waxing and application of rock guard products. Auto detailing service may include space for the temporary storage of vehicles, but does not include sales, paintwork or auto body repairs.

“AUTOMOTIVE SALES AND RENTAL” means a development used for sale, service or rental of new or used automobiles, recreation vehicles, boats, trailers, campers, Off-highway Vehicles (OHVs) and the like.

“AREA STRUCTURE PLAN” means a statutory plan adopted by Town of Falher under the provisions of the MGA.

“BASEMENT” means the area of a building where the floor level is 1m (3.3ft.) or more below the finished grade and the total ceiling height exceeds 2m (6.5ft.)

“BED AND BREAKFAST OPERATION” means the use of a private dwelling purposefully for short-term accommodation of no more than 30 consecutive days. This Use Class includes Airbnb.

“BREWERY, WINERY AND/OR DISTILLERY” means a development, licensed by the Alberta Gaming and Liquor Commission (AGLC), where alcoholic beverages are manufactured and packaged, and may also be sold on site. The development may also include areas and facilities for preparing, cooking and serving food. This use does not include developments that have a "Class E- Large Manufacturer Licence" from the AGLC. Developments with a "Class E- Large Manufacturer Licence" from the AGLC may be considered under the "Industrial, Light Manufacturing and Processing" use of this Bylaw.

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

“BUILDING” includes anything constructed or placed on, in, over (excluding the eaves of a building), 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 a building that is not: a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a firewall, a parapet wall, a flagpole or similar device not structurally essential to the building.

“BOULEVARD” means the portion of land located within a public roadway between the vehicular portion of the road and the abutting lot line, but does not include the area used for a sidewalk.

“BULK FERTILIZER DEPOT” Means a facility that specializes in the bulk storage and sales of liquid and solid fertilizer and includes other agricultural chemicals.

“BULK FUEL/CHEMICAL DEPOT” means a facility where refined or crude oil, liquid or solid chemicals, excluding fertilizers, are stored outdoors, and may include the sale of such.

“BUSINESS SUPPORT SERVICE” means a development used to provide support services characterised by, but are not limited to, such services as printing, duplicating, binding, photographic processing, office maintenance, secretarial, security, sale, rental, repair or servicing of office and business equipment, furniture and machines, but does not include Financial Institution.

“BYLAW” means this Town of Falher Land Use Bylaw No. 24-03.

"CAMPGROUND" means a development where tents are erected and/or recreational vehicles are parked for the purpose of overnight or short-term accommodation. A campground includes any building, structure, tent, vehicle or enclosure accessory to the main use that is located on the land and used as an integral part of the campground such as washhouses, gazebos, picnic shelters, etc. A Campground does not include a Workcamp.

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

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

“CARPORT” means an accessory building, designed and used for the storage of more than one private motor vehicles consisting of a roof supported on posts or columns and not enclosed on at least two (2) sides, whether separate from or attached to the principal building on a site.

“CAR AND TRUCK WASHING FACILITY” means a commercial facility for the cleaning of motor vehicles.

“CAVEAT” means a warning or notice that a person or entity has claimed an interest on a parcel of land. If entitled, a person can claim an interest in land through Caveat. Registered Caveats with Alberta Land Titles are recorded on a Certificate of Title.

“CEMETARY” means a development for the entombment of the deceased, which may include structures for those purposes.

“CHANGE OF USE” means changing or converting a Town approved use of a building, parcel or lot to another use. (See “DEVELOPMENT”)

“CHILD CARE FACILITY” means the use of a building or portion thereof for the provision of care, maintenance and supervision of seven (7) or more children under the age of 13 years, by persons other than one related by blood or marriage, for periods not exceeding 24 consecutive hours and includes all daycare centres, nurseries and after school or baby-sitting programs which meet this definition.

“CLINIC” means a facility where medical, dental, and other professional healing treatment is given to human beings.

“COMMENCED” means the construction of the foundation (concrete, wood, or steel) of a building for which a development permit has been issued.

“COMMUNICATION TOWER” means a structure or antenna system, including masts, towers and supporting structures, used for telecommunications and broadcasting, and may include internet, radio, television, cellular or other electronic communications and which is regulated by Industry Canada, but excludes satellite and amateur radio antennae.

“COMMUNITY RECREATION FACILITY” means a use other than a park that is available to the public for sports and recreation activities conducted indoors and/or outdoors. Typical Uses include indoor/outdoor swimming pools, hockey rinks, gymnasiums, outdoor tennis courts, unenclosed ice surfaces or rinks, riding stables and fitness trails. These facilities may be publicly or privately owned and/or operated.

“COMPLIANCE CERTIFICATE” means a document issued by the Development Authority indicating that a building and/or structure, as shown on documentation provided to the Town, is located in accordance with the minimum yard setback requirements in this Bylaw, at the time the Certificate is issued.

“CONDOMINIUM” means individual ownership of a Dwelling Unit, or units within a Dwelling Unit, Apartment, or a parcel of land, which is part of a Condominium Plan registered with Alberta Land Titles, and usually indicates ownership in a share of common property administered and maintained in accordance with the *Condominium Property Act*.

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

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

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

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

“COUNCIL” means the Council of the Town of Falher.

“CRUDE OIL” means crude oil, natural gas liquids, refinery feedstocks, and additives as well as other hydrocarbons (including emulsified oils, synthetic crude oil, mineral oils extracted from bituminous minerals such as oil shale, bituminous sand, etc., and oils from coal liquefaction). Crude oil is a mineral oil consisting of a mixture of hydrocarbons of natural origin and associated impurities, such as sulphur. It exists in the liquid phase under normal surface temperatures and pressure and its physical characteristics (density, viscosity, etc.) are highly variable. It includes field or lease condensates (separator liquids) which are recovered from associated and non-associated gas where it is commingled with the commercial crude oil stream.

“CULTURAL FACILITY” means a development which is available to the public for the purpose of assembly, instruction, cultural or community activity. Typical Uses include,

but are not limited to, community hall, library, museum, art gallery, visitors' information centre, and similar uses, but does not include adult entertainment facility.

"DEVELOPER" means an applicant, owner, agent, or any person, firm involved in a development.

"DEVELOPMENT" means:

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

as defined in the MGA, as amended.

"DEVELOPMENT AUTHORITY" means one or more of the following:

- (1) the Development Officer, or
- (2) any other person or organization appointed as the "Development Authority" by bylaw of Council pursuant to the MGA.

"DEVELOPMENT OFFICER" means a person appointed as the Development Officer by Council in accordance with the Development Authority Bylaw of the Town.

"DEVELOPMENT PERMIT" means a document that is issued under this Bylaw and authorizes a Development.

"DISCRETIONARY USE" means the use of land or a building listed under the column captioned "Discretionary Uses" under a land use district and for which, subject to the provisions of this Bylaw, a development permit may be issued at the discretion of the Development Officer, with or without conditions.

"DRIVE-IN/THRU" means a use that provides services to patrons who remain inside a motor vehicle and that is approved with another use. Typical examples include, but are not limited to, a drive-thru restaurant or bank.

"DRINKING ESTABLISHMENT" means a facility licensed by the Alberta Liquor Control Board (AGLC) where alcoholic beverages are served for consumption on the premises, and any preparation or serving of food is accessory thereto.

“DWELLING GROUP” means three (3) or more dwelling units located on a site or a number of adjoining sites where all buildings, recreation areas, vehicular areas, landscaping and all other features have originally been planned as an integrated development, and where each dwelling unit has private open space and a separate principal entrance accessible directly from outside at ground level. This Use Class includes row dwellings and stacked town houses, but does not include apartment buildings.

“DWELLING UNIT” means a self-contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A dwelling unit is used permanently or semi-permanently as a residence for a single household.

“DWELLING UNIT, APARTMENT” means a principal residential development consisting of three (3) or more separate dwelling units contained within a building in which the dwellings are arranged in any horizontal or vertical configuration, with each unit having an independent entrance either directly from outside the building or through a common vestibule. (This Use Class includes buildings referred to as Tri-plexes, Four-plexes, Six-plexes and the like.)

(See Figure 2: Explanation Note for Apartment)

“DWELLING UNIT, CARETAKER’S RESIDENCE” means a secondary dwelling unit that is accessory to, and located on the same lot as, the principal industrial, commercial or recreational use, 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.

“DWELLING UNIT, DUPLEX” means a primary residential development consisting of a building containing only two dwelling units, with one dwelling unit placed over the other in whole or in part. Each dwelling unit has separate and individual access, not necessarily directly to grade. This Use Class does not include Secondary Suites or Semi-detached Housing.

(See Figure 3: Explanation Note for Duplex)

“DWELLING UNIT, GARAGE SUITE” means an Additional Dwelling Unit located above a detached garage (above grade), or a single-storey dwelling attached to the side or rear of a detached garage (at grade). A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal dwelling located on the site. A Garage Suite has an entrance separate from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure. This use does not include Secondary Suites or Garden Suites.

“DWELLING UNIT, GARDEN SUITE” means an Additional Dwelling Unit located in an accessory building separate from the principal dwelling on the site. A Garden Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate

from those of the principal dwelling located on the site. This use does not include Secondary Suites or Garage Suites.

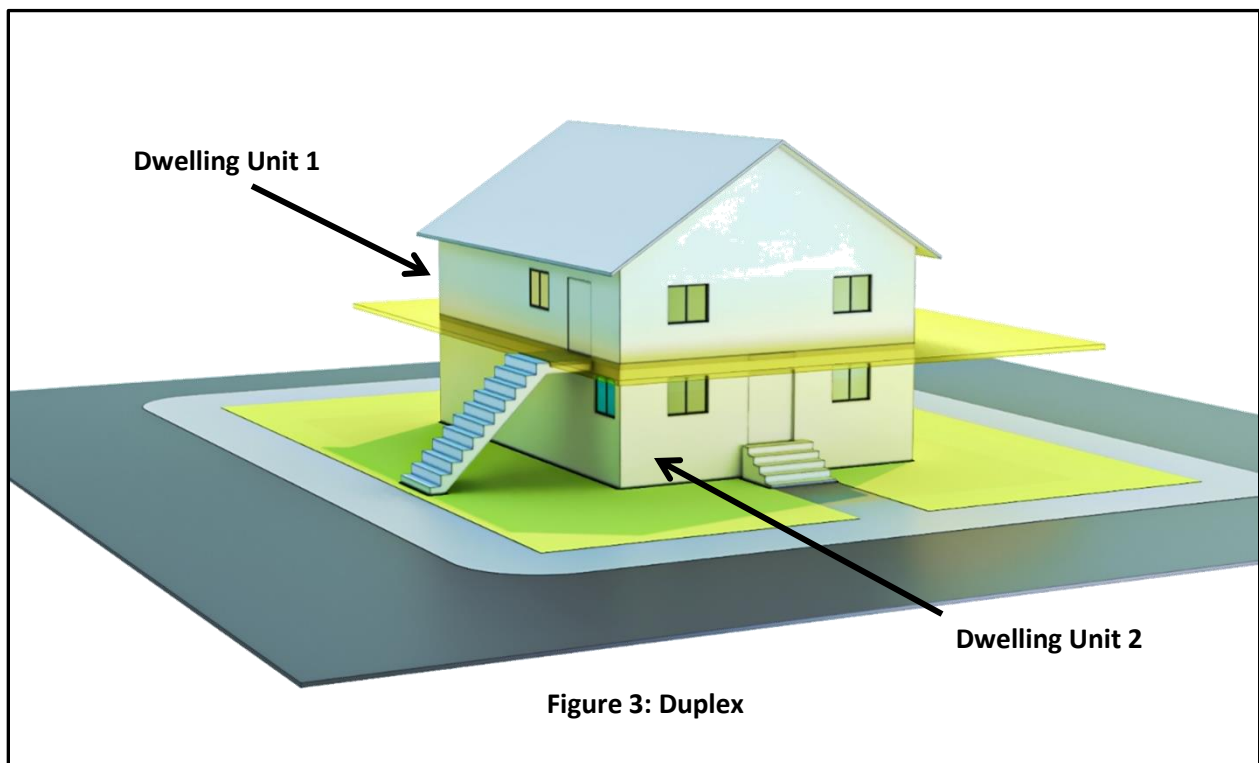
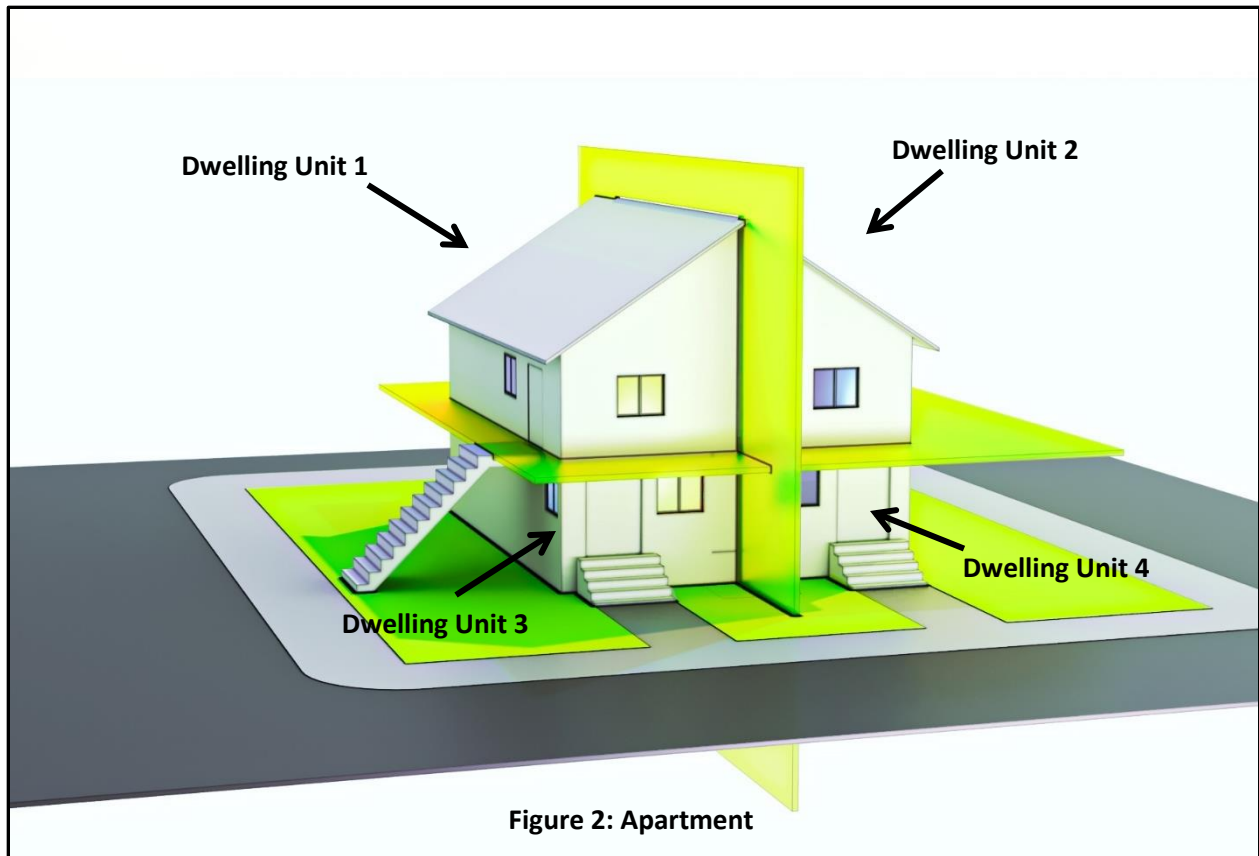
“DWELLING UNIT, MANUFACTURED HOME” means a transportable dwelling unit that is built off-site and transported on its own wheels or on a steel chassis, and upon arriving at the site for placement is, apart from incidental operations such as installation of foundation supports and connections of utilities, ready for year-round occupancy. This definition does not apply to recreational vehicles, industrial camp trailers and tiny homes.

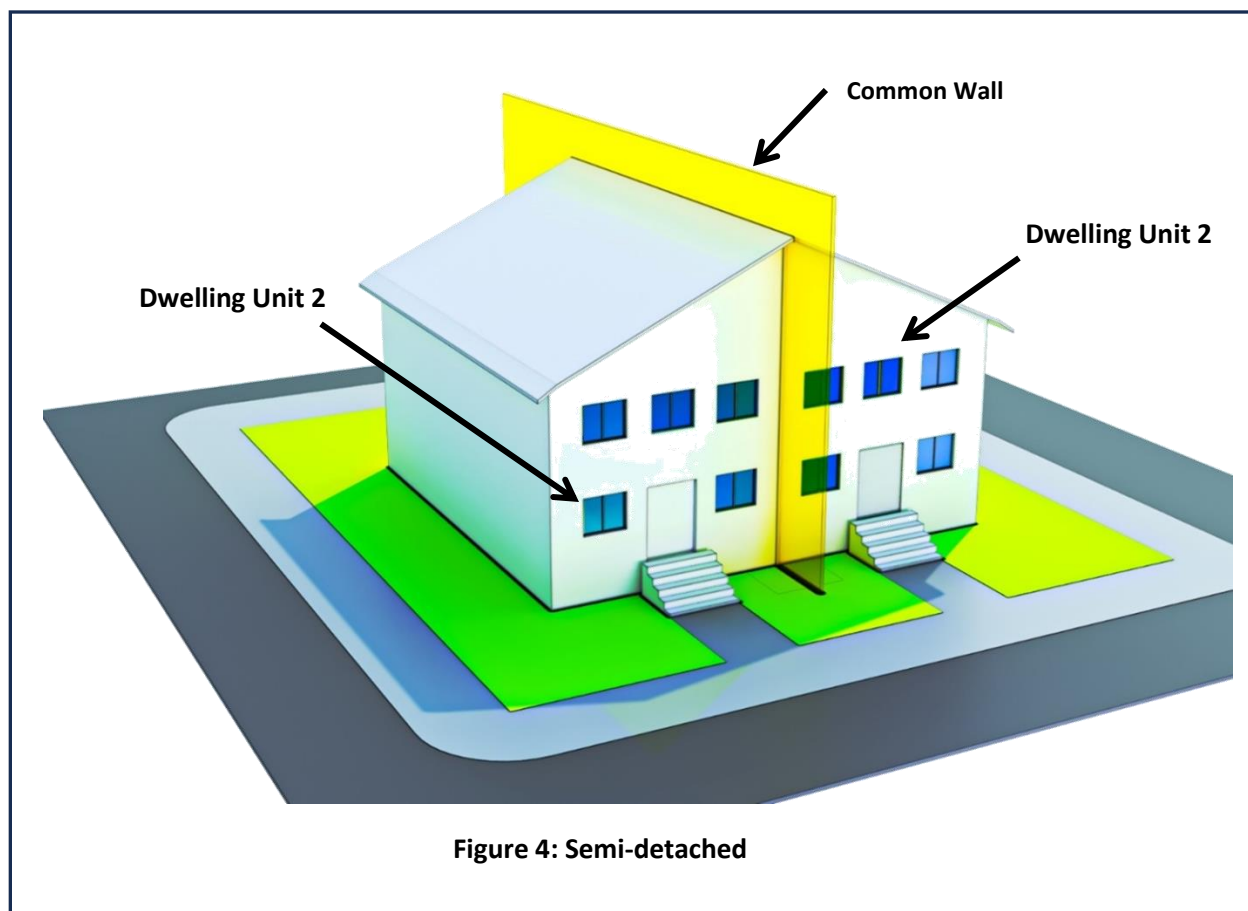
“DWELLING UNIT, ROW HOUSING” means a development consisting of at least three (3) principal dwelling units with individual dwellings are separated from one another by a Party Wall, and with each unit having direct access to the outside grade. This Use Class does not include Apartment.

“DWELLING UNIT, "SECONDARY SUITE" means a development consisting of a dwelling unit located within, and accessory to, a structure or building in which the principal use is a dwelling. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal dwelling within the structure or building. A Secondary Suite also has an entrance separate from the entrance to the principal dwelling Unit, either from a common indoor landing or directly from the side or rear of the structure. This Use Class includes the development or conversion of basement space or above-grade space to a separate dwelling, or the addition of new floor space for a Secondary Suite to an existing dwelling. This Use Class does not include Duplexes, Semi-detached dwelling units, or Apartments, Garage Suites or Garden Suites.

“DWELLING UNIT, "SEMI-DETACHED” means a building that is divided vertically into two (2) principal dwelling units located side by side, and separated from each other by a Party Wall extending from foundation to roof, having separate entrances and not attached to any other residential building.

(See Figure 4: Explanation Note for Semi-Detached Dwelling)





“DWELLING UNIT, TINY HOME” means a small detached building containing only one dwelling unit constructed on a permanent undercarriage or chassis for year-round occupancy. Tiny Homes may either be factory-built and transported for onsite installation or directly be constructed onsite. This Use Class does not include Tiny Homes built on a chassis to comply with the Canadian Standards Association (CSA) requirements for Recreational Vehicles.

“EASEMENT” means an interest or right to use land, generally for access to other property or as a right-of-way for a public utility, registered on the certificate of title.

“EDUCATIONAL FACILITY” means a development where educational, training, or instruction occurs under the auspices of a School Division or under the auspices of an organization authorized by the Province to provide education similar to that which would be provided by a School Division. Educational facilities include the administration offices, storage, and maintenance operations of the School Division. Educational facilities include public and separate schools, community colleges, universities, technical and vocational schools, and private academies or “charter schools”, and their administrative offices and maintenance facilities.

“ELECTRIC VEHICLE (EV) CHARGING STATION” means a commercial facility used for recharging the batteries of electric vehicles. Electric vehicle charging stations may either be a standalone development or as part of a service station.

“ENVIRONMENTAL AUDIT” means a comprehensive site analysis conducted by a qualified professional licensed to practice in Alberta to determine:

- (1) 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 health of humans, wildlife, and/or vegetation;
- (2) If there are any breaches of federal, provincial, and/or municipal environmental standards;
- (3) The level of risk that a contaminated site poses to the environment and/or health of humans, wildlife, and/or vegetation; and
- (4) what remedial actions may be required to reduce the level of risk posed by a contaminated site to an acceptable level.

“ENVIRONMENTAL IMPACT ASSESSMENT” means a comprehensive site analysis conducted by a qualified professional licensed to practice in Alberta to determine:

- (1) The potential impact of the proposed development on the site;
- (2) The potential environmental impact of the proposed development upon adjacent properties or land uses; and
- (3) The potential environmental impact of the proposed development upon the future land use potential of the property.

“ESSENTIAL PUBLIC SERVICE” means a development that is necessary for the continued health, safety and/or welfare of the residents of the Town. This includes, but is not limited to: fire stations, post offices, police stations, emergency medical stations, hospitals, buildings and structures essential to the operation/maintenance of public utilities, and infrastructure.

