



Land Use Bylaw

Bylaw No. 14-05

ADOPTED DECEMBER 8, 2014

UPDATED MAY 18, 2016



Prepared by:
The Town of Falher
and the
Mackenzie Municipal Services Agency



TOWN OF FALHER

**LAND USE BYLAW
No. 14-05**

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TOWN OF FALHER

BYLAW NO. 14-05

A Bylaw to Adopt a Land Use Bylaw

WHEREAS The Municipal Council of the Town of Falher, in the Province of Alberta, in accordance with Section 639 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, adopted a Land Use Bylaw;

WHEREAS The Municipal Council deems it desirable to replace the existing Land Use Bylaw 04/06 with a revised Bylaw;

NOW THEREFORE The Municipal Council of the Town of Falher in open meeting duly assembled enacts as follows:

PART ONE ENACTMENT AND INTERPRETATION

1.1 TITLE

This Bylaw may be cited as the “Town of Falher Land Use Bylaw”.

1.2 PURPOSE

The purpose of this Bylaw is to prohibit or regulate and control the use and development of land and buildings within the Town in order to achieve orderly, efficient and economic development of land and for that purpose amongst other things:

- (a) To ensure the public is treated in an equitable, efficient, and effective manner;
- (b) To establish a method of making decisions on Development Permit applications and the issuance of Development Permits;
- (c) To divide the Town into land use districts as shown in Schedule “B” – Town of Falher Land Use Districts Map;
- (d) To prescribe and regulate for each land use district the development for which land and buildings may be used, and
- (e) To provide guidelines for subdivision design for each land use district.

1.3 APPLICATION OF BYLAW

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

1.4 CONFORMITY WITH BYLAW

1.4.1 No person shall commence any development unless it is in accordance with the terms and conditions of a Development Permit issued pursuant to this Bylaw, where such a permit is required.

1.4.2 Nothing in this Bylaw prevents the use of any lot, building or structure for any purpose not permitted by this Bylaw if such lot, building, or structure was lawfully used for such purpose on the date of passing this Bylaw provided it is used for that purpose on a continuous, uninterrupted basis (see Section 9.1).

1.4.3 Provincial Exemptions

Pursuant to Section 618 and 618.1 of the Municipal Government Act, RSA 2000, this bylaw does not apply when a development or a subdivision is effected only for the purpose of:

- (a) a highway or road as defined by the Municipal Government Act,
- (b) a well or battery within the meaning of the Oil and Gas Conservation Act,
- (c) a pipeline or an installation or structure incidental to the operation of a pipeline,
- (d) the geographic area of a metis settlement, and
- (e) a confined feeding operation within the meaning of the Agricultural Operations Practices Act.

1.5 DEFINITIONS

In this Bylaw, unless the context requires otherwise:

“ABOVEGROUND CRUDE OIL STORAGE TANK” means a tank that sits on or above the ground and whose top and complete external sides can be visually inspected and whose use is for the storage, commercialization, and sale of Crude Oil.

“ACCESSORY USE or BUILDING” means a building or use that is subordinate to, exclusively devoted to, and located on the same site as the principal building or use. Where a structure is attached to a principal building on a site by a roof, an open or enclosed structure, a floor or

foundation, or any structure below grade allowing access between the building and the structure, it is considered part of the principal building. Accessory buildings include garages, carports, sheds, storage buildings, decks, patios or balconies, permanently installed private swimming pools and hot tubs and other accessory structures such as poles, free standing satellite dishes and towers but does not include Sea-Cans.

“ACT” means **Municipal Government Act (MGA)**, and amendments thereto.

“AGRICULTURAL OPERATION” means an agricultural operation as defined in the *Agricultural Operation Act* but does not include a Licensed Medical Marihuana Production Facility.

“AMUSEMENT FACILITY” means any facility where four (4) or more of any combination of mechanical games, electronic games and/or pool tables are kept for the purpose of furnishing entertainment to the public for a fee.

“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.

“AUTO BODY AND PAINT SHOP” means an establishment for the repair or painting of motor vehicle bodies but does not include facilities for the sale of gasoline or lubricating oil, or for the repair or maintenance of electrical parts.

“AUTOMOBILE DEALERSHIP” means the premises for the display and sale of new or used automobiles and light duty trucks under 5,000 kg G.V.W. (11,023 lbs). This does not include recreation vehicles, boats, trailers, campers and the like.

“AUTO SUPPLY SHOP” means a retail commercial use that sells new and refurbished automotive and light duty truck parts, but does not include the sale of used parts or salvage yards.

“AUTOMOBILE AND TRUCK SALES AND SERVICE” means the use of a building and/or lands to sell and service cars and light duty trucks under 5,000 kg G.V.W (11 023 lbs).