“EQUIPMENT RENTAL FACILITY” means a commercial establishment principally involving the rental of equipment to the public, but does not include automotive rentals.

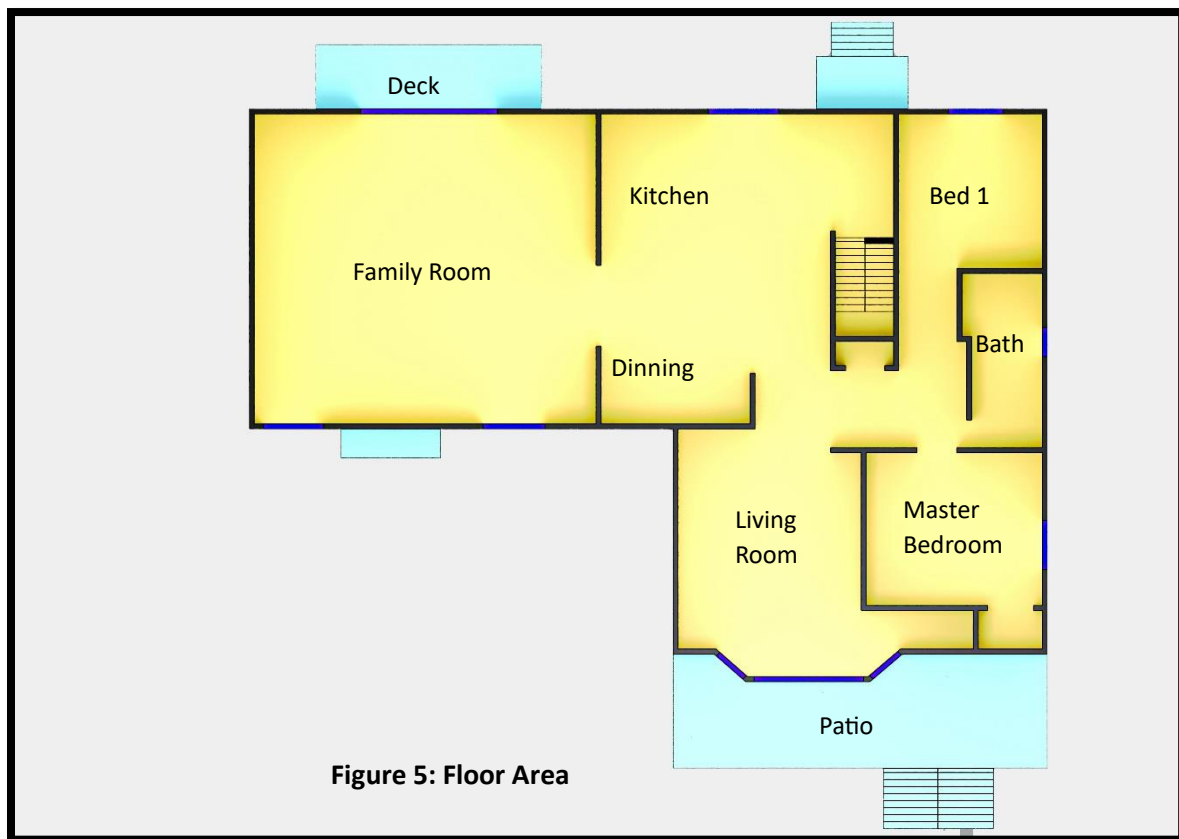
“FINANCIAL INSTITUTION” means a bank, brokerage company, treasury branch, trust company, credit union, finance company or similar institution.

“FINISHED GRADE” means the elevation of the ground at the exterior of a BUILDING when the construction of the building and landscaping are complete, which may be shown in an approved plan.

“FENCE” means a vertical physical barrier constructed to reduce sound or visual intrusion or to limit unauthorized access. A fence may include gates, lattice, chain link or wall, but does not include the wall of an enclosed building.

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

(See Figure 5: Explanation Note for Floor Area)



“FUNERAL HOME” means a development used for the arrangement of funerals, the preparation of the deceased for burial or cremation, and the holding of funeral services, but does not include place of worship.

“GEOTECHNICAL ASSESSMENT” means a detailed geotechnical investigation prepared by a qualified professional geotechnical engineer licensed to practice in Alberta, which includes the following minimum components:

- (1) site specific test holes;
- (2) piezometers to establish groundwater conditions;

- (3) site inspection to assess slope conditions and flag out the top and/or toe of the valley slope for a legal survey;
- (4) cross-sections to determine the geometry of the valley slopes and development area;
- (5) laboratory testing to establish soil strength properties; and
- (6) slope stability analysis to assess the existing factor of safety against sliding and to confirm that a factor of safety of at least 1.5 can be achieved at the location of the proposed development.

The results of the investigation shall be summarized in a geotechnical report which is submitted to the Town for review and acceptance.

“GRAIN ELEVATOR” means a building, or part thereof, used for the cleaning, storage or sale of grain or seed, and may include grains chemical sales as accessory use.

“GRADIENT” means the steepness of the slope of a finished grade expressed as a percentage by dividing the vertical height from the lowest to the highest elevation on the lot by the horizontal distance between the lowest and highest point.

“GREENHOUSE” means an accessory building constructed primarily of glass or other transparent material used for cultivation of plants.

“GROUND FLOOR AREA” means the square area occupied at grade by the outside perimeter of a building.

“HIGHWAY” means any road under the jurisdiction of the Province of Alberta.

“HOME OCCUPATION (HOME-BASED BUSINESS)” means the use of a portion of a building dwelling unit or accessory building incidental or subordinate to the principal residential use that:

- (1) does not change the character thereof and/or generate significant additional traffic or noise;
- (2) is considered to have minimal impact on neighbours; and
- (3) is limited to the confines of the dwelling unit and/or accessory building.

Typical businesses may include consultants, computer programmers, and other service-oriented businesses where the proprietor goes to the customer rather than the customer coming to the home.

“HOTEL” means a development providing temporary lodging, where the rooms or suites have access from a common interior corridor, and may be equipped with individual kitchen facilities. Hotels may include accessory eating and drinking establishments, meeting rooms and personal service shops.

“INTERMUNICIPAL DEVELOPMENT PLAN” means a statutory plan adopted by Town of Falher under the provisions of the MGA.

“LANE” means an alley as defined by the *Traffic Safety Act (RSA 2000, c. T-6)*.

“LIVESTOCK” means poultry, bees, donkeys, mules, oxen, birds, horses, cattle, sheep, swine, goats, bison, specialty livestock, and/or fur-bearing animals raised in captivity, sheep, elk, deer, wild boar, turkeys, ducks, geese, and game production animals within the meaning of the *Livestock Industry Diversification Act (RSA 2000, c. L-17)*.

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

“LOT” means:

- (1) a quarter section;
- (2) a river lot or settlement lot shown on an official plan referred to in Section 32 of the *Surveys Act*;
- (3) a part of a parcel where the boundaries of the part are separately described in a certificate of title other than by reference to a legal subdivision; or
- (4) a part of a parcel where the boundaries of the part are described in a certificate of title by reference to a plan of subdivision,

as defined in the *Municipal Government Act*, as amended.

(See Figure 6: Explanation Note for Lot Lines, Width and Depth)

“LOT, CORNER” means a lot at the intersection of two abutting public roadways (other than a lane or public walkway).

“LOT (SITE) COVERAGE” means that percentage of the area of any lot which is covered by all buildings on the lot, excluding balconies, canopies and the like.

“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 FRONTAGE” means the distance measured along a line parallel to the front lot line at the minimum required front yard setback.

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

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

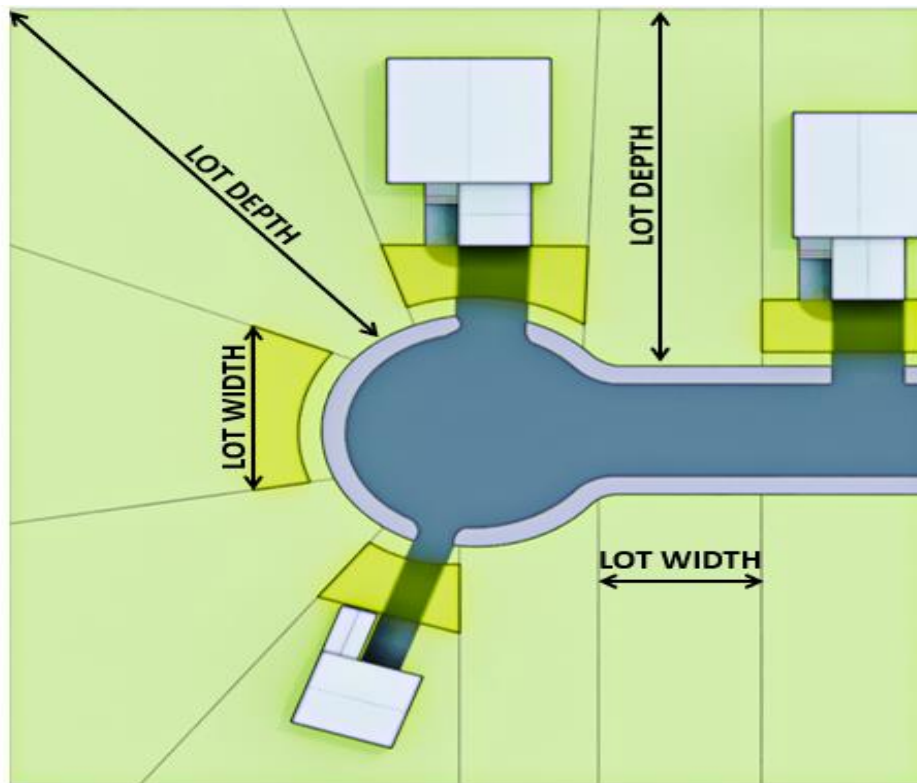
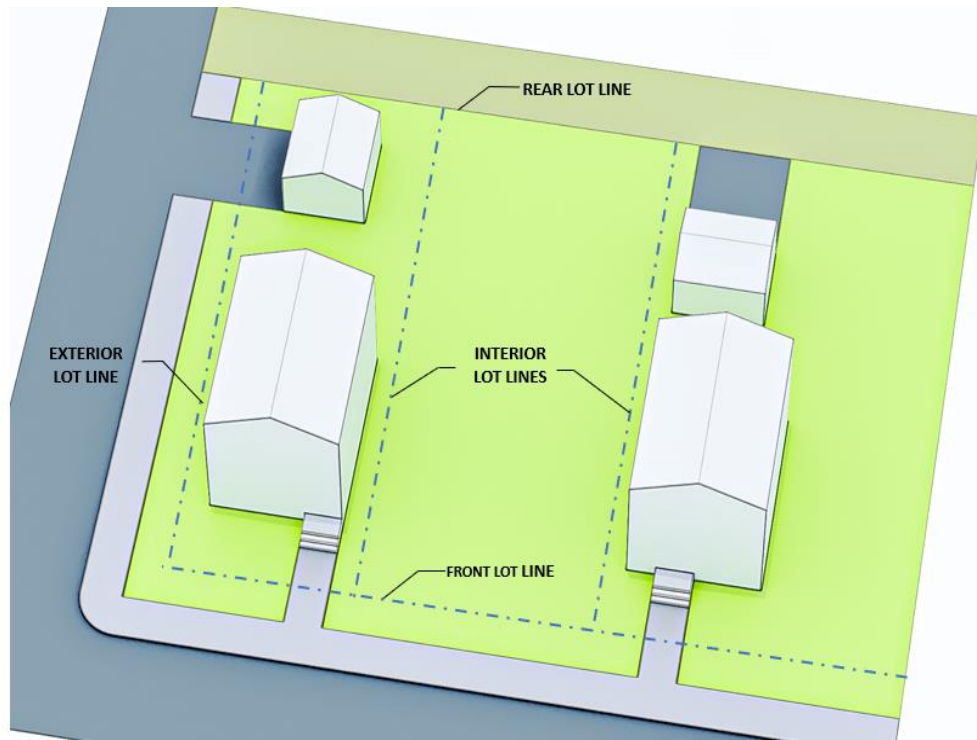


Figure 6: Lot Lines, Width and Depth

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

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

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

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

“MANUFACTURED HOME PAD” means that portion on an individual Manufactured Home Park lot which has been reserved for the placement of the Manufactured Home, accessory structures and/or additions.

“MANUFACTURED HOME PARK” means a site under single ownership which is managed by a Manufactured Home Park operator which has been designed for the placement of Manufactured Homes on individual lots.

“MANUFACTURED HOME PARK LOT” means that leasable or rentable portion of land within a Manufactured Home Park which has been reserved for the placement of a Manufactured Home.

“MANUFACTURED HOME SUBDIVISION” means a Manufactured Home development registered as a subdivision under freehold tenure

“MANUFACTURING, LIGHT” means a development where the creation, fabrication, processing, production, assembly, storage or packaging of materials, goods or products and their distribution occur, which does not generate any detrimental impact, potential health or safety hazard or nuisance factors beyond the boundary of the lot. Any indoor display, office, technical, administrative support, or retail sale operation shall be ancillary to the general industrial uses listed above. This Use Class does not include Cannabis Production Facility.

“MANUFACTURING, HEAVY” means a development where the creation, fabrication, processing, production, assembly, storage or packaging of materials, goods or products and their distribution occur, which may generate detrimental impact, potential health or safety hazard or nuisance factors beyond the boundary of the lot. The development may include outdoor storage or display of materials and equipment. This Use Class does not include Cannabis Production Facility.

“MGA” means the *Municipal Government Act* (RSA 2000, c. M-26), as amended or substituted.

“MARKET GARDEN” means the use of land for the commercial growing of vegetables or fruit.

“MODULAR BUILDING” means a prefabricated building that is built off-site in one or sections and transported to a building site for assembly. A modular building may include residential, commercial, industrial and institutional buildings. This definition does not apply to Manufactured Homes, Tiny Homes, recreational vehicles or industrial camp trailers.

“MOTEL” means a building or group of buildings designed for the accommodation of the public containing guest rooms, each of which has a separate entrance directly from outside the building. A Motel does not include a Workcamp.

“MOVED-IN BUILDING” means a building previously constructed and occupied on a site which is relocated from that site and placed on another site.

“MUNICIPAL DEVELOPMENT PLAN” means a statutory plan adopted by Town of Falher under the provisions of the MGA.

“NATURAL RESOURCE EXTRACTION” means development for the on-site removal, extraction and primary processing of raw materials found on or under the site, such as timber, clay, limestone, shale, coal, sand, gravel and other minerals, including petroleum, lithium and natural gas, and which may include primary treatment into a raw, marketable form of the resource.

“NON-CONFORMING BUILDING” means a building:

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

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

- (1) being made of land or a building or intended to be made of a building lawfully under construction at the date this Bylaw or any amendment thereof affecting the land or building becomes effective; and
- (2) that on the date this Bylaw or any amendments thereof becomes effective does not, or in the case of a building under construction will not, comply with this Bylaw.

“OFFICIAL” means:

- (1) a municipal commissioner, manager, secretary, comptroller, engineer and any other official appointed by resolution or by bylaw of the Council; and
- (2) the holder of any other position or office designated as such by Council.

“OUTDOOR STORAGE” means an outdoor area forming part of a development used for storage of equipment, goods, materials or products.

“OWNER” means:

- (1) in respect of unpatented land, the Crown;
- (2) in respect of other land, the person(s) who are registered under the Land Titles Act (RSA 2000, c. L-4) as the owner of the fee simple estate in the land; and
- (3) in respect of any property other than land, the person in lawful possession of it,

as defined in the *Municipal Government Act*, as amended.

“PARK” means development or use of public land specifically designed or reserved for the general public for active or passive recreational uses, and include natural and man-made landscaping, facilities, playing fields, gardens, buildings, and other structures that are consistent with the general purposes of public parkland, whether or not such facilities are publicly operated or operated by other organizations subject to satisfactory arrangements with the public authority owning the land. Typical Uses include, but are not limited to, tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, community gardens, botanical gardens, playgrounds and water features.

“PARKING AREA OR LOT” means a development, or part thereof, which provides access, manoeuvring and space for parking of motor vehicles.

“PARKING, ONSITE/OFF-STREET” means parking area located within the site of a development or alternative location to the satisfaction of the Development Authority, but does not include On-street Parking.

“PARKING, ON-STREET” means dedicated spaces on the side(s) of a public street or roadway approved by the Town for the parking of motor vehicles on a temporary basis. On-street parking is not a guaranteed option for meeting parking requirements for a development, and may not be considered, unless approved by the Development Authority.

“PARKING STALL” means a single space within a structure, public or private parking lot set aside for the parking of one motor vehicle.

“PUBLIC PARKING FACILITY” means a parking area dedicated for the parking of motor vehicles by the general public, with or without a fee.

“PATIO” means an area at finished grade designed for outdoor seating and may include the seasonal use of outdoor areas associated with dwelling units or the exterior of restaurants or cafes in commercial areas.

“PARTY WALL” means a wall built on the property line of an adjoining structure and shared by both properties.

“PET SERVICES” means a development for the purpose of accommodation, boarding, grooming, impoundment, training, or the sale of domestic animals, including but not limited to cats and dogs.

“PERMANENT FOUNDATION” means a structure constructed or erected with a fixed location on the ground composed of, but not limited to, footing, raft, or pile which renders the structure fixed and immovable.

“PERMITTED USE” means the use of a building or land listed in a column captioned “Permitted Uses” in a land use district for which a development permit shall be issued by the Development Officer upon application having been made, subject to compliance with other requirements of law and this Bylaw.

“PERSONAL SERVICES ESTABLISHMENT” means a development relating to the care and appearance of the body or the cleaning and repair of personal effects. Typical Uses include, but are not limited to: beauty salons, barber shops, nail salons, dressmakers, dry cleaning establishments (drop-of and pick-up only), laundromats, massage therapy, physiotherapy, photographic studios, small appliance repair and service shops, personal fitness activity, and instructional classes, and may include accessory retail sales. This Use Class does not include adult entertainment facilities or escort services, even as an accessory use.

“PRINCIPAL BUILDING OR USE” means the main purpose, in the opinion of the Development Authority, for which a parcel, building or development is ordinarily used.

“PRIVATE CLUB OR ORGANIZATION” means development used for meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, without on-site residences. Rooms may be included for eating, drinking and assembly.

“PROFESSIONAL SERVICES” means a development primarily used for the provision of professional, administrative, consulting and management services. Typical Uses include, but are not limited to, offices for lawyers, accountants, engineers, planners, doctors, and architects, real estate and insurance firms.

“PROTECTIVE AND EMERGENCY SERVICES” means a development that is required for the continued health, safety and welfare of the public. Types Uses include, but are

not limited to, police stations, fire halls, medical facilities, and accessory training facilities.

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

“PUBLIC USE” means a building or use of land by a department or agency of the federal, provincial or municipal government or not-for-profit organization for the purpose of public administration. This Use Class includes, but is not limited to, municipal offices, courthouses, school board office, health authority office, taxation offices, employment offices, post offices and social services.

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

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

and includes the thing that is provided for public consumption, benefit, convenience or use.

“PUBLIC UTILITY LOT” means land required to be given under Part 17, Division 8 of the MGA for public utilities.

“RECREATIONAL VEHICLE” means a portable motorable unit intended as temporary accommodation for travel, vacation, or recreational use. It may include a motor home, fold down camping trailer, truck camper, or fifth wheel trailer but does not include a Manufactured Home.

“RECREATIONAL VEHICLE AND EQUIPMENT SALES AND SERVICE” means the use of land or building(s) or a portion thereof for the sale and service of recreational vehicles and Off-highway Vehicles, including display and storage of products on or about the premises in quantities sufficient only to supply the establishment.

“RECREATIONAL VEHICLE PARK” means the use of land for keeping of recreational vehicles on a temporary basis and for transient use.

“RECREATION VEHICLE SITE” means a plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle or other individual camping unit on a temporary basis and for transient use. It can either be a serviced or non-serviced site. The site is normally provided with an activity pad containing a fire pit and picnic table and landscape buffer between adjacent stalls and uses.

“RECLYING FACILITY” means a building or facility in which recyclable materials are collected, sorted and then shipped off-site for processing or manufacturing.

“RELIGIOUS USE FACILITY” means a building or structure primarily intended for the conducting of organized religious services, and may include as accessory uses social, recreational and community activities such as group meetings, banquets and child care. It may include a minister’s residence, manse, parsonage or rectory, provided it is accessory to the principal use.

“RESIDENTIAL SUPPORT HOME” means a development within a dwelling unit authorized, licensed or certified by a public authority where support staff provide care, guidance or supervision for persons with mental or physical disabilities in a residential setting.

“RESTAURANT” means an establishment where food is prepared, served and generally intended to be consumed on the premises for sale to the public, and may include supplementary alcoholic beverage service and supplementary on or off-premises catering services. This Use Class includes but is not limited to: cafes, drive thru or drive in restaurants, ice cream parlors, banquet facilities, take-out restaurants.

“RETAIL ESTABLISHMENT, GENERAL” means a development used for the retail sale of general or wide variety of consumer goods, including but not limited to, groceries, beverages, furniture and appliances, electronic goods, hardware, home improvement supplies, clothing, pharmaceutical and personal care items, office supplies and similar goods within an enclosed building. This Use may include supplemental postal services, film processing, repair of merchandise sold or rented by the establishment, and food consumption, but does not include Warehouse or Distribution Sales and Cannabis Retail sales.

“RETAIL ESTABLISHMENT, CANNABIS” means a retail establishment licensed by the Alberta Liquor and Gaming Commission (AGLC) where cannabis and cannabis accessories are sold to individuals.

“RETAIL ESTABLISHMENT, CONVENIENCE” means a small retail establishment, not exceeding a floor area of 280m (3,013.89ft), which offers a limited variety of households goods. Typical Uses include, but are not limited to, small food stores, drug stores, and variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter.

“RETAIL ESTABLISHMENT, LIQUOR” means a development or use licensed by the Alberta Gaming and Liquor Commission, where alcoholic beverages are sold for off-site consumption.

“RETAIL ESTABLISHMENT, SPECIALTY” means a retail establishment that offers a specific or limited brand(s) of goods.

“ROAD” means:

- (1) Land shown as a road on a plan of survey that has been filed or registered in a land titles office, or used as a public road, and includes a bridge forming part of a public road and any structure incidental to the public road;
- (2) Theoretical road allowance; or
- (3) Undeveloped road allowance.

“SATELLITE DISH ANTENNA” means a combination of:

- (1) an antenna or dish antenna whose purpose is to receive signals from orbiting satellites;
- (2) a Low Noise Amplifier (LNA) situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals;
- (3) a cable whose purpose is to transmit signals or other associated components.

“SALVAGE YARD” means a facility for the storage, processing, or trans-shipment of derelict vehicles, machinery, scrap metal and similar materials for the purpose of wholesale or retail trade.

“SEED CLEANING PLANT” means a building used for the storage and preparation of seed used in agriculture”.

“SELF STORAGE FACILITY” means a development where:

- (1) goods are stored in a building(s), with separate compartments, where each compartment has separate access;
- (2) that may be available to the general public for storage of personal items;
- (3) that may include administrative function associated with the use; and

(4) that may include custodial/security quarters for the facility.

“SENIOR CITIZEN HOUSING” means self-contained units designed to accommodate senior citizens as defined by Provincial and Federal agencies and legislation which typically includes senior lodges and other forms of assisted care living/housing.

“SERVICE STATION” means a commercial establishment for the sale of automotive fuels, lubricating oils and associated automotive products for vehicles. It may also include services such as the minor repair of motor vehicles and routine servicing, excluding automotive specialty and auto body and paint shop uses. Accessory uses may include a convenience store, towing service, car wash or the sale of automotive accessories. This Use Class includes Gas Stations and Truck Stops.

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

“SHOUSE (BARNDOMINIUM)” means a building containing a residence that is connected to a shop or storage space by a common or connected roofing system. A Shouse is typically built through pole framing or post-frame construction, and features roll-formed, steel-sheet exterior, with residential style doors and windows along the primary frontage. In addition, the residence portion of the building shall meet the definition of a Dwelling Unit in this Bylaw.

“SIGHT TRIANGLE” means that triangle formed by a straight-line drawn between two points on the exterior boundaries of a corner lot:

- (1) 4.6 m (15 ft.) from the point where they intersect in all residential and commercial Districts;
- (2) 7.62 m (25 ft.) from the point where they intersect for all other districts.

(See Figure 7: Explanation Notes for Sight Triangle)

“SIGN” means any structure, device, light or fixture, or any part thereof, used to identify, advertise or attract attention to any person, object, product, event, place, organization, institution, development, business, group, profession, enterprise, or industry and is intended to be seen from on or off the site where the sign is located.

(See Figure 8: Examples of Types of Signage)

“SIGN, ADVERTISING” means a sign which refers only to goods or services produced, offered for sale or obtainable at the premises on which the sign is displayed.

“SIGN, CANOPY” means all temporary or permanent roof-like projections which extend horizontally at right angles to the building walls and includes marquees, awnings and the like.

“SIGN, DIRECTIONAL” means a sign which contains no advertising, but is limited to the distance and direction to a place of business or other premises indicated on the sign.

“SIGN, FREESTANDING” means a sign that is erected in the ground and permanently supported, independent of a building, wall or structure. It is supported by one or more columns, uprights, or braces in or upon grade and includes ground mounted signs and the like. Freestanding signs include, but are not limited to, pylon signs, monument signs, and entrance signs.

“SIGN, MANSARD ROOF” means a sign extending from a mansard roof. It is vertical and is supported by braces extending from the mansard roof.

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

“SIGN, SANDWICH BOARD” means a temporary sign which set on the ground, built on two similar pieces of material and attached at the top by hinges.

“SIGN, TEMPORARY” means any sign which is relocatable or removable from a site, is used for advertising for a limited duration, and does not rely on a building or fixed foundation for its structural support. This includes Portable signs and Sandwich board signs.

“SIGN, WALL” means a flat sign, plain or illuminated, running parallel for its whole length to the face of the building to which it is attached and includes fascia signs and the like.

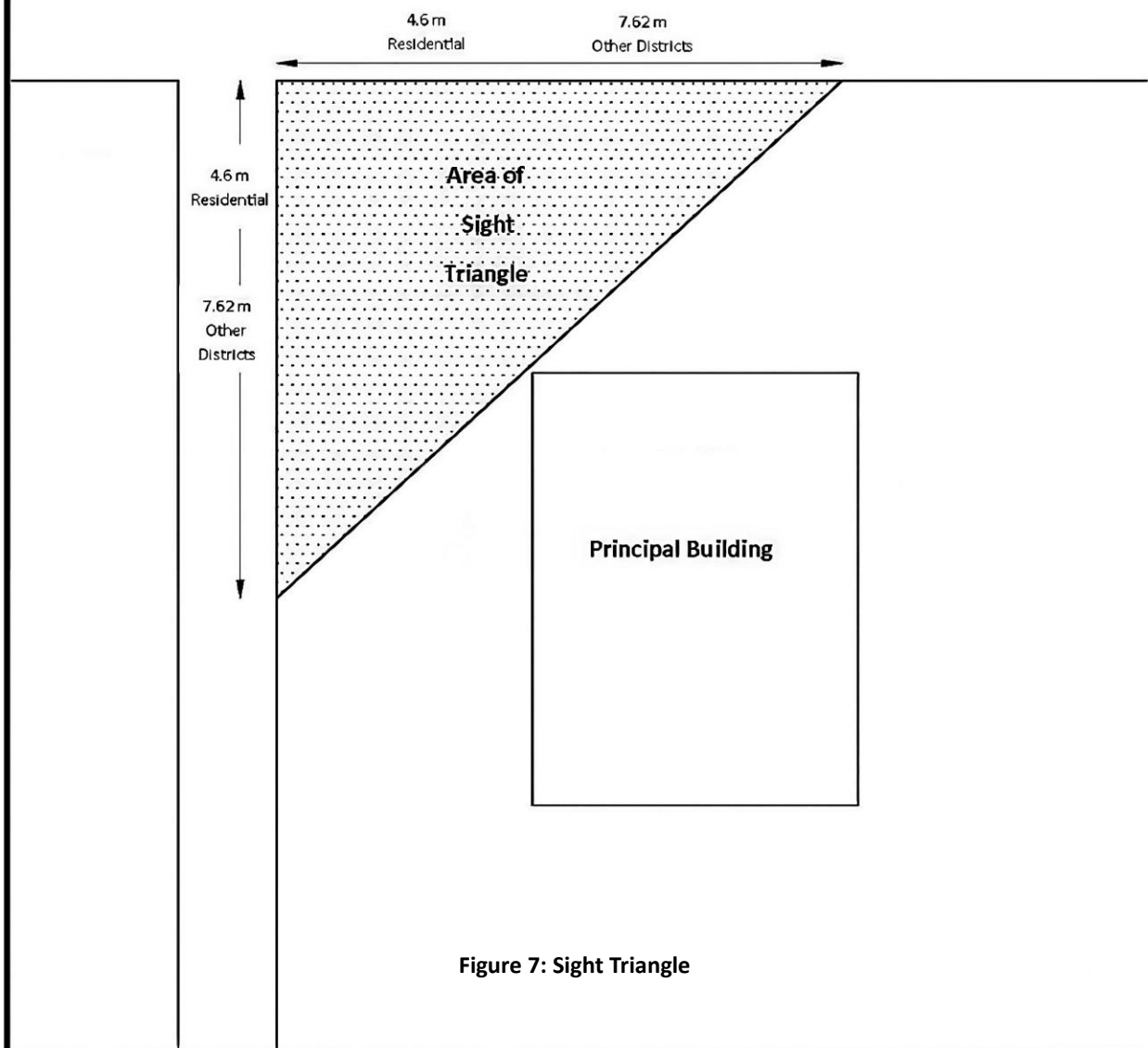
“SITE” means a parcel, lot, or group of lots used for or proposed for the undertaking of a development.

EXPLANATION NOTES

Sight Triangle

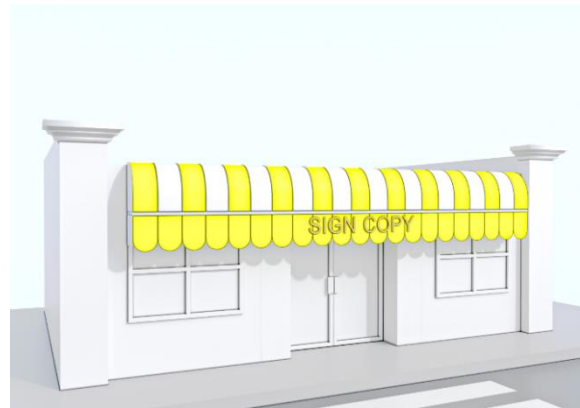
This graphic is not part of this bylaw but is provided to aid in its interpretation.

A "SIGHT TRIANGLE" means that triangle formed by a straight line drawn between two points on the exterior boundaries of a corner lot 7.62 m (25 ft.) from the point where they intersect or in Residential & Commercial Districts, 4.6 m (15 ft.) from the point where they intersect.





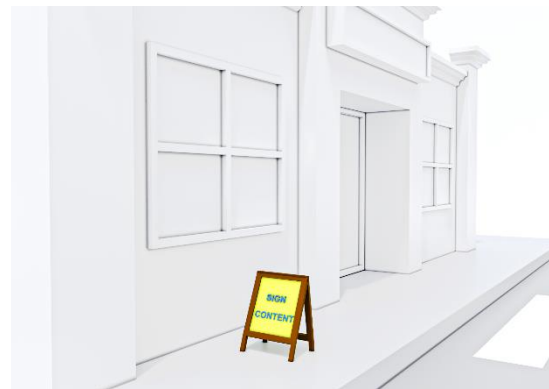
Fascia Sign



Canopy Sign



Window Sign



Sandwich Board Sign



Projecting Sign



Pylon Sign

Figure 8: Examples of Types

“SOLAR ENERGY SYSTEM, MICRO” means a small-scale, alternative energy system containing or including technology specifically designed to convert light and heat energy from the sun into electricity primarily intended for sole use and consumption on-site by the landowner, resident or occupant. Typical Uses include free-standing, roof and wall mounted solar panels.

“SPECIALTY FOOD STORE” means a retail establishment specializing in a specific type or class of food, including but not limited to appetizer store, bakery, butcher shop, delicatessen, fish store, gourmet and similar foods.

“STORAGE YARD” means a secure, fenced, outdoor site or space used for the storage of goods that are deemed not to be noxious, odorous or detrimental to adjacent land uses by the Development Authority.

“SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)” means the Town of Falher Subdivision and Development Appeal Board as established by a separate bylaw.

“SWEC- Small Scale Wind Energy Conversion System” means a small-scale system or development comprised of one or more structures containing technology specifically designed to convert kinetic energy from the wind into electricity, primarily intended for the sole use and consumption by the owner(s), resident(s) or occupant(s) of a single or aggregate sites. The system may produce residual energy that is connected and sold to the grid, but is not designed to be the primary purpose. Typical uses include portable or small-scale free-standing, roof and wall mounted wind turbines.

“SWIMMING POOL” means a structure, basin or tank containing an artificially created pool of water that is used for swimming, recreation, wading, diving, bathing, healing or therapy, religious rituals or other purposes, and includes all buildings, equipment and facilities used in connection with it. Swimming pools may be above ground, below ground or special purpose pools, and can be public or privately owned. This Use Class includes hot tubs and spas.

“TEMPORARY”, when referring to a development, means a development lasting for only a limited period of time and not permanent, for which an approximate or definitive end date is known. The development authority may determine the length of time for a temporary development, depending on the nature of the proposed building or use, up to a maximum of five (5) years, unless otherwise prescribed in this Bylaw.

“TEMPORARY DEVELOPMENT PERMIT” means a development permit issued for a temporary (time-bound) development.

“TEMPORARY MOVABLE STRUCTURE” means a movable storage structure to be used without a permanent foundation and not connected to utilities.

“TOWN” means the Town of Falher

“TRANSLOADING FACILITY” means a development used for the process of transferring cargo from one form of transport (i.e., truck or pipeline) to another form of transport (i.e., rail or truck). Transloading facility may include storage of materials.

“TREATMENT, RECOVERY AND DISPOSAL (TRD) FACILITY” means a provincially approved oilfield waste management facility for the treatment of crude oil emulsions, Class 1B water disposal, as well as recovery and disposal of oilfield by-products such as drilling wastes, tank bottom sludge, wastewater and well completion fluids.

“VARIANCE” means an alteration or change to a standard prescribed by this Bylaw that is authorized by the Development Authority or the Subdivision and Development Appeal Board.

“WAREHOUSE OR WHOLESALE USE” means the use of a building for the storage and/or sale of merchandise or commodities, and may include an office space.

“WORKCAMP” means a temporary residential complex used to house workers, usually but not necessarily for a contracting firm or project, on a temporary basis of more than twenty-eight (28) days and less than one (1) year. A workcamp is usually made up of a number of buildings, clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities.

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

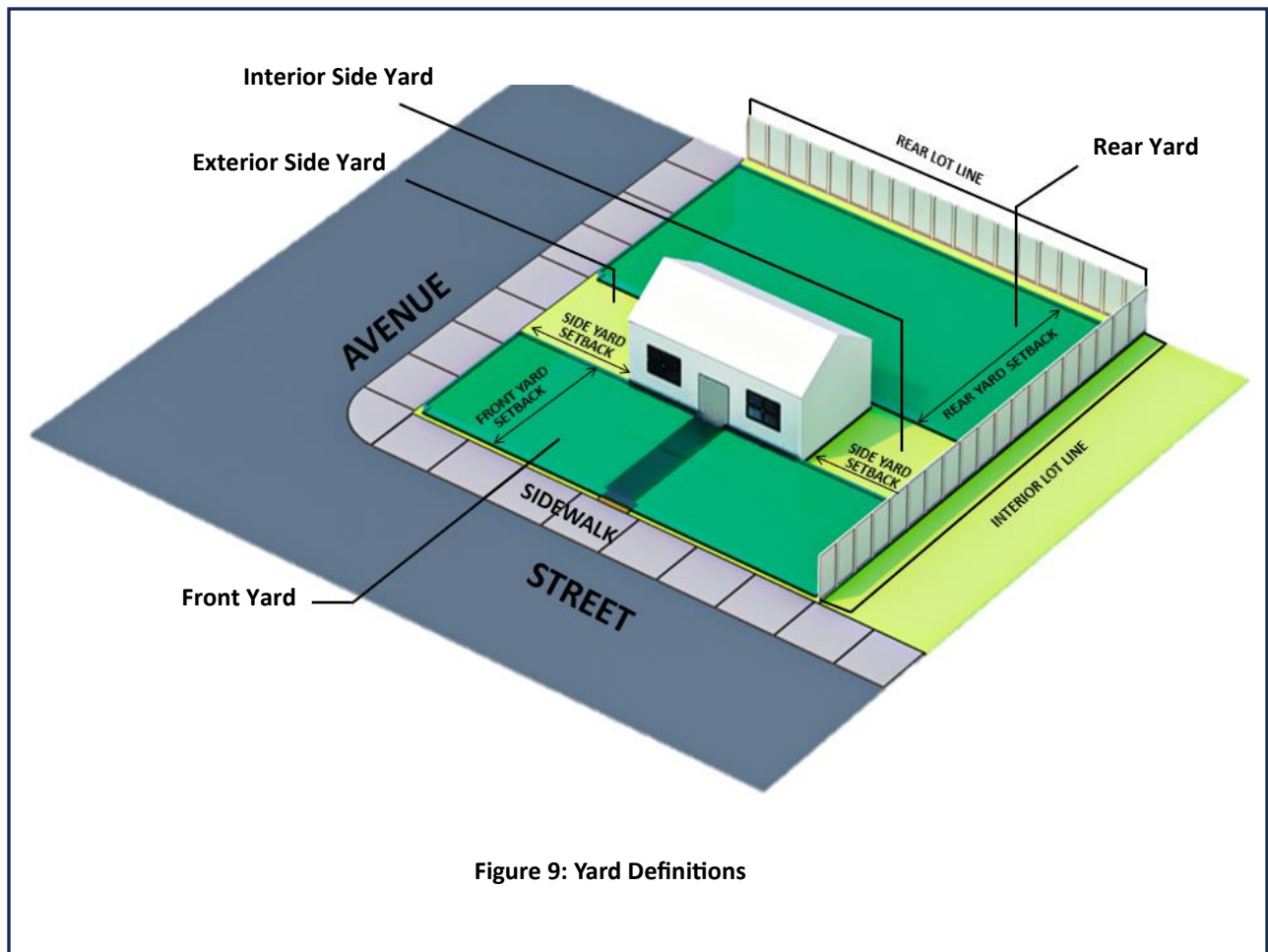
(See Figure 9: Explanation Notes for Yard).

“YARD, EXTERIOR SIDE” means that part of a corner lot which extends from a front yard to the rear yard between the side lot line of an adjacent road to the nearest wall of a building or structure.

“YARD, FRONT” means the area between side lot lines extending from the front lot line to the nearest wall of a building or structure. On a corner lot it is the yard associated with the front lot line (See Explanation Notes for Yard & Lot Line Definitions).

“YARD, INTERIOR SIDE” means that part of a corner lot which extends from a front yard to the rear yard between the side lot line of an adjacent building/property to the nearest wall of a building or structure.

“YARD, REAR” means the area between the side lot lines extending from the rear lot line to the nearest wall of a building or structure.





PART TWO

APPROVING AUTHORITIES

2.1 DEVELOPMENT OFFICER

- (1) The office of the Development Officer is hereby established, and such office shall be filled by a person or persons appointed by Council and vested with development powers and duties, pursuant to the Development Authority Bylaw.
- (2) For the purposes of the MGA, the Development Officer is hereby declared to be a designated person by Council.
- (3) The Development Officer shall perform such duties that are specified in this Bylaw.

2.2 COUNCIL

- (1) Council is the decision-making authority on those matters specified to be decided upon by Council in this Bylaw.

2.3 SUBDIVISION AUTHORITY

- (1) The Subdivision Authority for the Town is established by separate bylaw in accordance with Section 623 of the *Municipal Government Act*.
- (2) The Subdivision Authority shall perform those duties and functions specified in the MGA and any other applicable legislation.

2.4 SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

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

2.5 DUTIES AND POWERS OF APPROVING AUTHORITIES

- (1) The Development Officer shall:
 - (a) keep and maintain a copy of this Bylaw and all amendments thereto for the inspection of the public during all reasonable hours;
 - (b) keep a register of all applications for development, including the decisions thereon and the reasons thereof;
 - (c) refer all applications to the neighbouring municipality, consistent with the applicable Intermunicipal Development Plan;

- (d) consider and decide on all complete applications for development permits which constitute “Permitted” or “Discretionary” uses within any District, other than Direct Control; and
 - (e) refer all applications for development located in a Direct Control District to Council for a decision.
- (2) Council shall consider and decide on the following planning applications:
- (a) any application for an amendment to this Bylaw; and
 - (b) any applications for development permit within a Direct Control District.

2.6 DISCRETION OF APPROVING AUTHORITIES

- (1) A development permit application for a use which is not listed as a “Permitted Use” or a “Discretionary Use” in the subject District shall be refused.
- (2) In making a decision on a development permit application, the Development Officer:
 - (a) shall approve, with or without conditions, an application for a development permit for a Permitted Use where the proposed development conforms with this Bylaw;
 - (b) may approve, with or without conditions, an application for a development permit for a Discretionary Use where the proposed development conforms with this Bylaw;
 - (c) may refuse a development permit application for a Discretionary Use, even though it meets the requirements of this Bylaw;
 - (d) shall refuse an application for a development permit, if the proposed use does not conform to this Bylaw.
- (3) In reviewing a development permit application for a Discretionary Use, the Development Officer shall have regard for:
 - (a) the purpose and intent of the MGA;
 - (b) the purpose and intent of any applicable statutory plans adopted by the Town;
 - (c) the purpose and intent of any applicable non-statutory plans, policies and bylaws adopted by Council; and
 - (d) the circumstances and merits of the application, including but not limited to:
 - (i) the impact on properties in the vicinity from such nuisance factors as smoke, airborne emissions, odors and noise on nearby properties;
 - (ii) the design, character and appearance of the development shall be compatible with and complementary to the surrounding area;

- (iii) the servicing requirements for the proposed development.
- (4) In making a decision on a development permit application in a Direct Control District, Council shall have regard to, but not bound by:
 - (a) Any applicable statutory plans; and
 - (b) Section 7.12(2) and any other relevant provisions of this Bylaw.
- (5) Notwithstanding any provisions or requirements of this Bylaw, the Development Authority may establish a more stringent standard for “Discretionary Uses” when deemed necessary to do so.
- (6) Notwithstanding Section 2.6(1) and 2.6(2)(d), if a proposed use of land or a building is not listed as a “Permitted Use” or “Discretionary Use” in any land use district, and is not defined within Section 1.9 of this Bylaw, the Development Authority may determine that such a use is similar in character and purpose to a use listed under that land use district and consider and decide on a development permit application.
- (7) Where a proposed use of land or building falls under more than one defined use in this Bylaw, the Development Authority may, at their discretion, determine the most appropriate use fitting the application and make a decision on it.
- (8) Subject to Section 2.6(9), 2.6(10), 2.6(11), 2.6(12) and 2.6(13), the Development Authority may approve an application for a development permit, notwithstanding that the proposed development does not comply with this Bylaw, if in the opinion of the Development Authority:
 - (a) the proposed Development would not
 - (i) unduly interfere with the amenities of the neighbourhood; or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighboring properties; and
 - (b) the proposed development conforms to the use prescribed for that land or building in the Bylaw.
- (9) The Development Authority shall assess and decide upon variance requests in consideration of the following factors:
 - (a) type of development proposed;
 - (b) type, extent and rationale of variance requested;
 - (c) existing and adjacent buildings and/or structures;
 - (d) adjacent road classification and function;
 - (e) potential impact on adjacent uses, buildings and/or structures;
 - (f) potential impact on local road network and function.

- (10) The Development Officer may approve a development permit application with up to a 20% variance to any prescribed maximum or minimum development standard.
- (11) Notwithstanding section 2.6(10), the Development Officer may, subject to consulting Council, grant variance in excess of 20% to any prescribed maximum or minimum development standard.
- (12) In addition to those considerations contained in Section 2.6(8) and 2.6(9), variance may only be granted by the Development Officer where:
 - (a) the proposed variance is minor in nature and would not alter the spirit and intent of this Bylaw; or
 - (b) the proposed variance, if not granted, would cause undue hardship to the applicant due to location, use and character of the land or building.
- (13) Variance request shall not be approved, if the granting of the variance results in a development which does not meet the requirements of:
 - (a) Matters Related to Subdivision and Development Regulation;
 - (b) the Alberta Building and Fire Codes in force; or
 - (c) setbacks imposed by a Provincial Authority, unless approved by that Authority.



PART THREE: DEVELOPMENT PERMITS, RULES AND PROCEDURES

3.1

CONTROL OF DEVELOPMENT

- (1) Except as provided in Section 3.2, no person shall undertake any development within the Town, unless:
 - (a) it is in accordance with the terms and conditions of a development permit issued pursuant to this Bylaw; or
 - (b) the development is exempted by the MGA or its regulations.

3.2

DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- (1) The following developments shall not require a development permit, provided they otherwise comply with other applicable provisions of this Bylaw:
 - (a) Works of maintenance, repair or alterations on a building or structure, both internal and external, if in the opinion of the Development Officer, such works:
 - (i) do not include structural alterations,
 - (ii) do not change the use or intensity of the use of the structure/building, and
 - (iii) is performed in accordance with obligatory legislation or other government regulations.
 - (b) The construction and maintenance of that part of a public utility or public use placed in or upon a public thoroughfare or public utility easement;
 - (c) The use of a building, or part thereof, as a temporary polling station for a federal, provincial or municipal election, referendum or plebiscite;
 - (d) A stripping, filling, excavation and grading development
 - (i) when such operations are performed in accordance with a valid development permit or Development Agreement, or
 - (ii) on a developed lot, when undertaking normal soft or hard landscaping activities, such as, but not limited to, loaming and seeding yard areas, planting trees or shrubs and gardening, where these activities do not affect the swale of surface water or may cause existing surface soils to slough onto adjacent properties.
 - (e) The use by the Town of land of which the Town is the legal or equitable owner for a purpose approved by a vote of Council;
 - (f) The construction, maintenance, and repair of private walkways, private pathways, private driveways and similar works, unless the work involves creation or expansion of a curb cut;
 - (g) Stripping or stockpiling of soil and construction of municipal improvements in a subdivision area when a Development Agreement has been duly executed;

- (h) The completion of a building which was lawfully under construction at the date this Bylaw comes into full force and effect, provided that:
 - (i) the building is completed in accordance with the terms of any permit granted by a certified Building Inspector, subject to the conditions of that permit, and
 - (ii) the building, whether or not a permit was granted, is completed within a period of twelve (12) months from the date this Bylaw comes into full force and effect.
- (i) Demolition of a building or structure where a development permit has been issued for a new development on the same site;
- (j) The construction or installation of a movable or portable accessory building (not on a permanent foundation) having an area of less than 10 m² (108 ft²) in a residential district, as long as the structure is not located on a utility or other right-of-way and is in compliance with the regulations contained in this bylaw;
- (k) Signs listed in Section of 6.19(3) of this Bylaw;
- (l) Temporary, above-ground private swimming pool designed to be easily removed or disassembled at the end of the season of usage, and in compliance with Section 6.21(2) of this Bylaw;
- (m) Those developments specified in Section 618 of the MGA, including:
 - (i) a highway or road;
 - (ii) a well or battery within the meaning of the *Oil and Gas Conservation Act* (RSA 2000, c. O-6);
 - (iii) a pipeline or an installation or structure incidental to the operation of a pipeline;
 - (iv) a confined feeding operation or manure storage facility within the meaning of the *Agricultural Operations Practices Act*, if the Confined Feeding Operation or manure storage facility is subject of an approval or authorization under Part 2 of the *Agricultural Operations Practices Act*; and
 - (v) any other action, person or thing specified by the Lieutenant Governor in Council or by regulation.
- (n) Bed and breakfast operation, subject to section 6.4 of this Bylaw.

3.3

DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

- (1) An application for a development permit shall be made by submitting the following to the Development Officer in writing:
 - (a) A completed development permit application form signed by the applicant;
 - (b) The development permit application fee as established by Council.
- (2) The Development Officer may require any or all of the following with an application as deemed necessary:
 - (a) A scaled site plan showing:
 - (i) the legal description,
 - (ii) all property lines and easements with setbacks,
 - (iii) roads,
 - (iv) buildings and structures, including height and dimensions;
 - (v) topography, vegetation and other physical features of the land to be developed,
 - (vi) parking stalls, vehicle circulation areas, walkways and road access points;
 - (vii) egress to the site or grade, including grade relative to the property lines and to neighboring land,
 - (viii) above ground utilities and direction of storm water drainage off the site,
 - (ix) landscaping, retaining walls, fences and other screening;
 - (b) A floor plan, elevations and illustrated exterior finishing materials in duplicate;
 - (c) The location(s) of any water, sewer, gas, electrical and/or telephone lines;
 - (d) The locations and dimensions of any culverts and/or crossings;
 - (e) A statement of existing and proposed uses;
 - (f) A statement of ownership of land and interest of the applicant therein;
 - (i) If the applicant is not the registered landowner, a statement of consent from the registered owner(s) of the land must be provided.
 - (ii) If there are multiple landowners, all landowners must be a party to the application or submit a statement of consent.
 - (g) The estimated commencement and completion date;
 - (h) The estimated cost of the project or contract price;

- (i) Information regarding the projected traffic volumes, utilities, proposed landscaping, urban design, social and economic effects, environmental impact assessment, environmental audit, slope, soil, flood plain, sun and wind impact studies; and
 - (j) any other information, studies or assessment, including but not limited to geotechnical assessment, as required to evaluate the application.
- (3) A Development permit application is deemed received by the Development Authority when the filled development permit application form along with the prescribed fees, as set forth in the Town's Fees Bylaw, have been submitted to the Town.
- (4) When, in the opinion of the Development Authority, the information required under Section 3.3(1) has not been submitted, the Development Authority may return the application for further details. The application shall not be deemed to be received until all required details have been submitted to the satisfaction of the Development Authority.
- (5) Where an application for a development permit is determined to contain incorrect information, the development permit shall not be issued until such information is corrected by the applicant.

3.4 COMPLETED DEVELOPMENT PERMIT APPLICATION

- (1) Within twenty (20) calendar days from the date of receipt of a development permit application, the Development Authority shall determine whether the application is complete or incomplete.
- (2) Notwithstanding Section 3.4(1), the Development Authority 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.
- (3) When, in the opinion of the Development Authority:
 - (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 Section 3.4(1) or 3.4(2).
 - (b) sufficient details of a proposed development have not been included with the application for a development permit, the Development Officer shall, in a form and manner appropriate, issue a notice of incomplete application to the applicant, advising that the application is incomplete within the timeline provided for in Section 3.4(1) or 3.4(2). The notice shall outline any outstanding information and/or documentation that must be provided by the applicant for the application to be considered

complete by a date stated in the notice or as agreed upon between the Development Authority and the applicant.

- (4) If the Development Authority does not issue a notice of complete or incomplete application for a development permit application within 20 calendar days from the date of receipt of the application, or the alternative time period agreed upon between the Development Authority and the applicant, the application is deemed to be complete.
- (5) Notwithstanding the issuance of a notice of complete or incomplete application pursuant to Section 3.4 (3), or failure to issue a notice under Section 3.4(4), the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.
- (6) If an applicant who has been issued a notice of incomplete application:
 - (a) submits all the required information and/or documentation by the date given in Section 3.4(3)(a), the Development Authority 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 Section 3.4.3(b), the application is deemed refused.
- (7) Where an application for a development permit is deemed refused under Section 3.4.6(b), the Development Authority shall issue a notice to the applicant, stating that the application has been refused and the reason for the refusal.

3.5 APPLICATION REFERRALS

- (1) The Development Authority may refer a development permit application to the Mackenzie Municipal Services Agency and any other agency in order to receive comment and advice, prior to making a decision.
- (2) The Development Authority may refer development permit application for “Discretionary Uses” to adjacent landowners for review and comments, prior to making a decision.

3.6 APPLICATION PROCESSING TIME

- (1) The Development Authority shall consider and decide on a development permit application:
 - (a) within forty (40) calendar days of receipt by the applicant the notice of complete application issued pursuant to Section 3.4(3)(a) or 3.4(6)(a); or

- (b) within forty (40) calendar days from the receipt of the application, if a notice of complete application was not issued pursuant to Section 3.4(3)(a).
- (2) Notwithstanding Section 3.6 (1), the Development Authority may extend the forty (40) day period for making a decision on a development permit application, based on a written agreement between the Development Authority and the applicant.
- (3) If Development Authority does not make a decision within the timeline provided for under Section 3.6(1) or 3.6(2), the application shall at the option of the applicant be deemed refused.

3.7 CONDITIONS OF A DEVELOPMENT PERMIT

- (1) The Development Authority may require with respect to a development that as a condition of issuing a development permit:
 - (a) the applicant enters into an agreement to construct or pay for any of the following items:
 - (i) a public roadway or parking area;
 - (ii) a pedestrian walkway;
 - (iii) loading facilities;
 - (iv) vehicular and/or pedestrian access;
 - (v) utilities;
 - (vi) any municipal service mutually agreed upon off-site levy or re-development levy imposed by Bylaw;
 - (vii) security, in the form of an irrevocable letter of credit, to ensure that the terms of the agreement are carried out.
 - (b) the applicant makes satisfactory arrangements for the supply of utilities including, but not limited to, natural gas, cable, internet, water, electric power, sewer service or any or all of them, including payment of the cost of installation or construction of any such utility or facility by the applicant;
 - (c) the applicant repair, reinstate or pay for the repair or reinstatement to original condition of any street furniture, curbing, sidewalk, landscaping which may be damaged or destroyed by development or building operations upon the site; and
 - (d) the applicant provides a real property report as proof of location of development on said land.
- (2) Pursuant to the *Municipal Government Act* and the *Land Title Act*, the Town may register a caveat against the Certificate of Title for the land that is subject of the development in respect of an agreement made under section 3.7(1)(a).

A caveat registered for such purpose shall be discharged upon the terms of the agreement being met.

- (3) In addition to Subsection 3.7(1), the Development Authority may impose conditions as the Development Authority deems appropriate including, but not limited to, the following:
 - (a) hours of operation;
 - (b) number of patrons;
 - (c) landscaping requirements;
 - (d) noise attenuation;
 - (e) special parking provisions;
 - (f) the location, character and appearance of buildings;
 - (g) the grading of a site or such procedures as are necessary to protect the site from development or to protect development from the site;
 - (h) the period of time during which a development may continue and remain in effect; and
 - (i) the development is compatible with surrounding developments.
- (4) If, in the opinion of the Development Authority, satisfactory arrangements have not been made by a developer for the supply of water, electrical power, sewage and street access, or any of them including payment of the costs of installation or construction, the Development Authority shall refuse to issue a development permit.

3.8 NOTICE OF DECISION

- (1) A decision of the Development Authority on a development permit application shall be given in writing and a copy of it shall be sent to the applicant and/or their agent. In the case of refusal, the notice of decision shall include reasons for the decision.
- (2) When an application for a development permit is approved, an official of the Town shall publish the decision in accordance with the Town's Public Notification Bylaw. The notice shall include the location and address of the property for which the application applies.
- (3) For the purpose of this Bylaw, notice of the decision of the Development Officer is deemed to have been given on the day when the Notice of Decision is signed and dated, and
 - (a) published in accordance with the Public Notification Bylaw, or
 - (b) sent to the applicant or their agent
as the case may be.

- (4) A development permit granted pursuant to this Bylaw comes into effect twenty-one (21) calendar days following the date an order, decision or development permit is issued, unless an appeal is lodged with the Subdivision and Development Appeal Board. Any development proceeded with by the applicant prior or during this period is done solely at the risk of the applicant.
- (5) A development permit becomes invalid if the development it was approved for is not commenced within twelve (12) months from the date of the issuance of the development permit.
- (6) Notwithstanding Section 3.8(5), for certain uses that are intended to be temporary in nature, the Development Authority may determine that a Development Permit is valid for less than twelve (12) months from its date of issue. The expiry date of a “Temporary Development Permit” shall be clearly indicated on the approved development permit.
- (7) Notwithstanding Section 3.8(5), the Development Authority may extend the period of time that a development permit is valid if, in their opinion, circumstances warrant such a time extension. A written extension request is required from the applicant prior to extension consideration.

3.9 APPEALING A DECISION

- (1) Any person affected by an order, decision or a development permit issued by the Development Authority may file an appeal to the appropriate Appeal Body, in accordance with the provisions of the *Municipal Government Act*.
- (2) When an appeal is filed with respect to a development permit approved by the Development Authority, the development permit which has been issued shall not come into effect until:
 - (a) the appeal has been determined, at which time the permit may be approved, modified, or nullified thereof; or
 - (b) the appeal is withdrawn or abandoned by the appellant.
- (3) If the decision to approve a development permit application is reversed by the Appeal Body, the development permit shall be null and void.
- (4) If the decision to refuse a development permit application is reversed by the Appeal Body, the Development Officer shall issue a development permit in accordance with the decision of the Appeal Body.
- (5) If the decision to approve a development permit application is varied by the Appeal Body, the Development Officer shall issue a development permit in accordance with the terms of the decision of the Appeal Body.

- (6) If the decision to approve or refuse a development permit application is upheld by the Appeal Body, the decision or permit is in effect, regardless of whether there is further appeal to the Alberta Court of Appeal.

3.10 REAPPLICATION FOR A DEVELOPMENT PERMIT

- (1) When an application for a development permit is refused by the Development Authority or the appropriate Appeal Body, the same or another application for development, with respect to the same parcel of land and for the same or similar use of the land may not be made by the same or any other applicant within six (6) months of the refusal of the application, unless the application was deemed refused under Section 3.4(6)(b).

3.11 COMPLIANCE CERTIFICATES

- (1) The Development Authority, may upon request, issue certificates regarding compliance of uses of land and buildings in relation to this Bylaw.
- (2) A request for compliance certificate shall be accompanied by:
 - (a) A non-refundable fee, as established by resolution of Council; and
 - (b) A Real Property Report or Surveyor's Certificate, signed by an Alberta Land Surveyor, showing the location of the subject uses(s), developments(s) or building(s) in relation to public roadways and/or lot lines.
- (3) If the use(s) or development(s) or building(s) located on the lot comply with the requirements of this Bylaw, the Development Authority shall issue a Compliance Certificate.
- (4) If the use(s) or development(s) or building(s) located on the lot do not comply with the requirements of this Bylaw,
 - (a) The Development Authority shall issue a certificate of non-compliance, specifying how or why where the use(s) or development(s) or building(s) do not comply with this Bylaw; or
 - (b) The owner, applicant, purchaser, vendor or occupant, as the case may be, may submit a development permit application in accordance with this Bylaw for the purpose of making the use(s) or development(s) or building(s) located on the lot to conform with the requirements of this Bylaw, and, upon completion and submission of a new Real Property Report or Surveyor's Certificate, signed by an Alberta Land Surveyor, request the Development Authority to issuance a Compliance Certificate.
- (5) A development permit application referred under Section 3.4(6)(b) shall be processed in accordance with the requirements of this Bylaw.



PART FOUR: AMENDING THE BYLAW

4.1 CONTENTS OF AN AMENDMENT APPLICATION

- (1) All applications for amendment to this Land Use Bylaw shall be made to the Development Officer in writing on the prescribed form, and accompanied by a non-refundable fee, the amount of which shall be set by Council from time to time.
- (2) The Development Officer may require any or all of the following to accompany an application for a Land Use Bylaw amendment:
 - (a) If the amendment involves the re-designation of land to a different land use district,
 - (i) a copy of the certificate of title for the lands affected, or any other document satisfactory to the Development Officer, verifying that the applicant has a legal interest in the land;
 - (ii) where the applicant is an agent acting for the owner, a letter from the owner(s) must be provided verifying the agent's authority to make the application;
 - (iii) properly dimensioned and scaled vicinity maps indicating the site to be amended and its relationship to existing land uses with a 30 metre (99 ft.) radius of the boundaries of the site;
 - (b) a statement of the rationale for the proposal to amend the Bylaw;
 - (c) any additional information as the Development Officer may require; and
 - (d) a signed certificate, by the applicant, authorizing the right of entry by the Development Authority to such lands or buildings as may be required for investigation of the proposed amendment.
- (3) The Development Officer may refuse to process an application to amend the Bylaw, if the information required has not been supplied or if, in their opinion, it is of inadequate quality to properly evaluate the application.
- (4) Council may, on its own initiative, choose to undertake an amendment to this Bylaw.

4.2 THE AMENDMENT PROCESS

- (1) Upon receipt of a complete application
 - (a) Administration shall coordinate the drafting of the proposed Land Use Bylaw amendment; and
 - (b) Present it to the Council for introduction and to establish a Public Hearing date.

- (2) The application may be referred to any agency, as deemed necessary for comment and advice.
- (3) A notice of the proposed Land Use Bylaw amendment shall be published in accordance with the Town's Public Notification Bylaw. The notice shall contain:
 - (a) the legal description of the land, if applicable;
 - (b) the purpose of the proposed amending Bylaw;
 - (c) the location where a copy of the proposed amending Bylaw may be inspected by the public;
 - (d) the one or more dates, places and time that the Council will hold a public hearing on the proposed amending Bylaw; and
 - (e) an outline of the procedures to be followed by anyone wishing to be heard at the public hearing.
- (4) Council, after considering
 - (a) any representations made at the public hearing; and
 - (b) any municipal development plan, area structure plan or area redevelopment plan affecting the application and the provisions of this Bylawmay make such changes as it considers necessary to the proposed amendment, if any, and proceed to pass the proposed amendment; or defeat the proposed amendment.

4.3 REAPPLICATION FOR A LAND USE BYLAW AMENDMENT

- (1) Where an application for an amendment has been refused by Council, the Development Officer shall refuse to accept another application on the same land for the same or similar purpose until six (6) months have passed from the date of such refusal.



PART FIVE GENERAL LAND USE PROVISIONS

5.1

ACCESS, DRIVEWAY AND SERVICES

- (1) All development shall have legal and physical road access or driveway to the satisfaction of the Development Authority.
- (2) The location of driveways shall
 - (a) maintain a minimum setback of 6.1m (20 ft) between the edge of the driveway and the intersection of the front and exterior lot lines on a corner lot; and
 - (b) maintain a minimum separation distance of 5.5m (18 ft) between one edge of the driveway and the nearest edge of the next adjacent driveway as shown below (Figure 10).

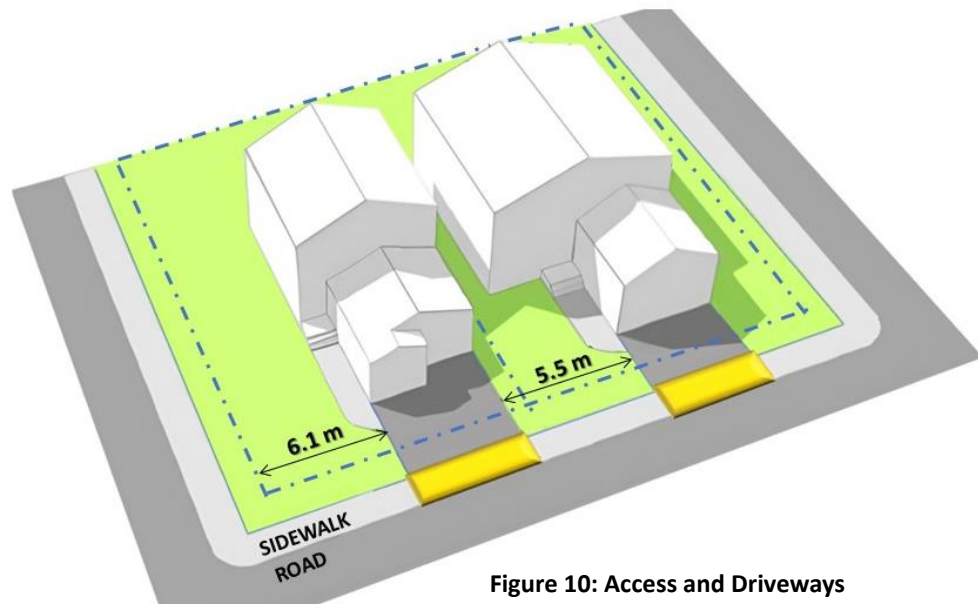


Figure 10: Access and Driveways

- (3) The maximum width of an access to a driveway shall be 10.5m (35 ft).
- (4) Where a development will have vehicles exceeding 9.1m (30 ft) entering onto public roads from a site, the applicant may be required to provide evidence in the form of diagrams that appropriate entrance and circulation geometrics have been incorporated into the design of the development to the satisfaction of the Development Authority.
- (5) No person shall use any lot or erect, alter or use any building or structure, unless such a lot is served by a municipal water system, waste water and sewage disposal system.

5.2

BUILDING DESIGN, CHARACTER, APPEARANCE AND HEIGHT

- (1) The design, setting, structure, architectural appearance and yard dimensions of any building or structure, accessory building, signs, and landscaping must be to the satisfaction of the Development Authority.
- (2) In determining the highest point of a building or structure in a district where building height is regulated, elements that are not essential to the structure of the building or structure, including but not limited to the following, shall not be considered (Figure 11):
 - (a) elevator housing;
 - (b) mechanical housing;
 - (c) roof entrances;
 - (d) ventilation fans;
 - (e) skylight;
 - (f) steeples;
 - (g) smokestack or chimneys;
 - (h) flagpoles;
 - (i) firewalls; and
 - (j) parapet walls.

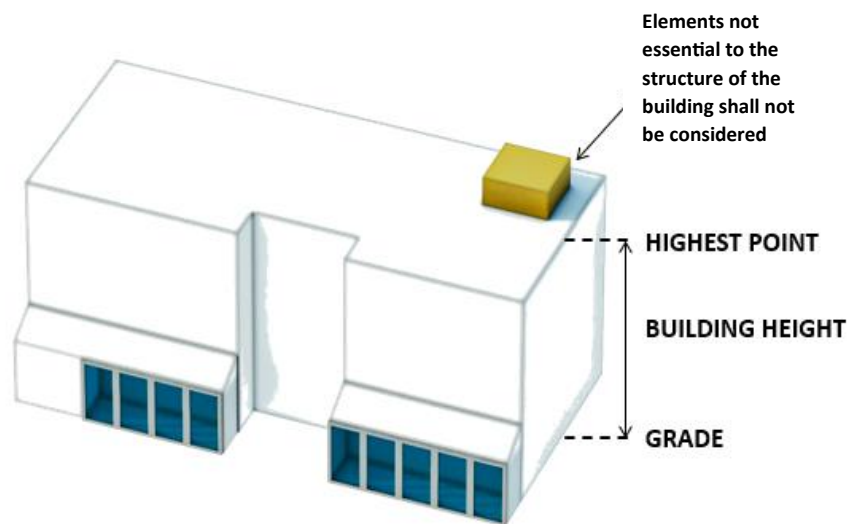


Figure 11: Building Height

5.3

CORNER LOT RESTRICTIONS

- (1) On any corner site, no finished grade shall exceed the general elevation of the street line by more than 60 cm (2 ft.) within the area defined as sight triangle.
- (2) No person shall place or maintain any object, structure, fence, hedge, shrub or tree in or on that part of the Sight triangle, if such object or structures, in the opinion of the Development Authority, interfere with traffic safety or the site triangle (Figure 13).

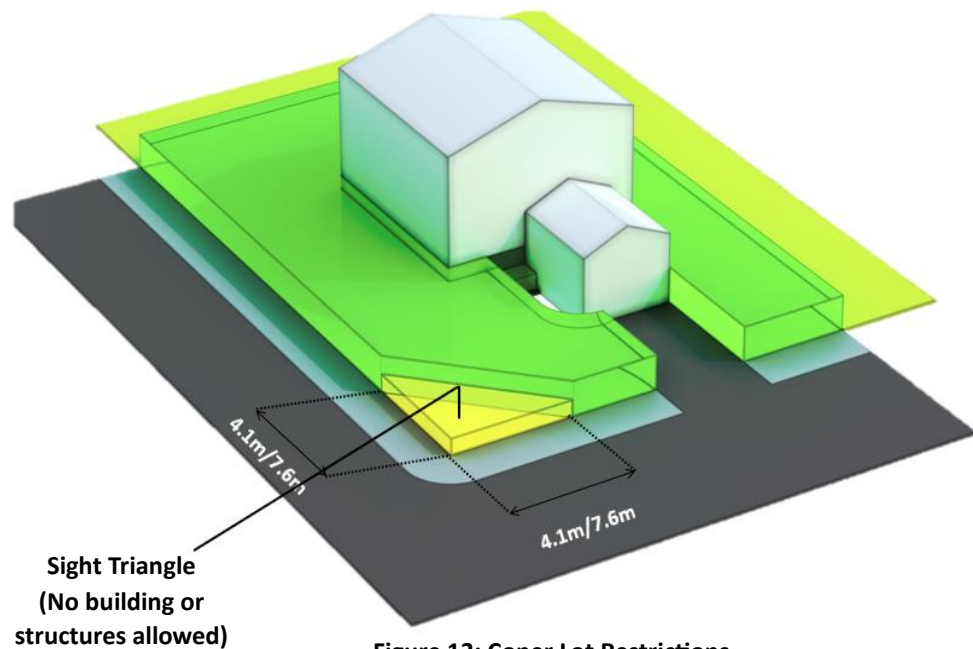


Figure 13: Coner Lot Restrictions

5.4

DWELLINGS PER LOT

- (1) No more than one (1) principal dwelling unit shall be allowed per lot in Town.
- (2) Section 5.4(1) does not apply to the following:
 - (a) Duplexes;
 - (b) Semi-detached dwellings;
 - (c) Row housing;
 - (d) Apartments; and
 - (e) Additional Dwelling Units.
- (3) Notwithstanding Section 5.4(1) above, the Development Authority may, at its discretion, allow more than one principal dwelling on a lot, subject to the following considerations:
 - (a) Location;

- (b) Size of the lot;
 - (c) Maximum lot coverage in the subject land use district;
 - (d) Site characteristics;
 - (e) Adjacent land uses/neighbourhood character;
 - (f) Access;
 - (g) Parking requirements;
 - (h) Servicing requirements; and
 - (i) Any other relevant matters.
- (4) Where more than one (1) principal dwelling unit is allowed on a lot by the Development Authority, they cannot be separated from each other through subdivision, unless:
- (a) the minimum lot size and dimensions, if stated;
 - (b) the required minimum building setbacks for each proposed lot in the subject land use district;
 - (c) the servicing requirements or arrangements; and
 - (d) and other requirements for subdivision and/or development
- can be met to the satisfaction of the Development and/Subdivision Authority.

5.5 DRIVE-IN/THRU DEVELOPMENT

- (1) A Drive-In/Thru development shall not be located on parcels which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation or access to/egress from the parcel.
- (2) The minimum parcel area for a business with a drive-in/thru shall be 1,500 m² (16,145.87 ft²).
- (3) The minimum front yard setback shall be 3 metres (9.8 feet).
- (4) The minimum side and rear yard setbacks shall be at the discretion of the Development Authority, and must be sufficient to make provision for queuing spaces, on-parcel traffic circulation, turning and manoeuvring.
- (5) Where a business with a drive-in/thru is located adjacent to a residential district, screening shall be provided to the satisfaction of the Development Authority.
- (6) All queuing spaces shall be a minimum of 6.5 metres (21.3 feet) long and 3.0 metres (9.8 feet) wide.
- (7) A minimum of five (5) inbound and two (2) outbound queuing spaces shall be provided.

- (8) The on-parcel layout of vehicle circulation patterns shall be to the satisfaction of the Development Authority.
- (9) All parts of the parcel to which vehicles have access shall be hard surfaced.
- (10) On-site waste bins shall be stored in weather-proof containers in a location easily accessible for pickup and be screened to the satisfaction of the Development Authority.
- (11) Where adjacent to residential districts, any proposed lighting shall be directed upon the parcel only.

5.6 LANDSCAPING AND SCREENING

- (1) The Development Authority may require, at its discretion, landscaping plans.
- (2) All areas not used for vehicle circulation, storage or a structure shall be landscaped.
- (3) Any area required to be landscaped may, at the discretion of the Development Authority, be left in its natural state or be loamed and planted with grass, trees, shrubs and/or flowers or similar materials or a combination thereof which will enhance the appearance of the site and compliment the development on the site.
- (4) Any area required to be landscaped shall be landscaped within two (2) years from the date of issue of the development permit.
- (5) Any area requiring landscaping or topographic reconstruction shall be landscaped so that the finished surface contours do not direct surface drainage onto an adjoining site.
- (6) The Development Authority may impose conditions requiring the retention or removal of trees or the additional planting of trees of such a type as considered necessary and their location.
- (7) In all Districts, the Development Authority may require screening to be provided in the form of hard or soft landscaping in order to visually screen areas which detract from the surrounding neighbourhood and/or reduce the impact of nuisance in the form or noise, dust, and odour on the surrounding properties. The construction and materials of the screen shall be of a quality to the satisfaction of the Development Authority.
- (8) In any Commercial or Industrial District, all outside storage areas abutting any Residential District shall be screened from the first story view of any dwelling unit to the satisfaction of the Development Authority.

- (9) Any lighting proposed to illuminate areas in any district shall be located and arranged to the satisfaction of the Development Officer so that all rays of light are directed upon the area to be illuminated and not on any adjoining properties.

5.7 LANDS SUBJECT TO FLOODING AND DRAINAGE PROBLEMS

- (1) No development shall be permitted on lands with known drainage problems, unless all structures are flood proofed in accordance with the *Safety Codes Act*.
- (2) The Development Authority may refer a development permit application to the Town's Public Works and/or Engineering Department(s) to identify lands with drainage problems.

5.8 LOT (SITE) COVERAGE

- (1) Lot coverage shall be calculated as a percentage by dividing the total amount of building footprint on a lot by the total lot area.
- (2) For the purpose of calculating lot coverage, the building footprint shall not include hard surfaced areas, such as patios, walkways and driveways (Figure 14).
- (3) For the purpose of calculating lot coverage, the building footprint shall include:
 - (a) The principal building;
 - (b) Additional Dwelling Units;
 - (c) Accessory buildings and structures;
 - (d) Porches and verandas; and
 - (e) Any portion of an upper storey that projects beyond the perimeter of the main floor.

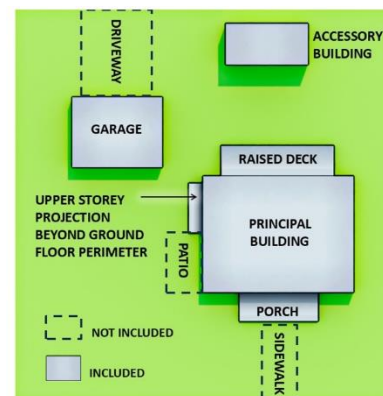


Figure 14: Lot Coverage

5.9

LOT CONSOLIDATION

- (1) Prior or subsequent to issuing a development permit, the Development Authority may require two or more lots to be consolidated into a single lot, where a proposed or existing development:
 - (a) straddles two or more abutting lots or
 - (b) requires consolidation of two or more abutting lots in order to meet the requirements of this Bylaw; and
 - (c) all the affected lots are owned by the applicant(s); and
 - (d) the resulting lot and development will comply with the requirements of this Bylaw.
- (2) Lots shall be consolidated in a manner acceptable to Alberta Land Titles, including by a descriptive plan or a partial plan cancellation bylaw, but shall not include the method whereby only the Certificate of Titles for the subject lands are merged into a single Certificate of Title without actually amalgamating all the affected lots into a single lot, as per the legal land description.

5.10

LOT GRADING AND DRAINAGE

- (1) The Development Authority may require a grading plan to accompany a development permit application.
- (2) Lot grading design shall compliment the overall design of both the minor and major drainage systems of the town.
- (3) All lands shall be graded towards developed streets or drainage channels and/or stormwater catch basins.
- (4) Lots shall be graded in such a manner, so that minimum surface runoff will be conducted onto adjacent properties.
- (5) The maximum slope draining towards lot lines shall not exceed 8% within 1.5m (4.9ft.) of the lot line. The slope away from the building shall meet the minimum requirements of the Alberta Building Code in force.
- (6) Downspouts from eaves-troughs and discharge hoses from sump-pumps shall not discharge within 0.6m (1.9ft.) of a lot line.
- (7) Where the rear yard slopes towards the building, provisions shall be made to keep the run-off at least 3m (9.85ft.) away from the building, with the possibility of draining the surface water along the lot lines onto the streets.
- (8) Boulevard areas shall be graded to provide a minimum slope of 2% from the lot line to the top of the curb.

- (9) Where retaining walls are necessary or proposed in any development, such walls shall be developed professional quality, and shall not negatively affect adjacent properties due to site elevations or draining.

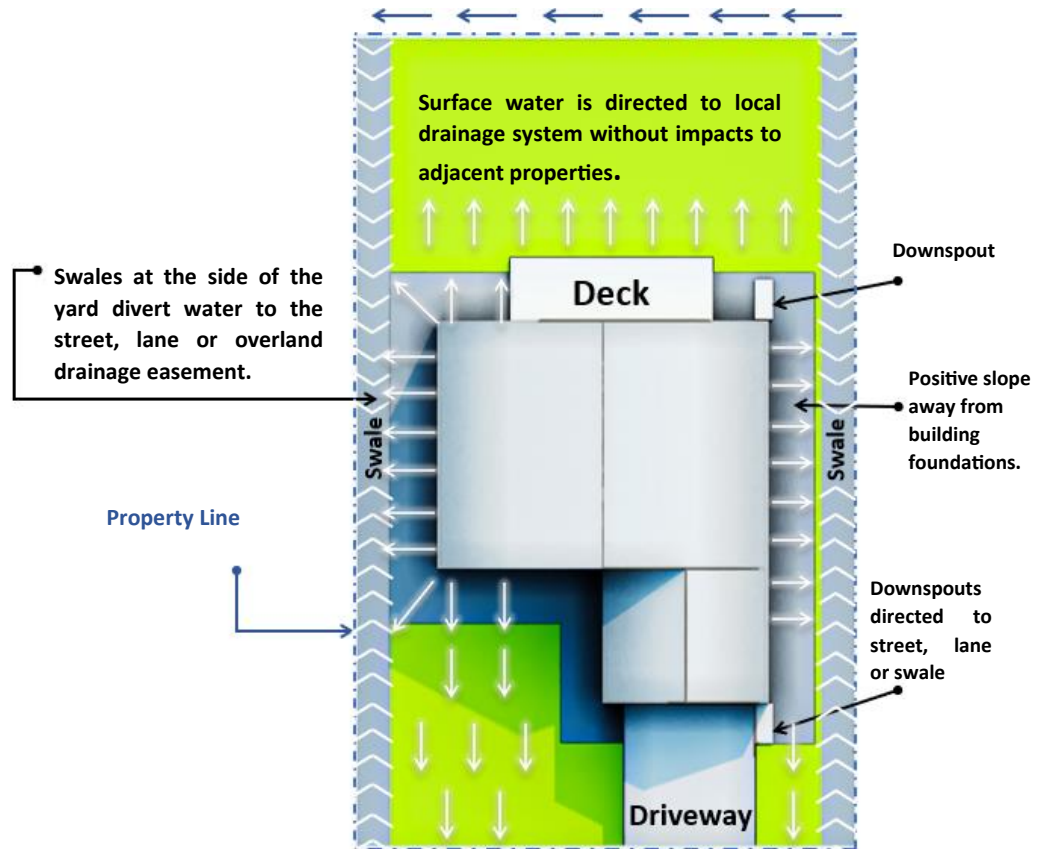


Figure 15: Lot Grading

5.11 NON-CONFORMING USES

- (1) Developments which are considered as non-conforming buildings or uses shall be dealt with as provided for under the MGA. For convenience, the following extracts are provided:
- (2) 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 shall conform with the land use bylaw then in effect.
- (3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made to it or in it.

- (4) A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected on the lot while the non-conforming use continues.
- (5) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - (a) as may be necessary to make it a conforming building; or
 - (b) as the development officer considers necessary for the routine maintenance of the building.
- (6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the Land Use Bylaw.
- (7) The land use or the use of a building is not affected by change of ownership, tenancy or occupancy of the land or building.

5.12 MODULAR BUILDINGS

- (1) Before a development permit is issued for a modular building, the Development Authority shall receive verification that the building fully complies with the Alberta Building Code and CSA A277 Procedure for Factory Certification of Buildings Standard. If the CSA A277 sticker or the Alberta Municipal Affairs sticker verifying compliance to the Alberta Building Code is missing, the Development Authority may require an inspection by an Alberta Safety Codes Officer.
- (2) Should an inspection by an Alberta Safety Codes Officer be required, and should the inspection indicate that upgrades to the modular building are necessary to bring the building into compliance with the CSA A277 standard or the Alberta Building Code, all required upgrades shall be made before the issuance of a development permit.
- (3) A proposed modular building shall be architecturally similar, and of consistent quality, to existing buildings in the vicinity of the proposed development, including its exterior finish, roofline, size, scale, placement on site, to the satisfaction of the Development Authority.
- (4) Modular buildings shall be securely fastened and placed on a permanent foundation.
- (5) A modular building intended to be used as a principal building on a lot shall be serviced by a municipal water supply, sewage system and utilities to the satisfaction of the Development Authority.

5.13

MOVED-IN BUILDING

- (1) A development permit shall be required for the relocation of a building on the same site or from another site.
- (2) The Development Authority may require the following as part of a development permit application for the relocation of a building:
 - (a) a colored photograph of the building;
 - (b) a statement of the present location of the building;
 - (c) a notification of the relocation route; and
 - (d) a complete site plan showing all buildings located or to be located on the subject property.
- (3) The Development Authority shall consider the following when deciding on development permit applications for moved-in buildings:
 - (a) age and appearance of the building;
 - (b) building condition and materials;
 - (c) the compatibility of the building with surrounding uses and with the adjacent area; and
 - (d) other considerations unique to the building proposed to be relocated.
- (4) With the exception of Manufactured Homes or modular buildings, where a development permit is issued for the relocation of an existing building on the same site or from another site, the Development Authority may require as a condition of the permit that the applicant provide:
 - (a) a security of such amount to ensure completion of any renovations set out as a condition of approval of the development permit, and
 - (b) an engineer's certificate to confirm that the building is structurally sound.
- (5) Renovations of the moved-in building shall be completed within one year of the issuance of a development permit. The Development Officer may, at their discretion, extend the timeline for completing the renovations.

5.14

PARKING, LOADING AND PAVING STANDARDS

- (1) All developments shall be required to provide adequate on-site parking and loading space, where required, to the satisfaction of the Development Authority.
- (2) The Development Officer may consult the parking and loading guidelines approved by Council in determining the minimum parking and loading space requirements and design standards for a proposed development.

- (3) All parking spaces shall be located on the same site as the building or the use in respect of which it is required, and shall be designed, located and constructed so that it is easily accessible and can be properly maintained.
- (4) Notwithstanding the above, where allowed by the Development Authority, on-street parking may be utilized to meet the parking needs of that development.
- (5) All off-street parking shall be provided in the manner shown on an approved site plan with the entire area to be graded so as to ensure that drainage will be disposed of in a manner satisfactory to the Development Authority.
- (6) For all commercial, public, and recreational uses, a portion of the parking areas closest to the principal building shall be designated for use by the handicapped to the satisfaction of the Development Authority.
- (7) Except for an Industrial District, Urban Reserve District or where dwellings of less than 3 units are considered the principal use of the site, all parts of a site to which vehicles may have access shall be surfaced to the same standard as its main access road.
- (8) The Development Authority may require all areas to which vehicles shall have access to be paved as a condition of development approval.
- (9) The Development Authority may, at their discretion, defer paving requirements.

5.15 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- (1) No person shall be allowed to keep or maintain the following:
 - (a) A commercial vehicle with a Gross Vehicle Weight (G.V.W.) rating in excess of 5,000 kg (11,023 lbs) to remain in a residential district for longer than is reasonably necessary to load or unload the vehicle;
 - (b) Any excavation, building or storage of material upon a site during the construction stage of any development or work of renovation, unless all safety requirements are complied with and the owner and developer of any such site assumes full responsibility for on-site safety measures;
 - (c) Any excavation, equipment, construction materials or waste receptacle to remain on a site over a period longer than is reasonably necessary for completion of construction or renovation;
 - (d) Temporary development with expired development permit;
 - (e) Permanent propane tank installations in residential districts and recreational vehicles.

- (2) Notwithstanding Section 5.15(1)(e), portable propane tanks are permitted in all residential districts and recreational vehicle parks.

5.16 PROJECTION OVER YARDS

- (1) Notwithstanding the setback requirements in any Land Use District, and subject to Section 5.3, the Development Authority may allow the following architectural features that are attached to the principal building by a common roof, foundation, an open or enclosed structure, or any other means of construction, to project up to a maximum of 1.5m (4.9ft) into the required front yard setbacks in a residential district (Figure 16):
- (a) eave;
 - (b) canopy;
 - (c) cornice;
 - (d) balcony;
 - (e) stairs;
 - (f) landings not exceeding 2.5m² (26.9ft²);
 - (g) uncovered deck; and
 - (h) other architectural features which, in the opinion of the Development Authority, are of similar nature and considered part of the principal building.

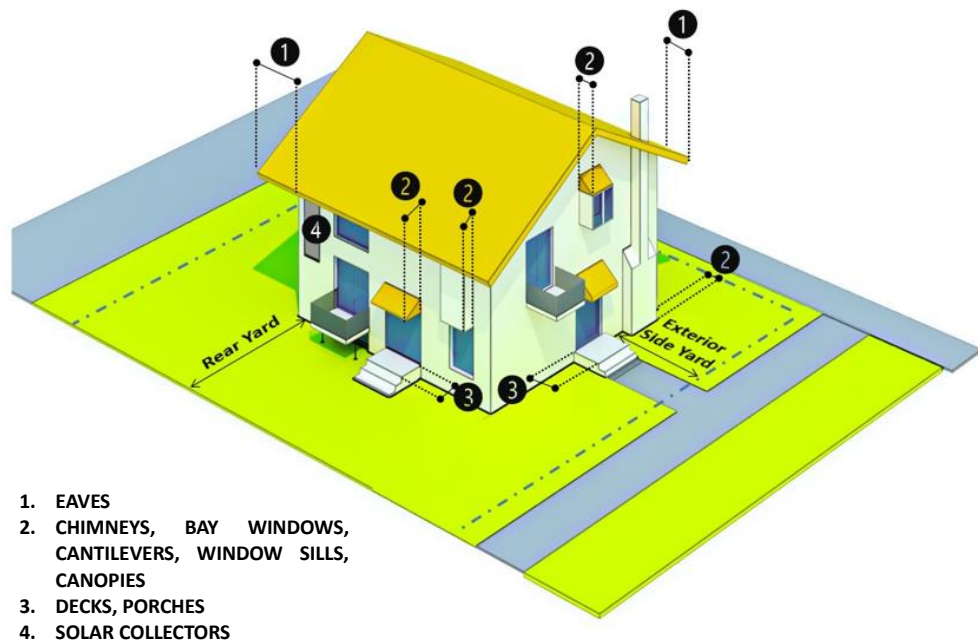


Figure 16: Projections Over Yards

5.17 PROVINCIALY CONTROLLED HIGHWAYS

- (1) Notwithstanding the Highways Development and Protection Regulation, Alberta Regulation 326/2009 that applies to highways, this Bylaw may establish a higher standard for development adjacent to highways and intersections.

5.18 SETBACKS

- (1) Development shall occur in a manner so that there is no infringement onto roadways or pedestrian network. Development shall also be located such that they do not impede visibility or safety on municipal roadways.
- (2) Where more than one minimum setback distance is applicable under this Bylaw, the greater distance shall prevail, except where the lesser setback is clearly intended to apply such as, but not limited to, accessory building setbacks.
- (3) Setbacks shall be calculated from the foundation wall of the building or structure.
- (4) For the sole purpose of calculating yard setbacks and site coverage requirements as provided for in the Bylaw, when an accessory building is attached to the principal building on a site, by means of a roof, an open or enclosed structure, a floor or a foundation at the time of original development, it is to be considered a part of the principal building and shall be required to meet the setback distances for that building in the land use district, except fences and those architectural features allowed to project into the front yard setback pursuant to Section 5.16(1) of this Bylaw.
- (5) For a parcel containing a structure which shares a party wall with the neighbouring structure, there is no requirement for the building to be setback from the property line upon which the party wall is located. This includes, but is not limited to, semi-detached dwellings, row dwellings, and dwelling groups. A "Party Wall Agreement" shall be required between the owners of the adjoining units with separate certificates of title to address such matters as encroachment by either party, maintenance and repair, and rebuilding if necessary. The "Party Wall Agreement" shall be registered through a caveat against both affected titles.
- (6) The minimum required separation distance measured at right angles from a powerline to a building or structure shall be 3.0m (10ft.)
- (7) Notwithstanding Section 5.18(6) above, the Development Authority may, at its discretion, increase the minimum required separation distance between any structure and a power line based on recommendations received from the electricity provider.

5.19 SOIL REMEDIATION

- (1) Soil remediation may be required as a condition of subdivision or development approval on parcels where an Environmental Site Assessment (ESA) has established the presence of site contamination.
- (2) Remediation, may include, but is not limited to, physical removal of contaminated groundwater and/or soil, natural attenuation, source removal, degradation by micro-organisms or neutralization with chemicals that react with the contaminants to form benign substances.
- (3) All costs of remediation shall be the responsibility of the developer / landowner.

5.20 SUBDIVISIONS

- (1) Subdivision applications and decisions shall be made in accordance with the Town's
 - (a) Subdivision Authority Bylaw;
 - (b) Matters Related to Subdivision and Development Regulation;
 - (c) The Land Use Bylaw; and
 - (d) Any other applicable legislation.
- (2) Council may approve and/or recommend to its Subdivision Authority a variance in the regulations contained in this Bylaw as they relate to an application for subdivision.
- (3) Council shall consider the following when making decisions on variance for subdivision proposals:
 - (a) servicing;
 - (b) access;
 - (c) characteristics of the subject property;
 - (d) existing and future land uses; and
 - (e) any other matters deemed necessary by Council.

5.21 TOPSOIL REMOVAL

- (1) A development permit is required for the removal or stockpile of topsoil for non-agricultural purposes, except in accordance with an approved development permit or Development Agreement.
- (2) An application for the removal of topsoil may require an Environmental Impact Assessment and may be referred to the appropriate Provincial authorities for comment.

- (3) A development permit is not required for topsoil removal for lands included in an Area Structure Plan and for which a Development Agreement with the Town exists.



PART SIX SPECIFIC LAND USE PROVISIONS

6.1

ACCESSORY BUILDINGS, STRUCTURES AND USES

- (1) All accessory buildings and structures, including portable, temporary and movable structures, shall require a development permit, unless exempted under Section 3.2 of this Bylaw.
- (2) No permanent accessory building or structure (excluding fences) shall be developed prior to and without a principal building or use.
- (3) An accessory building or structure, except fences, in a residential district shall not be located in a front yard.
- (4) No accessory building or structure shall be located on or over an easement or utility right-of-way, unless subject to an approved written encroachment agreement signed and registered on title.
- (5) Notwithstanding the exterior side yard setback requirements in any land use district, an accessory building or structure shall not be located closer to a road than the closest portion of the principal building and shall not be located within a sight triangle.
- (6) An accessory building shall be located at least 2.0m (6.6ft.) from any principal building onsite.
- (7) Notwithstanding the setback regulations in the applicable land use district, where primary access to a private garage is obtained via a rear lane, and the vehicle entrance doors face the lane, the minimum rear yard setback shall be 6.1 m (20 ft.).
- (8) Unless otherwise permitted in this Bylaw, no accessory building shall be used as a dwelling unit.
- (9) All accessory buildings must meet the Alberta Building Code, Fire Code and Standards and Safety Code regulations where applicable.

6.2

ADDITIONAL DWELLING UNITS

- (1) The following regulations shall apply to all Additional Dwelling Unit developments, including Garden Suites, Garage Suites, Shouses and Tiny Homes used as accessory dwelling.
- (2) Additional Dwelling Units shall not be developed on a lot without an existing principal dwelling unit(s).
- (3) Additional Dwelling Units shall not be located within a front yard.
- (4) Additional Dwelling Units shall be located at least 2m (6.5ft) from any principal building onsite.

- (5) Additional Dwelling Units shall have a separate and direct access to grade.
- (6) Additional Dwelling Units shall have a private amenity space in the form of a balcony, deck, patio or similar structure or space.
- (7) Additional Dwelling Units shall have the same setback requirements as the district standard for Accessory Buildings.
- (8) Additional Dwelling Units containing two or less bedrooms shall have a minimum of one on-site parking space. Accessory Dwellings containing three bedrooms shall provide a minimum of two on-site parking spaces.
- (9) The maximum number of Additional Dwelling Units on a lot shall be at the discretion of the Development Authority, taking into account the following:
 - (a) Location;
 - (b) Size of the lot;
 - (c) Maximum lot coverage in the subject land use district;
 - (d) Site characteristics;
 - (e) Adjacent land uses/neighbourhood character;
 - (f) Type and number of existing Principal and Accessory Buildings/structures on the site;
 - (g) Access;
 - (h) Parking requirements;
 - (i) Servicing requirements; and
 - (j) Any other relevant matters.
- (1) Additional Dwelling Units shall not be subject to separation from the existing principal dwelling(s) onsite through condominium conversion or subdivision.
- (2) All Additional Dwelling Units shall meet the Alberta Building Code, Fire Code and any other applicable Safety Codes regulations.

6.3 ALTERNATIVE ENERGY DEVELOPMENTS

- (1) The following regulations shall apply to small scale Alternative Energy Developments, including solar and wind energy conversion systems and other types of energy generation systems intended for onsite consumption. These regulations are intended to implement the necessary requirements, while protecting the scenic and natural resources of the Town, and the safety and welfare of its residents and general public.

ALTERNATIVE ENERGY PROJECT APPLICATIONS

- (1) Subject to Section 3.3(2), and depending on the type and scale of the project, the Development Authority may require the following as part of a development permit application for Alternative Energy Project development, where applicable:
 - (a) an accurate site plan showing and labeling the proposed development and the location of overhead utilities on or abutting the subject lot or parcel and identification of any sensitive, environmental or topographical features which may be present on the parcel, including canals, streams or water wells;
 - (b) detailed information on the type of facility, structure or system and the energy process involved;
 - (c) the manufacturer's specifications, including the rated output in megawatts and safety features and sound characteristics;
 - (d) height of structures;
 - (e) any information regarding general public safety;
 - (f) potential for electromagnetic interference;
 - (g) identification of any impacts to the local road system, including required approaches from public roads having regard to Town of Falher standards;
 - (h) information regarding setbacks from property lines and the proximity to structures or uses on both the site and adjacent parcels of land;
 - (i) information or verification of the proposed source of water if required for the type of facility such as an ethanol plant;
 - (j) information demonstrating that the system will be used primarily to reduce on-site consumption of electricity;
 - (k) permission or approval from the owner of the grid or distribution system that the project will be connected to, if applicable;
 - (l) specifications on the foundations and/or anchor design, including location and anchoring of any guy wires;
 - (m) for small wind energy conversion systems
 - (n) nature and function of over speed controls which are provided;
 - (o) type of material used in tower, blade and/or rotor construction;
 - (p) blade diameter and rotor clearance;

- (q) engineered plans prepared by a professional engineer for wind energy conversion systems that are mounted and attached to any building demonstrating that the building can structurally support those structures.
- (r) a plan outlining how the site will be decommissioned and reclaimed to a better or pre-development state, if the use is discontinued; and
- (s) any other information or document considered pertinent to the development.

SOLAR PANELS OR COLLECTORS

- (2) Solar panel installations may be affixed to the wall of a building (principal and/or accessory), mounted to the roof of a building (principal and/or accessory), or affixed to a pole or tower and/or mounted to the ground as a free-standing structure.
- (3) Solar energy collection systems shall only be allowed as accessory developments.
- (4) Roof mounted solar panels:
 - (a) may not project more than 1.3 metres (4.3 feet) from the surface of the roof of the building;
 - (b) shall not exceed the maximum height requirements of the applicable land use district;
 - (c) shall not extend beyond the outmost edge of the roof.
- (5) Wall mounted solar panels:
 - (a) may not project more than 1.8 metres (5.9 feet) from the surface of the wall, when the wall faces the side or rear property line;
 - (b) may not project more than 1.6 metres (5.3 feet) from the surface of the wall, when the wall faces the side property line;
 - (c) shall be located a minimum of 2.4 metres (7.8 feet) above grade when accessible to the public;
 - (d) shall comply with the setback requirements of the applicable land use district.
- (6) Ground mounted solar panels:
 - (a) shall be located in a side or rear yard only;
 - (b) shall comply with the setback requirements of the applicable land use district.
 - (c) shall not exceed 3.04 m (10 ft.) in height above existing grade.
- (7) Solar energy system installations shall not create undue glare that interferes with or affects the use or enjoyment of neighbouring parcels or public roadways.

- (8) The Development Authority may regulate the location and maximum number of solar panel installations per parcel, based on the existing use of the land and/or adjacent parcels.

SMALL-SCALE WIND ENERGY CONVERSION SYSTEM (SWECS)

- (9) All proposed SWECS shall be commercially manufactured, and applications shall include the manufacturers make and model number.
- (10) All components of the SWECS, including any electrical components, shall comply with the Canadian National Standards and shall bear the appropriate certification marks.
- (11) There shall be a limit of one (1) SWECS per dwelling unit or per parcel.
- (12) The system shall be located in the side or rear yard only.
- (13) The system's tower should be located and screened (to the extent possible without limiting the effectiveness of the SWECS) by landforms, natural vegetation or other means to minimize visual impacts on neighbouring residences and public roads, public trails and other public areas.
- (14) The total height of a SWECS may exceed the maximum allowable building height of any district by a maximum of 2m (6.6 ft.) or as required by the Development Authority.
- (15) The system shall be equipped with manual and automatic over speed controls. The conformance of rotor and over speed control design and fabrication to good engineering practices shall be certified by a licensed mechanical, structural or civil engineer.
- (16) The system's tower-climbing apparatus and blade tips shall be no closer than 4.6 m (15 ft.) from ground level, unless the system is enclosed by a 1.8 m (6 ft.) high fence.
- (17) The system's utility lines shall be underground where economically practical.
- (18) Small wind turbines shall not exceed 60 dB (A), or in excess of 6 dB (A) above the background noise, whichever is greater. The level, however, may be exceeded during short-term events including utility outages and severe windstorms.
- (19) The system shall be operated such that no electromagnetic interference is caused.
- (20) Roof mounted SWECS shall comply with all Alberta Building Code requirements and the applicant and/or landowner shall be responsible for ensuring the roof and support structure is reinforced, braced or constructed to handle extreme wind conditions and the weight and vibrations of the roof mounted wind turbine unit.

- (21) The location and height of freestanding towers shall not interfere with any overhead powerlines.
- (22) As a condition on a development permit, the Development Authority may require that the installation of the roof mounted SWECS be reviewed by a structural engineer to verify mounting and structural safety.
- (23) Upon abandonment or termination of the system's use, the entire facility, including the system's tower, turbine, supporting structures and all equipment, shall be removed.
- (24) Prior to the installation of a SWECS, the applicant and/or landowner shall obtain:
 - (a) all relevant federal and provincial permits and permissions;
 - (b) an electrical permit and, if applicable, a building permit;
 - (c) wire service provider approval for SWECS with a rated output of less than 10 kW that are proposed to be connected to the grid.
- (25) The following standards shall be complied with upon the decommissioning of a SWECS:
 - (a) Where the SWECS has been inactive for more than 12 consecutive months the applicant and/or landowner is required to decommission and remove the system at their expense. If the SWECS is not decommissioned and removed after 12 months of inactivity the Town may undertake enforcement action.
 - (b) Prior to removal of the SWECS the applicant and/or landowner shall submit documentation to the Development Authority demonstrating that the system has been disconnected from any electrical utilities.

ALTERNATIVE ENERGY PROJECT APPROVAL

- (26) Notwithstanding any other provisions in this Bylaw, the Development Authority may require a larger setback than required in the applicable land use district for alternative energy developments, having regard for the location, adjacent land uses and natural, scenic or ecological features of the landscape.
- (27) In deciding on development permit applications for Alternative Energy Projects, the Development Authority shall consider the following:
 - (a) Information provided in the application;
 - (b) Suitability of the site for the development;
 - (c) Proximity to other land uses in the immediate area;
 - (d) The cumulative effect of all approved or proposed alternative energy projects in the immediate area;
 - (e) Existing and proposed transmission network;

- (f) Inputs and feedback comments received from referral agencies, adjacent landowners and the public, if applicable;
 - (g) Consistency with the policies of any applicable statutory plans.
- (28) The Development Authority may require that copies of all required Safety Codes permits and approvals be submitted to the Town Office prior to commencing development.

6.4 BED AND BREAKFAST OPERATION

- (1) The owner or operator of a Bed and Breakfast operation shall obtain any other applicable permits or licences from any other body having regulatory jurisdiction over the activity.
- (2) Where the entirety of a property is to be used for a Bed and Breakfast operation, the owner or operator shall obtain and maintain a valid business license from the Town.

6.5 BREWERY, WINERY AND/OR DISTILLERY

- (1) The development must have a Class E License for a Small Manufacturer, an Estate Manufacturer or Packaging, from the Alberta Gaming Liquor Commission. A development with a Class E License for a Large Manufacturer from the Alberta Gaming Liquor Commission shall not be considered under this Use Class.
- (2) In addition to any other applicable requirements under Section 3.3(2), a development permit application for Brewery, Winery and/Distillery
 - (a) shall include the following:
 - (i) A description of the manufacturing process, including inputs, outputs and by-products (such as heat, noise, or smell) of the process;
 - (ii) A site plan showing the portion of the development site dedicated to the manufacture and packaging of the product, and the portion of the development dedicated to the store front;
 - (iii) The proposed water source;
 - (iv) The proposed wastewater plan;
 - (v) Proposed waste management plan; and
 - (vi) The estimated quality and quantity of wastewater effluent (m3/day and m3/year).
 - (b) may be required to include the following information:
 - (i) If the development proposes to tie into the municipal water system or a private system, a written analysis by a professional engineer, identifying whether the water system has the capacity to supply the development, having regard to the maximum daily demand and fire-flow capacity and requirements of the water system;

- (ii) A pre- treatment plan to the satisfaction of the Development Authority, where the Development Authority determines that the pre-treatment effluent significantly exceeds acceptable toxicity limits for the Town's infrastructure; and
 - (iii) A noise, odour, traffic, and/or any other impact assessment deemed to be necessary. Any assessment should identify the mitigative measures which may be undertaken to reduce impact on neighbouring properties.
- (3) In the commercial land use districts:
 - (a) the development must include a store front for the sale of the product to the general public.
 - (b) the development may be developed in conjunction with a related use. The related or accessory use must be applied for separately. The Development Authority may approve or refuse any or all accessory or related uses.
 - (c) The related uses may include but are not limited to a retail establishment and/or a restaurant provided the use(s) is listed in the relevant district and the proposal meets the regulations for that use.
- (4) In the Urban Reserve "UR" Land Use District:
 - (a) the development shall be accessory to the extensive or intensive agricultural use of the parcel;
 - (b) the development may include a store front for the sale of the product to the general public;
 - (c) the development may be developed in conjunction with a related use. The related or accessory use must be applied for separately. The Development Authority may approve or refuse any or all accessory or related uses;
 - (d) the Development Authority may consider a retail establishment and/or a restaurant as part of an application, despite these uses not being listed as a use within the district, provided the total square footage of the unlisted, accessory uses is limited to no more than 50m² to ensure these uses remain accessory to the principal use.
- (5) The Development Authority may set appropriate conditions through the development permit approval to mitigate any impacts and/or set appropriate standards for the development, including but not limited to the following:
 - (a) noise;
 - (b) odour;
 - (c) vibration;
 - (d) particulate matter;
 - (e) landscaping;
 - (f) lighting;

- (g) outdoor storage; and
 - (h) fencing.
- (6) The minimum off-street parking requirements for shall be set by the Development Authority.

6.6 CAMPGROUNDS

- (1) A development concept plan may be required by the Development Authority as part of a development permit application for campground.
- (2) A minimum of 10% of the gross lot area of the campground shall be set aside for common recreation area and shall be developed and maintained as a park, playground or other useable open space. No portion of any other use and/or facility shall be included in this area.
- (3) Visitor parking shall be provided in common areas within a campground area, to the satisfaction of the Development Authority.
- (4) A campground shall provide safe and convenient vehicular access and all roadways within a campground shall be a surface and standard acceptable to the Development Authority for the purpose of accommodating emergency and maintenance vehicles.
- (5) The Development Authority may require a landscaping plan to be submitted as part of a development permit application for a campground.
- (6) Any adjoining residential area(s) shall be screened by a solid fence or year-round vegetation with a minimum height of 2.0 m (6.6 ft.), to the satisfaction of the Development Authority.
- (7) Fires are permitted only in facilities which have been provided for such purpose or where open fires are allowed by the Town's appointed fire service.
- (8) The storage, collection and disposal of solid waste in campgrounds shall be so conducted as to create no health hazards, rodent harbourage, insect breeding areas, or accident or fire hazards. Individual or grouped refuse containers must be screened to the satisfaction of a Development Authority.

6.7 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 approved use.
- (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 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 to the satisfaction of the Development Authority.

6.8 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;
 - (c) a recreational vehicle park;
 - (d) a campground;
 - (e) an arena;
 - (f) a baseball diamond;
 - (g) a public swimming pool.

- (3) A Cannabis Retail Sales use shall not be located within 90 metres from a playground.
- (4) The separation distance between uses shall be measured from lot line to lot line.
- (5) The development shall not operate in conjunction with another approved use.
- (6) Customer access to the store is limited to a storefront that is visible from the street.
- (7) All parking areas in front of the building shall be well lit.
- (8) There shall be no customer parking located behind the facility. Rear parking shall be limited to employee and other services attending to the premises.

6.9 CAR AND TRUCK WASHING FACILITY

- (1) There shall be a minimum of two queuing spaces per bay.
- (2) Each queuing space must be a minimum of 7.0 m long and 3.0 m wide. Each lane must provide sufficient space for turning and maneuvering.

6.10 COMMUNICATION TOWERS

- (1) All Communication Towers shall require a development permit.
- (2) A development permit for Communication Tower shall include a site plan showing the applicable information under Section 3.3(2) and any additional information required by the Development Authority.
- (3) Communication Towers shall be setback from abutting parcels and roadways, as required by the Development Authority.
- (4) The appearance of Communication Tower, including but not limited to landscaping and fencing, shall be to the satisfaction of the Development Authority.
- (5) The Development Authority may require the applicant of a Communication Tower to undertake community consultations and submit the results of the consultation process, including identified concerns and how those concerns would be addressed, prior to approving an application.
- (6) Industry Canada is the regulatory authority over Telecommunications towers, and any Communication Towers shall be approved by Industry Canada.

6.11 DWELLING UNIT, CARETAKER'S RESIDENCE

- (1) Only one Caretaker's Residence may be located on a parcel of land.

- (2) A Caretaker's Residence may be located within the building in which the business or recreation activities is being conducted, or may be detached from that building.
- (3) A Caretaker's Residence shall be a self-contained dwelling unit and the residential space shall not exceed 69.6 m² (750 ft²).
- (4) Any detached Caretaker's Residence shall be located a minimum of 3 m (10 ft.) from any other building on the parcel and shall be located no closer to the front of the parcel than the front line of the principal building in which the business is being operated.
- (5) The Development Authority may impose any other setback, design or landscape conditions as deemed appropriate for each situation, considering, but not restricted to, the type of business or recreation services being operated, the condition and design of the existing buildings and the amenities of the neighbourhood.
- (6) The duration of the development permit issued for a Caretaker's Residence shall be limited to the operation of the specific business or recreation for which the applicant of the permit applied.

6.12 DWELLING UNIT, MANUFACTURED HOME

- (1) Before a development permit is issued for a Manufactured Home, the Development Authority shall receive verification by means of a sticker that the home fully complies with the appropriate Canadian Standards Association (CSA) Certification for Manufactured Homes. If the CSA sticker is missing, the Development Authority may require an inspection by an Alberta Safety Codes Officer.
- (2) 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 appropriate federal and/or provincial standard, all required upgrades shall be made before the issuance of a development permit.
- (3) A Manufactured Home must meet the following aesthetic regulations:
 - (a) Every Manufactured Home shall be placed on a permanent or fixed perimeter foundation conforming to the requirements of the Alberta Building Code;
 - (b) Prior to attachment to the foundation, all axles, wheels, running gear and towing tongues shall be removed;
 - (c) The undercarriage of a Manufactured Home shall be completely screened from view by fireproof skirting or by such other means satisfactory to the Development Authority.
 - (d) The foundation and skirting foundation shall be parged in order create the same finished appearance customarily found on concrete basements of single detached dwellings in the immediate area.

- (e) The height, roof and exterior finishing shall be reasonably consistent with that of other dwelling units in the immediate vicinity;
 - (f) The property is to be grassed and landscaped within one (1) year from the date of issue of the development permit.
 - (g) Any modifications, additions or extensions, including but not limited to, porches, patios, exterior stairways 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.
 - (h) The floor area of porches shall be proportionate to the floor area of the Manufactured Home unit, and this relationship shall be determined by the Development Authority.
 - (i) Any required aesthetic upgrades to the Manufactured Home, where required, must be completed prior to the issuance of the development permit; and
 - (j) The foundation or skirting shall be completed within thirty (30) days of the placement of the Manufactured Home on a site.
- (4) Manufactured Homes older than fifteen (15) years shall not be approved, unless at the discretion of the Development Authority, subject to the following additional requirements:
- (a) The Manufactured Home shall be in a good visual condition, evidenced by pictures of all the exterior sides taken no more than 30 days prior to and submitted as part of the development permit application. The Development Authority may refuse a development permit application on the basis of poor appearance;
 - (b) The Development Authority may require a life safety audit or inspection by an Alberta Safety Codes Officer confirming that the Manufactured Home is safe and/or a stamped report from a qualified structural engineer confirming that the Manufactured Home is structurally sound, prior to the application being considered complete;
 - (c) Where an inspection or stamped report determines that upgrades are necessary, all required upgrades shall be made before the issuance of a development permit. The Development Authority may require a second report to confirm that the upgrades have been completed prior to issuing the development permit;
 - (d) The Manufactured Home shall have an enclosed pitched roof similar to other pitched roofs in the vicinity.
- (5) All Manufactured Homes shall be connected to a water supply, sewage system, and utilities to the satisfaction of the Development Authority. The placement of the Manufactured on the site shall be done to facilitate the required utility connections.

- (6) The Development Authority may, at its discretion, allow a Manufactured Home on a registered substandard lot, with a lot area and width less than required in the subject land use district.

6.13 DWELLING UNIT, SECONDARY SUITE

- (1) A Secondary Suite shall have a separate entrance, either from a common indoor landing or directly from the side or rear of the building.
- (2) A Secondary Suite shall have a minimum floor area of 30 m² (323 ft²). Shared mechanical or common areas shall be excluded from the floor area calculation for Secondary Suites.
- (3) There shall be a minimum of one on-site parking space for each secondary suite containing two bedrooms or less. A secondary suite containing three bedrooms shall provide two on-site parking spaces.
- (4) A Secondary Suite be developed in such a manner that the exterior of the principal building containing the secondary suite appears as a single dwelling.
- (5) A Secondary Suite not be subject to separation from the principal dwelling through a condominium conversion or subdivision.
- (6) A Secondary Suite shall meet the Alberta Building Code, Fire Code and any other applicable Safety Codes regulations.

6.14 DWELLING UNIT, TINY HOME

- (1) A Tiny Home may used as a Principal or Additional Dwelling Unit.
- (2) Where a Tiny Home is proposed to be used as an Additional Dwelling Unit, it shall comply with all the requirements under Section 6.2 of this Bylaw.
- (3) Where a Tiny Home is proposed to be used as a Principal Dwelling Unit,
 - (a) it shall comply with the setback requirements for Principal Dwelling Unit in the subject land use district;
 - (b) there shall not be another Tiny Home located on the same site;
 - (c) no accessory building located on the same site shall exceed the height of the Tiny Home;
 - (d) there shall be no more than two (2) accessory buildings located on the same site, notwithstanding the maximum site coverage for accessory buildings in the subject land use district.
- (4) Tiny Homes shall comply with the following aesthetic requirements:
 - (a) A Tiny Home shall be placed on a fixed or permanent foundation conforming to the requirements of the Alberta Building Code;

- (b) Where a Tiny Home is built as a transportable unit and transported to the site,
 - (i) all axles, wheels, running gear and towing tongues shall be removed prior to attachment to the foundation; and
 - (ii) the undercarriage shall be completely screened from view by fireproof skirting or by such other means satisfactory to the Development Authority.
 - (c) The foundation and skirting shall be completed within thirty (30) days of the placement of the Tiny Home on the site.
- (5) All Tiny Homes shall meet the Alberta Building Code, Fire Code and any other applicable Safety Codes regulations.

6.15 FENCING

- (1) A development permit shall be required for construction of all fences.
- (2) A residential fence shall not exceed the following height restrictions:
 - (a) 2.4m (8 ft.) for the portion of the fence running along the side or flankage that does not extend beyond the foremost portion of the principal building on the site; and
 - (b) 1 m (3.3 ft.) for the portion of the fence running in the front yard.
- (3) Fencing shall be consistent with the character and quality of the design and materials of the structures on the property to the satisfaction of the Development Officer.
- (4) All fences shall be made of a permanent material and of sturdy construction by being adequately anchored and fixed to the ground, such that they are freestanding and not supported by any other building.
- (5) Acceptable materials for residential fencing may include, but not are limited to, chain-link, wood, composite, painted metal and other types of residential materials.
- (6) Unacceptable residential fencing materials include, but are not limited, to snow fencing, safety fencing, shipping pallets, wood logs, tires, materials typically used for agricultural fencing and the use of dangerous materials, such as barbed wire, electric and razor wire.
- (7) If solid metal fencing is installed, a border capping unfinished edges on the top and bottom of the fence shall be included.
- (8) Fencing shall not be constructed such that the fence would interfere with the amenities of the neighborhood nor materially interfere with or affect the use, enjoyment, or value of neighboring properties.

- (9) Where a fence is proposed to be located along a property line that forms the boundary between two or more parcels, it is recommended that the proponent consult and reach an agreement with the other landowner(s) prior to construction of the fence.
- (10) The Development Authority may impose specific or additional standards for commercial and industrial fencing, where a commercial or industrial development abuts a residential district.
- (11) All landowners must adhere to the *Line Fence Act*, as amended from time to time.

6.16 HOME OCCUPATION (HOME-BASED BUSINESS)

- (1) Home Occupation shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood, or as approved by the Development Officer.
- (2) Home Occupation shall be an incidental and subordinate use to the principal residential use, shall be restricted to the dwelling unit and/or accessory building and shall not:
 - (a) employ any person other than a resident of the dwelling unit;
 - (b) require alterations to the principal building unless the alterations are approved by the Development Authority as part of a development permit application;
 - (c) have outside storage of materials, goods or equipment on or off the site;
 - (d) in the opinion of the Development Authority, create a nuisance by way of dust, noise, smell, glare, smoke, electrical or radio disturbance, or traffic generation; and
 - (e) display any form of wares or products discernible from the outside of the building.
- (3) The Development Authority may, at their discretion, allow on-site advertising for Home Occupation limited to one (1) freestanding sign that is not too intrusive in size or appearance.

6.17 SHOPPING CENTRES AND MULTI-PURPOSE BUILDINGS

- (1) In considering an application for a development permit, the Development Authority shall evaluate the proposal according to the following criteria:
 - (a) orientation, exterior design and architectural appearance of buildings or structures should be of a high standard;
 - (b) location of the development must be compatible with adjacent land uses;
 - (c) vehicular traffic flow patterns within and access to and from the site must not cause traffic congestion;

- (d) parking requirements;
 - (e) pedestrian access and egress within the site and from any public sidewalk must be convenient and safe;
 - (f) location of exterior signs (information, directional or advertising) must maintain a unified theme and shall conform to the requirements of this Bylaw.
- (2) A minimum landscaped buffer strip of 1m (3.3ft.) in width shall separate any parking area from the lot line of the site.

6.18 SEA-CANS

- (1) A sea-can may not be located on a lot where there is no principal use, unless it is used for a Self-Storage development.
- (2) The Development Authority may allow sea-cans to be used as permanent accessory buildings in residential districts, so long as they of acceptable quality and exterior finishing similar or higher to that of the existing principal building onsite.
- (3) The maximum number of sea-cans that may be placed on a commercial or industrial lot is at the discretion of the Development Authority.
- (4) Sea-cans cannot be used as a dwelling unit, unless it complies with the Alberta Building Code, Fire Code and any other applicable Safety Codes regulations, and used as Additional Dwelling Unit.
- (5) Sea-cans cannot be stacked. The maximum height for a sea-can allowed on a lot is 3.0 m (9.8 ft.).
- (6) Sea-cans must be well-maintained and in good condition, or alternatively, must be adequately buffered to the satisfaction of the Development Authority. The Development Authority may require that a sea-can be given a fresh coat of paint as a condition of the issuance of a development permit.
- (7) The exterior finish of a sea-can sited within a Commercial District must be consistent with the finish of the primary building, where applicable.

6.19 SIGNS

- (1) Except as exempted under Section 6.19(3) of this Bylaw, no sign of advertising, direction or information shall be placed on land or affixed to any exterior surface of any building or structure, unless an application for a Development permit for this purpose has been approved, and the Development Authority has issued a development permit.
- (2) A development permit application for a sign shall be accompanied by the following, where applicable:
 - (a) A drawing of the proposed sign drawn to scale;

- (b) The location of the sign by elevation drawing and/or site plan;
 - (c) The overall dimensions of the site;
 - (d) The size of the letter(s);
 - (e) The color of the sign;
 - (f) Construction material;
 - (g) The amount of projection from the face of the building;
 - (h) The amount of projection from municipal property;
 - (i) The height of the sign above grade; and
 - (j) Any manner of illumination, aminated or intermittent light embodied within the construction.
- (3) The following signs shall not require a development permit where they otherwise conform to this Bylaw:
- (a) Statutory or official notices of Government Authorities;
 - (b) Traffic and directional signs authorized by the Town of Falher;
 - (c) Temporary signs not exceeding 3m² (32.3ft²) in size, advertising the timing, location and/or direction of community events, not exceeding fourteen (14) days prior and provided they are removed within seven (7) days of the community event;
 - (d) Temporary signs not exceeding 1m² (12ft²) in size:
 - (i) advertising the sale or lease of a property;
 - (ii) identifying a construction work site or demolition project for which a development permit has been issued for such a project;
 - (iii) identifying a political campaign;
 - (iv) advertising a campaign or drive which has been approved by the Development Officer or Council. Such a sign may be posted for a maximum period of fourteen (14) days or as otherwise specified by Development Officer or Council, and shall be removed after the duration of this time period;
 - (v) advertising a garage sale, not exceeding fourteen (14) days prior to the sale, and removed immediately thereafter;
 - (vi) indicating any warning and/or restriction pertaining to the property on which the sign is to be located; and
 - (vii) associated with an auction or family gathering provided that they are removed within seven (7) days of the event;
 - (e) Commemorative plaques and cornerstones of a non-advertising nature.
 - (f) Municipal signs;

- (g) Signs associated with agricultural production that are installed on a seasonal basis such as signs used for agricultural-related demonstration projects;
 - (h) Door and window signs and signs displayed within a building, except for Home Occupation.
 - (i) Sandwich board signs meeting the requirements of subsection 22.
- (4) No signs shall be erected on or affixed to private and/or public property without the prior consent of the property owner.
- (5) No sign shall be posted or affixed onto traffic posts or signs.
- (6) No sign shall resemble or conflict with a traffic sign.
- (7) No sign shall be permitted adjacent to a highway without the prior approval of the Town and Alberta Transportation.
- (8) All signs shall be kept in good repair and maintained in a manner satisfactory to the Development Authority.
- (9) The Development Authority may require the removal of any sign that is or has become unsightly, or in such a state of disrepair as to constitute a hazard.
- (10) Signs must be stabilized and anchored in a way that ensures it will not be unintentionally moved, blown over or dislocated.
- (11) Notwithstanding any other provision of this Bylaw, the following are at the discretion of the Development Authority with respect to a development permit approval for a sign:
 - (a) setbacks;
 - (b) design, character and appearance;
 - (c) any additional requirements as necessary, having due regard for the nature of a proposed development and the purpose of the district.
- (12) The approval or refusal decision and regulation of any other types of signs not defined or regulated in this Bylaw is at the discretionary of the Development Authority.
- (13) An application for a sign shall not be approved if, in the opinion of the Development Officer, the sign would:
 - (a) Display intermittent or flashing lights
 - (b) unduly interfere with the amenities of the area; or
 - (c) materially interfere with or affect the use, enjoyment or value of neighbouring properties; or
 - (d) create a safety hazard.

RESIDENTIAL DISTRICTS

- (14) No sign shall be permitted other than a wall sign or freestanding sign to identify:
 - (a) an apartment building;
 - (b) a bed and breakfast operation;
 - (c) a home occupation; or
 - (d) family name(s) for a property.
- (15) The total area of a sign shall not exceed 84m² (9ft²).
- (16) Only one (1) free standing sign shall be allowed per dwelling.

COMMERCIAL DISTRICTS

- (17) A maximum of two (2) freestanding signs shall be allowed on the premises, except a drive-through development and shopping centres where additional signs are required.
- (18) The signs shall be properly spaced.
- (19) Only one (1) pylon sign shall be allowed per property.
- (20) No sign shall be illuminated, unless the source of light is suitably shielded.
- (21) No sign shall project more than 1.5m (5ft) from the face of a building.
- (22) Sandwich board signs advertising commercial business shall:
 - (a) only be permitted to remain in place on public sidewalks only during regular business hours.
 - (b) be directly located in front of the business advertised by the signs;
 - (c) not be located in a manner that would impede pedestrian movement along sidewalks or impede the movement of handicapped persons using sidewalks.
 - (d) not exceed a total sign area of 0.3 m² (3.28 ft²)
 - (e) not exceed more than one (1) sign per property.
- (23) Freestanding signs located on Town property, including along Main Street Road right of way, are regulated under a separate bylaw of the Town. A Development Permit is required to install and/or replace signs along public right-of-ways. Prospective applicants and existing sign owners are required to consult the bylaw for applicable regulations and development specifications.

INDUSTRIAL DISTRICTS

- (24) No sign shall project more than 1.5m (5ft) above the top of any main wall or parapet to which it is affixed, unless it has been designed as an integral part of the building.
- (25) No sign shall be illuminated, unless the source of light is steady and suitably shielded.
- (26) The number of signs that shall be allowed on a property within the Industrial District shall be at the discretion of the Development Officer.

6.20 SHOUSE (BARNDOMINIUM)

- (1) The Dwelling Unit or residential portion of the building shall contain sleeping, sitting, cooking, food preparation and sanitary facilities.
- (2) There shall be a firewall separation between the Dwelling Unit and the shop or storage component of the building.
- (3) The Dwelling Unit shall have a separate and direct access to grade.
- (4) The residential portion shall not be subject to separation from the shop through a condominium conversion or subdivision.
- (5) A Shouse shall not contain a Secondary Suite in the form of a basement suite
- (6) A Shouse shall comply with the Alberta Building Code, Fire Code and any other applicable Safety Codes regulations.
- (7) Where a Shouse is proposed to be used as Additional Dwelling Unit, it shall comply with all the applicable requirements under Section 6.2 of this Bylaw.

6.21 SWIMMING POOLS

- (1) A development permit is required for the installation of permanent swimming pools, unless they are part of a new development for which an approved development permit has been issued by the Town.
- (2) All swimming pools shall meet the requirements of the Alberta Building Code, regarding:
 - (a) design standards;
 - (b) fencing material;
 - (c) fencing height;
 - (d) screening;

- (e) access gate; and
 - (f) any other applicable requirements.
- (3) No permanent swimming pools shall be located in the front yard of the principal dwelling.
 - (4) The Development Authority may require additional screening and/or landscaping adjacent to the swimming pool area in order to screen the pool from view.

6.22 WORK CAMPS

- (1) In all districts where a Work Camp is enabled, a development permit may be issued on a temporary basis only.
- (2) A development permit application for a Work Camp shall be accompanied by the following information, as applicable:
 - (a) the location, type, and purpose of the camp;
 - (b) access to the camp;
 - (c) adjacent land uses;
 - (d) the method of supplying water, sewage and waste disposal to the Camp. The proposed method of sewage disposal must comply with the Alberta Private Sewage Systems Standard of Practice and be to the satisfaction of the Health Authority;
 - (e) the number of persons proposed to live in the Camp;
 - (f) the MLL (miscellaneous lease) number issued by Alberta Environment and Protected Areas;
 - (g) compliance with provincial legislation;
 - (h) the start date for development, date of occupancy by residents, and removal date for the camp; and
 - (i) reclamation measures once the camp is no longer needed.
- (3) Prior to issuing a decision on a development permit application for a Work Camp, the Development Authority shall give due regard to the need, location and type of camp.
- (4) No development permit for a Work Camp shall be approved unless:
 - (a) all required access provisions are provided to the satisfaction of the Development Authority at the sole cost to the developer;
 - (b) the developer provides undertakings and guarantees acceptable to the Development Authority, that the workcamp will be removed and the subject site returned to its state before the workcamp was developed after the workcamp is removed; and

- (c) it is an accessory development to an approved industrial or commercial development for construction employees and located on the site of that industrial or commercial development.
- (5) A development permit for a Work Camp shall indicate the expiration date of the permit.
- (6) The Development Authority may, at their discretion, extend the expiration date of a temporary development permit for a work camp, subject to receiving an extension request from the applicant at least six (6) months prior to the expiration date of the existing permit.
- (7) A Work Camp shall provide accommodation for only the personnel or employees related to the project specific approved for the camp.
- (8) The Development Authority may establish whatever conditions for the approval of a workcamp or a temporary workcamp that it, at its sole discretion, deems reasonable to ensure that the workcamp will be a temporary development.



PART SEVEN: LAND USE DISTRICTS

7.1 ESTABLISHMENT OF DISTRICTS

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

District	Symbol
Low and Medium Density Residential	R-1
High Density Residential	R-2
Downtown Commercial District	C-1
Secondary Commercial District	C-2
Light Industrial District	M-1
Heavy Industrial District	M-2
Community District	COM
Urban Reserve District	UR
Direct Control District	DC

- (2) Provisions covering all general and specific regulations, as listed in Parts 5 and 6 of this Bylaw, shall govern any Permitted and Discretionary Uses listed in a Land Use District.

7.2 DISTRICT SYMBOLS

- (1) Throughout this Bylaw, or amendments thereto, a Land Use District may be referred to either by its full name or by its abbreviation as set out in Section 7.1(1) above.

7.3 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 as Schedule B.
- (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, Council may request planning advice and shall decide thereon.

7.4

LOW AND MEDIUM DENSITY RESIDENTIAL DISTRICT (R-1)

(1) **Purpose**

The purpose of this District is to provide for low to medium density residential developments and complementary uses.

(2) **Permitted Uses**

Accessory Building
Dwelling unit, Single-Detached
Dwelling unit, Garden Suite
Dwelling unit, Garage Suite
Park
Satellite dish antenna

(3) **Discretionary Uses**

Alternative Energy System, Micro
Bed and Breakfast Operation
Child Care facility
Dwelling Unit, Duplex
Dwelling Unit, Manufactured Home
Dwelling Unit, Semi-Detached
Dwelling Unit, Tiny Home
Home Occupation
Public Use
Public Utility
Residential Support Home
Religious Use facility
Sea Can (temporary)
Shouse (Barndominium)
Sign
Senior Citizens Housing

(4) **Minimum Development Standards**

(a) Lot Area

(i) Dwelling Unit, Single Detached: 465m² (5,500ft²)

(ii) Dwelling Unit, Manufactured Home: 360m² (3,875ft²)

(iii) Religious Use Facility: 930m² (10,000ft²). In the case where a manse, rectory, parsonage or other building for a minister's residence is to be erected on the same site as the religious use facility, the combined area of the site shall be a minimum of 1,390m² (14,962ft²).

(iv) All Other Uses: 560m² (6,028ft²)

- (b) Front Yard Setback
All Uses: 7.62m (25ft.)
- (c) Rear Yard Setback
 - (i) Accessory Building: 1m (3.3ft.)
 - (ii) Dwelling Unit, Single Detached: 4.5m (15ft.)
 - (iii) All Other Uses: 7.62m (25ft.)
- (d) Side Yard Setback
 - (i) Interior side yard
 - 1. Accessory Building: 1m (3.3ft.)
 - 2. Other Use: 1.5m (5ft.)
 - (ii) Exterior side yard
 - 1. Accessory Building: 1m (3.3ft.)
 - 2. Other Use: 3.3m (10ft.)
- (5) **Maximum Development Standards**
 - (a) Building Height (Above Grade)
 - (i) Accessory Building: 5.5m (18ft.)
 - (ii) Satellite Dish Antenna: 5.5m (18ft.)
 - (iii) Religious Use Facility: 15m (50ft.)
 - (iv) All Other Uses: Two (2) stories or 9m (30ft.), whichever is greater.
 - (b) Site Coverage
 - (i) Accessory Buildings: 10% of the site
 - (ii) All Uses: 60% of the site, including Accessory Buildings.
- (6) Notwithstanding Section 7.4(4)(b), the Front Yard Setback for a lot within the Central Falher Area Structure Plan may be reduced to 4.6 m (15 ft).
- (7) Notwithstanding Section 7.4(5)(b)(i), the maximum site coverage for accessory buildings and temporary movable structures within the Central Falher Area Structure Plan may be increased to 15% of the site.

7.5

HIGH DENSITY RESIDENTIAL DISTRICT (R-2)

(1) **Purpose**

The purpose of this District is to provide for higher density residential developments and complementary uses.

(2) **Permitted Uses**

Accessory building
Dwelling unit, apartment
Dwelling unit, row housing
Dwelling group
Park
Satellite dish antenna
Senior citizens housing

(3) **Discretionary Uses**

Alternative energy system, micro
Child care facility
Bed and breakfast operation
Home occupation
Motel
Public use
Public utility
Residential support home
Religious use facility
Sign

(4) **Minimum Development Standards**

(a) Lot Area

- (i) Dwelling Groups (Row Dwellings): 150m² (1,615ft²) per internal unit
- (ii) Dwelling Unit, Manufactured Home: 360m² (3,875ft²)
- (iii) All Other Uses: 560 m² (6,028 ft²)

(b) Front Yard Setback

7.62m (25ft.)

(c) Rear Yard Setback

- (i) Accessory Building: 1m (3.3ft.)
- (ii) Dwelling Group (Row Dwellings): 6m (20ft.)
- (iii) All Other Uses: 7.62m (25ft.)

(d) Side Yard Setback

- (i) Interior side yard:
 - 1. Accessory Building: 1m (3.3ft.)

- 2. Dwelling Group: 3m (10ft.)
 - 3. Other Uses: 1.5m (5ft.)
 - (ii) Exterior side yard:
 - 1. Accessory Building: 1m (3.3ft.)
 - 2. Dwelling Group: 3m (10ft.)
 - 3. Other Uses: 3m (10ft.)
- (e) Row Dwelling Minimum Standards
 - (i) Width: 6 m (19.5 ft.) per unit
 - (ii) Length: 22 m (72 ft.) per unit
- (5) **Maximum Development Standards**
 - (a) Building Height (Above Grade)
 - (i) Accessory Building: 5.5m (18ft.)
 - (ii) Satellite Dish Antenna: 5.5m (18ft.)
 - (iii) Dwelling Group: 10.5m (34.5ft.)
 - (iv) All Other Uses: At the discretion of the Development Officer.
 - (b) Site Coverage
 - (i) Accessory Buildings: 10% of the site
 - (ii) Dwelling Group: 1 unit per 220m² (2,370ft²) of site area.
 - (iii) All Uses Combined: 60% of the site, including Accessory Buildings.
- (6) Notwithstanding Section 7.5(4)(b), the Front Yard Setback for a lot within the Central Falher Area Structure Plan may be reduced to 4.6m (15ft).

7.6

DOWNTOWN COMMERCIAL DISTRICT (C-1)

(1) **Purpose**

The purpose of this District is to provide a wide variety of appropriate commercial uses within the Town's downtown core.

(2) **Permitted Uses**

Artisan Studio
Brewery, Winery and/or Distillery
Business Support Service
Clinic
Drinking Establishment
Financial Institution
Hotel
Motel
Protective and Emergency Services
Personal Services Establishment
Professional Services
Park
Retail Establishment, Convenience
Retail Establishment, General
Retail Establishment, Liquor
Retail Establishment, Specialty
Shopping Centre

(3) **Discretionary Uses**

Accessory Building and Use
Auto Detailing service
Automotive Sales and Service
Alternative energy system, micro
Amusement Facility
Communication Tower
Child Care Facility
Educational Facility
Electric Vehicle Charging Station
Home Occupation
Public Use
Public Utility
Recreational Vehicle and Equipment Sales and Service
Retail Establishment, Cannabis
Service station

(4) **Minimum Development Standards**

- (a) Lot Area
140m² (1,507ft²)

- (b) Front Yard Setback
At the discretion of the Development Authority
- (c) Rear Yard Setback
4.5m (15ft.)
- (d) Side Yard Setback
 - (i) Interior side yard:
 - 1. Accessory Building: 1m (3.3ft.)
 - 2. At the discretion of the Development Authority
 - (ii) Exterior side yard:
At the discretion of the Development Authority

(5) **Maximum Development Standards**

- (a) Building Height (Above Grade)
 - (i) Accessory Building: 5.5m (18ft.)
 - (ii) All Other Uses: At the discretion of the Development Authority.
- (b) Site Coverage
 - (i) Accessory Buildings: 10% of the site
 - (ii) All Uses Combined: At the discretion of the Development Authority.

(6) **Additional Regulations**

- (a) 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.

7.7

SECONDARY COMMERCIAL DISTRICT (C-2)

(1) **Purpose**

The purpose of this District is to provide a wide variety of appropriate commercial uses outside the Town's downtown core.

(2) **Permitted Uses**

None

(3) **Discretionary Uses**

Accessory Building and Use
Agriculture, Sales and Service
Artisan Studio
Auto Detailing Service
Automotive Sales and Service
Alternative Energy System, micro
Amusement Facility
Brewery, Winery and/or Distillery
Bulk Fuel and Chemical Depot
Business Support Service
Campground
Car and Truck Washing Facility
Communication Tower
Child Care Facility
Dwelling unit, Caretaker's Residence
Drinking Establishment
Educational Facility
Electric Vehicle Charging Station
Home Occupation
Hotel
Motel
Protective and Emergency Services
Public Use
Public Utility
Recreational Vehicle and Equipment Sales and Service
Restaurant
Retail Establishment, Cannabis
Retail Establishment, Convenience
Retail Establishment, General
Retail Establishment, Liquor
Retail Establishment, Specialty
Sea-can
Sign
Seed Cleaning Plant
Self Storage
Service Station

(4) **Minimum Development Standards**

(a) Lot Area

- (i) Stand-alone Car and Truck Washing Facility: 745m² (8,019ft²)
- (ii) Combined Car and Truck Washing Facility and Service Station: 1,115m² (12,000ft²)
- (iii) Gas Bar or Service Station: 560m²
- (iv) All Other Uses: 15m (50ft.)

(b) Lot Width

30m (100ft.)

(c) Front Yard Setback

9m (30ft.)

(d) Rear Yard Setback

- (i) Accessory Building: 1m (3.3ft.)
- (ii) All Other Uses: 7.62m (25ft.)

(e) Side Yard Setback

- (i) Accessory Building: 1m (3.3ft.)
- (ii) All Other Uses: 3m (10ft.)

(5) **Maximum Development Standards**

(a) Building Height (Above Grade)

- (i) Accessory Building: 5.5m (18ft.)
- (ii) All Other Uses: At the discretion of the Development Officer

(b) Site Coverage

- (i) Accessory Buildings: 10% of the site.
- (ii) All Uses Combined: At the discretion of the Development Authority.

(6) **Additional Regulations**

- (a) Where a gas bar or service station is proposed to include a retail food store, a car wash and/or an auto parts store, the Development Officer shall require a site area adequate in size to ensure that the location of parking and circulation areas does not interfere with the free movement of refuelling vehicles.
- (b) 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.

7.8

LIGHT INDUSTRIAL (M-1)

(1) **Purpose**

The purpose of this District is to provide for appropriate light industrial and related uses that are compatible with surrounding uses.

(2) **Permitted Uses**

Accessory Building and Use
Agriculture, Sales and Service
Animal Health Care Services
Artisan Studio
Auction Mart
Auto Detailing Service
Automotive Service
Alternative Energy System, Micro
Brewery, Winery and/or Distillery
Bulk Fertilizer Depot
Bulk Fuel/Chemical Depot
Business Support Service
Contractor Services, Major
Contractor Service, Minor
Electric Vehicle Charging Station
Light Manufacturing
Public Parking Facility
Recreational Vehicle and Equipment Sales and Service
Pet Services
Sea-can
Self Storage Facility
Service Station

(3) **Discretionary Uses**

Campground
Cannabis Production Facility
Communication Tower
Dwelling Unit, Caretaker's Residence
Grain Elevator
Public Use
Public Utility
Recycling Facility
Salvage Yard
Seed Cleaning Plant
Sign
Stripping, Filling, Excavation and Grading
Storage Yard
Transloading Facility

(4) **Minimum Development Standards**

(a) Lot Area

- (i) Car and Truck Washing Facility: 745m² (8,019ft²)
- (ii) All Other Uses: At the discretion of the Development Authority.

(b) Front Yard Setback

- (i) Accessory Building: 1m (3.3ft.)
- (ii) Others: 7.5m (25ft.)

(c) Rear Yard Setback

- (i) Accessory Building: 1m (3.3ft.)
- (ii) Others: 7.62m (25ft.)

(d) Side Yard Setback

3m (10ft.)

(5) **Maximum Development Standards**

(a) Building Height (Above Grade)

- (i) Accessory Building: 5.5m (18ft.)
- (ii) All Other Uses: At the discretion of the Development Officer.

(b) Site Coverage

- (i) Accessory Buildings: 10% of the site.
- (ii) All Uses Combined: 60% of the site, including Accessory Buildings.

(6) **Additional Regulations**

(a) All uses within this District shall conform to the following standards to the satisfaction of the Development Authority:

- (i) Obvious toxic or noxious materials or dust or ash shall not be released or permitted to escape to the atmosphere at such a rate as to interfere with the use and enjoyment of property or to endanger the health or safety of the public;
- (ii) No industrial operation shall be carried out which would result in the projection of glare, heat or excessive noise onto adjacent properties;
- (iii) Waste products shall not be discharged into any sewer or private sewage disposal system if the nature of such waste products, or the manner of their discharge, would exceed the design standards for the sewer or sewage disposal system.

(b) Any office development shall be included only as accessory to another industrial use and shall be part of the principal use on the site;

Landscaping

- (c) Landscaping shall be to the satisfaction of the Development Authority;
- (d) Any industrial development located on a site bordering a main arterial roadway or highway shall be buffered from these roadways by a strip of treed land or raised berm of a height to be determined by the Development Officer;
- (e) All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Development Authority.

Stripping, Filling, Excavation and Grading

- (f) Other than for landscaping, a developer shall apply in writing to the Development Officer for a development permit for excavation, stripping and grading and shall include the following details:
 - (i) The location of the site on which the excavation, stripping or grading is to take place;
 - (ii) The location of the stockpile on the site; and
 - (iii) The present height of the land on the site in relation to any abutting thoroughfares and with relation to adjoining sites.

Premises Used for Outdoor Storage

- (g) The Development Authority may require that goods be displayed in an orderly manner;
- (h) The Development Authority may require that the display is either fully or partly enclosed by a fence or wall of a design and height approved by the Development Authority;
- (i) 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;

General

- (j) Garbage and waste materials shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares;
- (k) No temporary buildings are to be permitted on site except during the construction phase of development;
- (l) Utility up-grading shall be coordinated to accommodate new development;

- (m) All accesses shall be constructed by the Developer, at the Developer's expense, to the Town of Falher's Engineering Standards;
- (n) Notwithstanding Section 7.8(4)(c), where the rear boundary of a site abuts a railway right-of-way, no rear yard setback is required.

7.9

HEAVY INDUSTRIAL (M-2)

(1) **Purpose**

The purpose of this District is to provide for appropriate large scale industrial and related uses.

(2) **Permitted Uses**

None

(3) **Discretionary Uses**

Accessory Building and Use
Agriculture, Sales and Service
Alternative Energy System, micro
Bulk Fuel and Chemical Depot
Business Support Service
Campground
Cannabis Production Facility
Communication Tower
Contractor Services, Major
Manufacturing, Light
Manufacturing, Heavy
Public Use
Public Parking Facility
Public Utility
Salvage Yard
Sea-can
Seed Cleaning Plant
Self Storage Facility
Service Station
Sign
Storage Yard
Stripping, Filling, Excavation and Grading
Transloading Facility

(4) **Minimum Development Standards**

(a) Lot Area

(i) Car and Truck Washing Facility: 745m² (8,019ft²)

(ii) All Other Uses: At the discretion of the Development Authority.

(b) Front Yard Setback

(i) Accessory Building: 1m (3.3ft.)

(ii) All Other Uses: 7.5m (25ft.)

- (c) Rear Yard Setback
 - (i) Accessory Building: 1m (3.3ft.)
 - (ii) All Other Uses: 7.62m (25ft.)
 - (d) Side Yard Setback:
 - (i) Accessory Building: 1m (3.3ft.)
 - (ii) All Other Uses: 3m (10ft.)
 - (5) **Maximum Development Standards**
 - (a) Building Height (Above Grade)
 - (i) Accessory Building: 5.5m (18ft.)
 - (ii) All Other Uses: At the discretion of the Development Officer
 - (b) Site Coverage
 - (i) Accessory Buildings: 10% of the site.
 - (ii) All Uses Combined: 60% of the site, including Accessory Buildings.
 - (6) **Additional Regulations**
 - (a) All uses within this District shall conform to the following standards to the satisfaction of the Development Authority:
 - (i) Obvious toxic or noxious materials or dust or ash shall not be released or permitted to escape to the atmosphere at such a rate as to interfere with the use and enjoyment of property or to endanger the health or safety of the public;
 - (ii) No industrial operation shall be carried out which would result in the projection of glare, heat or excessive noise onto adjacent properties;
 - (iii) Waste products shall not be discharged into any sewer or private sewage disposal system if the nature of such waste products, or the manner of their discharge, would exceed the design standards for the sewer or sewage disposal system;
 - (b) Any office development shall be included only as accessory to another industrial use and shall be part of the principal use on the site;
- Landscaping
- (c) Landscaping shall be to the satisfaction of the Development Authority;
 - (d) Any industrial development located on a site bordering a main arterial roadway or highway shall be buffered from these roadways by a strip of

treed land or raised berm of a height to be determined by the Development Officer.

- (e) All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Development Authority.

Stripping, Filling, Excavation and Grading

- (f) Other than for landscaping, a developer shall apply in writing to the Development Officer for a development permit for excavation, stripping and grading and shall include the following details:
 - (i) The location of the site on which the excavation, stripping or grading is to take place;
 - (ii) The location of the stockpile on the site; and
 - (iii) The present height of the land on the site in relation to any abutting thoroughfares and with relation to adjoining sites.

Premises Used for Outdoor Storage

- (g) The Development Authority may require that goods be displayed in an orderly manner;
- (h) The Development Authority may require that the display is either fully or partly enclosed by a fence or wall of a design and height approved by the Development Authority;
- (i) 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;

General

- (j) Garbage and waste materials shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares;
- (k) No temporary buildings are to be permitted on site except during the construction phase of development;
- (l) The necessary right-of-ways shall be paved at the time of development or subdivision of the site;
- (m) Utility up-grading shall be coordinated to accommodate new development;

- (n) All accesses shall be constructed by the developer, at the developer's expense, to the Town of Falher's Engineering Standards;
- (o) Notwithstanding Section 7.9(4)(c), where the rear boundary of a site abuts a railway right-of-way, no rear yard setback is required.

7.10

COMMUNITY DISTRICT (COM)

(1) **Purpose**

The purpose of this District is to provide for appropriate community-oriented uses as prescribed below.

(2) **Permitted Uses**

Accessory Building or Use
Agricultural Use
Cultural Facility
Community Recreation Facility
Educational Facility
Park
Public Use
Public Utility

(3) **Discretionary Uses**

Communication Tower
Child Care Facility
Recreational Vehicle Park
Religious Use Facility
Alternative Energy, Micro

(4) **Minimum Development Standards**

(a) Lot Area:

- (i) Religious Use Facility: 930 m² (10,000 ft²). In the case where a manse, rectory, parsonage or other building for a minister's residence is to be erected on the same site as the religious use facility, the combined area of the site shall be a minimum of 1,390m² (14,962ft²).

- (ii) All Other Uses: At the discretion of the Development Authority.

(b) Front Yard Setback:

- (i) Religious Use Facility: 7.62m (25ft.)

- (ii) Other Use: At the discretion of the Development Authority.

(c) Rear Yard Setback:

- (i) Accessory Building: 1m (3.3ft.)

- (ii) Religious Use Facility: 7.62m (25ft.)

- (iii) All Other Uses: At the discretion of the Development Authority

- (d) Side Yard Setback:
 - (i) Accessory Building: 1m (3.3 ft.)
 - (ii) Religious Use Facility: 3m (10 ft.)
 - (iii) All Other Uses: At the discretion of the Development Authority

(5) **Maximum Development Standards**

- (a) Building Height (Above Grade)
 - (i) Accessory Building: 5.5m (18ft.)
 - (ii) Religious Use Facility: 15m (50ft.)
 - (iii) Other Use: At the discretion of the Development Authority.
- (b) Site Coverage
 - (i) Accessory Buildings: 10% of the site.
 - (ii) All Uses Combined: At the discretion of the Development Authority.

(6) **Additional Requirements**

The Development Authority 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.

7.11 URBAN RESERVE DISTRICT (UR)

(1) **Purpose**

The purpose of this District is to provide for the continuation of existing rural pursuits and future urban expansion.

(2) **Permitted Uses**

Agricultural Use
Farm Building
Principal Farmstead Dwelling

(3) **Discretionary Uses**

Accessory building and use
Alternative energy system, micro
Campground
Cemetery
Communication Tower
Public use
Public parking facility
Public utility
Shouse (Barndominium)

(4) **Minimum Development Standards**

(a) Lot Area

At the discretion of the Development Authority.

(b) Front Yard Setback

7.5m (25ft.)

(c) Rear Yard Setback

(i) Accessory Building: 1m (3.3ft.)

(ii) All Other Uses: 4.5m (15ft.)

(d) Side Yard Setback

(i) Accessory Building: 1m (3.3ft.)

(ii) All Other Uses: At the discretion of the Development Authority.

(5) **Maximum Development Standards**

(a) Building Height (Above Grade)

(i) Accessory Buildings: 5.5m (18ft.)

(ii) All Other Uses: 9m (30ft.)

(b) Site Coverage

(i) Accessory Buildings: 10% of the site.

(ii) All Used Combined: 40% of the site, including Accessory Buildings.

(6) **Additional Regulations**

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.

7.12

DIRECT CONTROL DISTRICT (DC)

(1) **Purpose**

The purpose of this District is to regulate the development of specialized areas, land uses and complex development proposals within the Town. All development proposals within this District shall be at the discretion and approval of Council upon evaluation of a completed development permit application as defined within this Bylaw.

(2) **Site Provisions**

(a) A development permit application shall be evaluated on its merits by Council which will establish the appropriate development standards.

(b) Council shall require information on and consider the following matters, and any others deemed necessary, as a component of a subdivision or development permit application prior to making a decision:

- (i) proposed land use;
- (ii) area of site;
- (iii) setbacks;
- (iv) parking;
- (v) water and sewer servicing;
- (vi) landscaping and buffering;
- (vii) signage;
- (viii) traffic impact and access arrangements;
- (ix) emergency management provisions;
- (x) storm water management; and
- (xi) environmental protection measures.

(3) Council may impose conditions deemed necessary concerning:

- (a) parking;
- (b) buffers;
- (c) landscaping;
- (d) site coverage and building orientation;

- (e) servicing;
 - (f) internal circulation;
 - (g) accessory uses;
 - (h) signs;
 - (i) exterior architecture and appearance;
 - (j) number of business establishments;
 - (k) or any other requirements deemed necessary having due regard for the nature of the proposed development and the purpose and intent of this District.
- (4) Council shall inform the applicant upon decision on an application for a development permit that the decision cannot be appealed.



PART EIGHT: ENFORCEMENT

8.1

CONTRAVENTION

- (1) No person shall contravene this Bylaw by:
 - (a) commencing or undertaking a development or use that is not permitted under this Bylaw;
 - (b) authorizing or undertaking any development that is at variance with the description, specifications, or plans that were the basis for the issuing of a development permit pursuant to this Bylaw;
 - (c) violating a condition of a Permit issued pursuant to this Bylaw;
 - (d) providing false or misleading information to secure a development permit;
or
 - (e) obstructing or hindering a Designated Officer from carrying out an official duty under this Bylaw.
- (2) In accordance with the provision of the MGA, a Designated Officer may inspect a premises where there are reasonable grounds to believe that the premises are being used in contravention of this Bylaw.

8.2

ENFORCEMENT

- (1) If, the Development Officer becomes aware, after the issuance of the development permit that
 - (a) the application for the development contains a misrepresentation;
 - (b) facts concerning the application of the development, which should have been disclosed at the time the application was considered, were not disclosed;
 - (c) the development permit was issued in error;
 - (d) the applicant fails to comply with a notice under Section 645 of the MGA;
or
 - (e) the Development Officer may suspend or cancel the notice of decision or the development permit by notice, in writing, to the development permit applicant.
- (2) If the Development Officer finds that a development, land use or use of a building is not in accordance with the MGA, this Bylaw, a development permit or subdivision approval, the Development Officer may, by written notice, order the owner, the person in possession of the land or building, or other person responsible for the contravention, or all or any of them to
 - (a) stop the development or use of the land or building in whole or in part as directed by the notice;
 - (b) demolish, remove, or replace the development; or

- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with the MGA or regulations thereunder, this Bylaw, a development permit, or a subdivision approval, as the case may be, within the time frame set out in the notice

in accordance with the provisions of the MGA.

- (3) If a person fails or refuses to comply with an order issued pursuant to Section 8.2(2), the Town may, in accordance with the provisions of the MGA, enter upon the land or building and take such action as is necessary to carry out the order. The cost thus incurred shall be placed on the tax roll as an additional tax against the property.

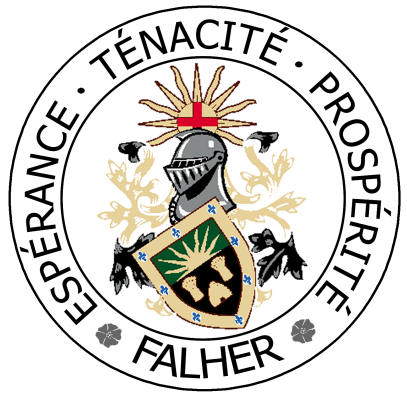
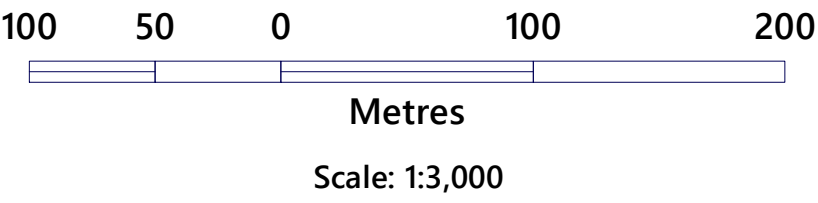
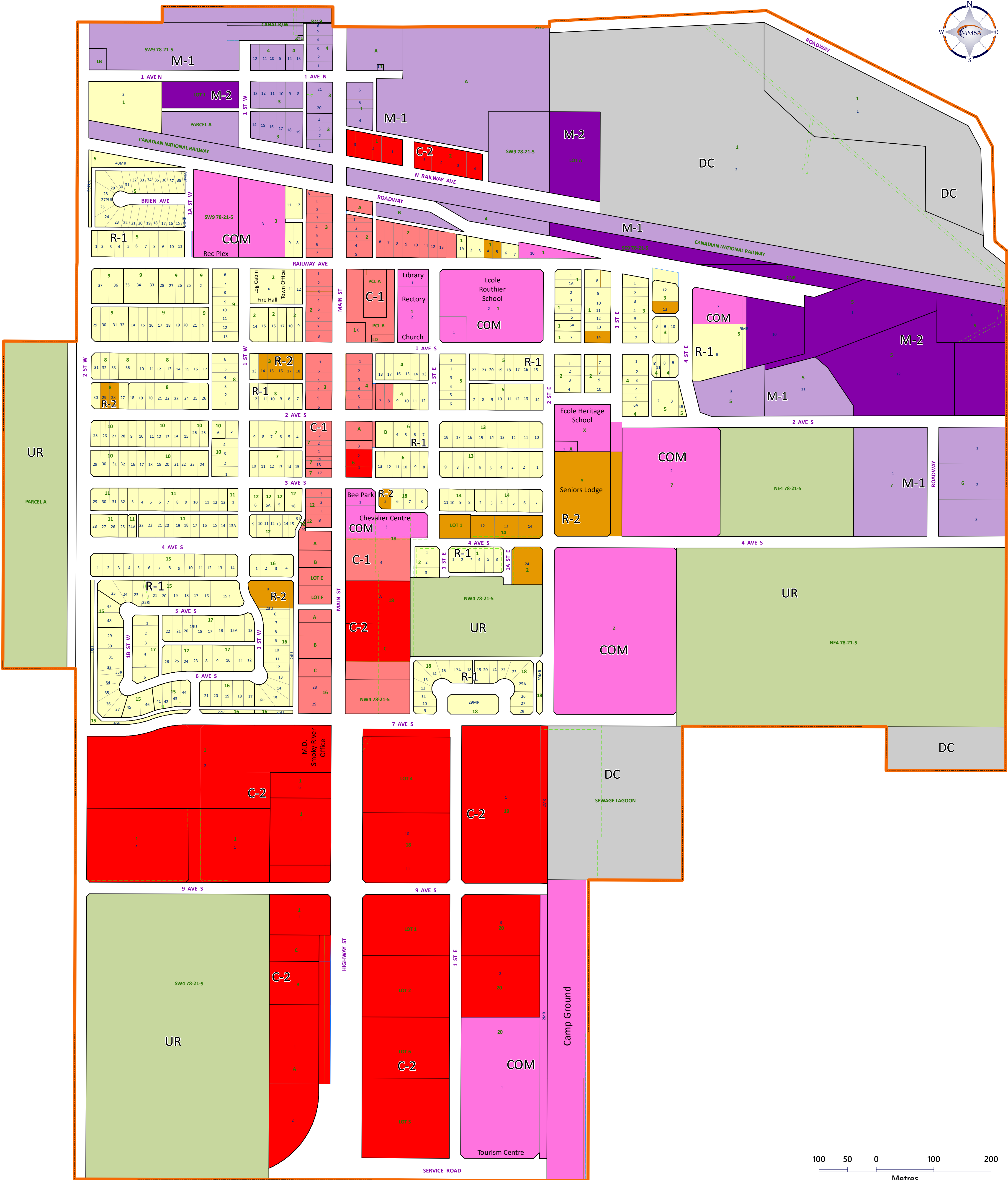
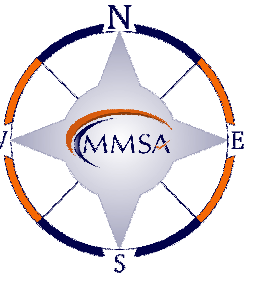
8.3 PENALTIES

- (1) There shall be an automatic \$500 fine for any development without a development permit.
- (2) Pursuant to the provisions of the *Municipal Government Act*, any person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable upon conviction to a fine not exceeding \$10,000, or to imprisonment for not more than one year, or to both fine and imprisonment.

SCHEDULE B: LAND USE DISTRICT MAP

LISTING OF AMENDMENTS

[illegible]



Town of Falher
Land Use Bylaw No. 24-04

Schedule B: Land Use Bylaw Districts Map
Adopted by Council this 12th day of March, 2025

Original Signed By:
Mayor: DONA BUCHINSKI
Original Signed By:
Chief Administrative Officer: JAMES BELL

Amendments			
Bylaw No.	Date	Bylaw No.	Date

- Cadastral Line**
- Block
 - Metes
 - Lot
 - Right of Way
 - Title Line Work
 - Town Boundary

- Land Use Districts**
- Low and Medium Density Residential (R-1)
 - High Density Residential (R-2)
 - Downtown Commercial (C-1)
 - Secondary Commercial (C-2)
 - Light Industrial (M-1)
 - Heavy Industrial (M-2)
 - Urban Reserve (UR)
 - Community (COM)
 - Direct Control (DC)



Cadastral Data Source (Date): AltaLIS Ltd. (May 2025)
Map Updated: May 2025

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