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

“BED AND BREAKFAST OPERATION” means a development within a private dwelling occupied by the owner or operator offering hospitality to eight (8) or less registered guests at a time and providing a breakfast meal.

“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.

“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.

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

“CAR AND TRUCK WASHING FACILITIES” means a facility for the washing, cleaning or polishing of motor vehicles.

“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.

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

“CONFINED FEEDING OPERATION (CFO)” means an activity on land that is fenced or enclosed or within buildings where livestock are confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing, but does not include seasonal feeding and bedding sites. The Standards and Administration Regulation of the Agricultural Operation Practices Act shall define the minimum size of a confined feeding operation

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

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

“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.

“CRUDE OIL TRANS LOAD FACILITY” means a site adjacent to railway trackage/spur line where crude/bitumen oil is transferred from a pipeline/ tanker trucks directly into a rail tank car or into above ground storage tanks for loading into rail tanker cars for transportation to oil upgrading facilities.

“DEPARTMENT STORE” means a retail commercial use either freestanding or as part of a shopping centre classified by a floor area greater than or equal to 260 m² (2800 ft²) containing a variety of merchandise for sale to the general public.

“DEVELOPMENT” means

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

“DEVELOPMENT AUTHORITY” means one or more of the following:

- (a) Development Officer, or
- (b) *deleted*
- (c) Any other person or organization appointed as the “Development Authority” by resolution or bylaw of Council pursuant to the Municipal Government Act, R.S.A. 2000. C.M-26, and amendments thereto.

“DEVELOPMENT OFFICER” means a person appointed as a Development Officer by a resolution of Council to the office pursuant to Section 624 of the Municipal Government Act RSA 2000 c. M-26 and amendments thereto.

Bylaw 15-05
2015/08/10

“DISCRETIONARY USE” means the use of land or of a building which is listed in the column captioned “Discretionary Uses” in a table of uses for certain districts in this Bylaw, 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.

“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 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 includes row dwellings and stacked town houses but does not include apartment buildings.

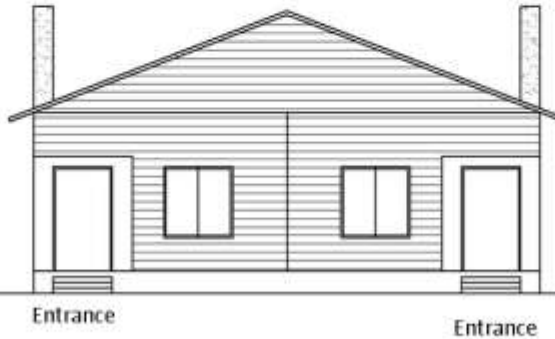
“DWELLING UNIT” means two (2) or more rooms used as or designed to be used as a self-contained residence by one or more persons and containing cooking, eating, living, sleeping and sanitary facilities and with an independent entrance either directly from outside a building through a common hallway inside a building.

- (a) *Apartment* means a building designed and built to contain three (3) or more separate dwelling units, each of which has an independent entrance either directly from outside the building or through a common vestibule. (This definition includes buildings referred to as four-plexes, six-plexes and the like.)
- (b) *Duplex* means development of a building containing only two (2) dwellings, with one being placed over the other in whole or in part with individual and separate entrances to each dwelling.
- (c) *Row* means a building consisting of at least three (3) dwelling units with each unit having direct access to the outside grade, but shall not mean apartment.
- (d) *Semi-detached* means a building that is divided vertically into two (2) dwellings units side by side and separated from each other by a common wall extending from foundation to roof, having separate entrances and not attached to any other residential building.
- (e) *Single detached* means a site-built dwelling unit which is separate from any other dwelling unit or building. The term single detached dwelling as defined here does not include manufactured homes.

EXPLANATION NOTES

Semi-Detached

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



EXPLANATION NOTES

Duplex

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



“ENVIRONMENTAL AUDIT” means a comprehensive site analysis to determine:

- (a) if there are any hazardous substances above, on or below the surface of the subject property that may pose a threat to the environment and/or health of humans, wildlife, and/or vegetation;
- (b) if there are any breaches of federal, provincial, and/or municipal environmental standards;
- (c) the level of risk that a contaminated site poses to the environment and/or health of humans, wildlife, and/or vegetation;
- (d) 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 to determine:

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

“EXISTING RESIDENTIAL USE” means the use of a building for residential purposes before the date of the adoption of this Bylaw. A residential use lawfully under construction prior to the date of adoption of this bylaw is considered an existing residential use.

“FARM BUILDING” means improvements used in connection with the raising or production of crops, livestock or poultry and situated on land used in conjunction with such farming operations.

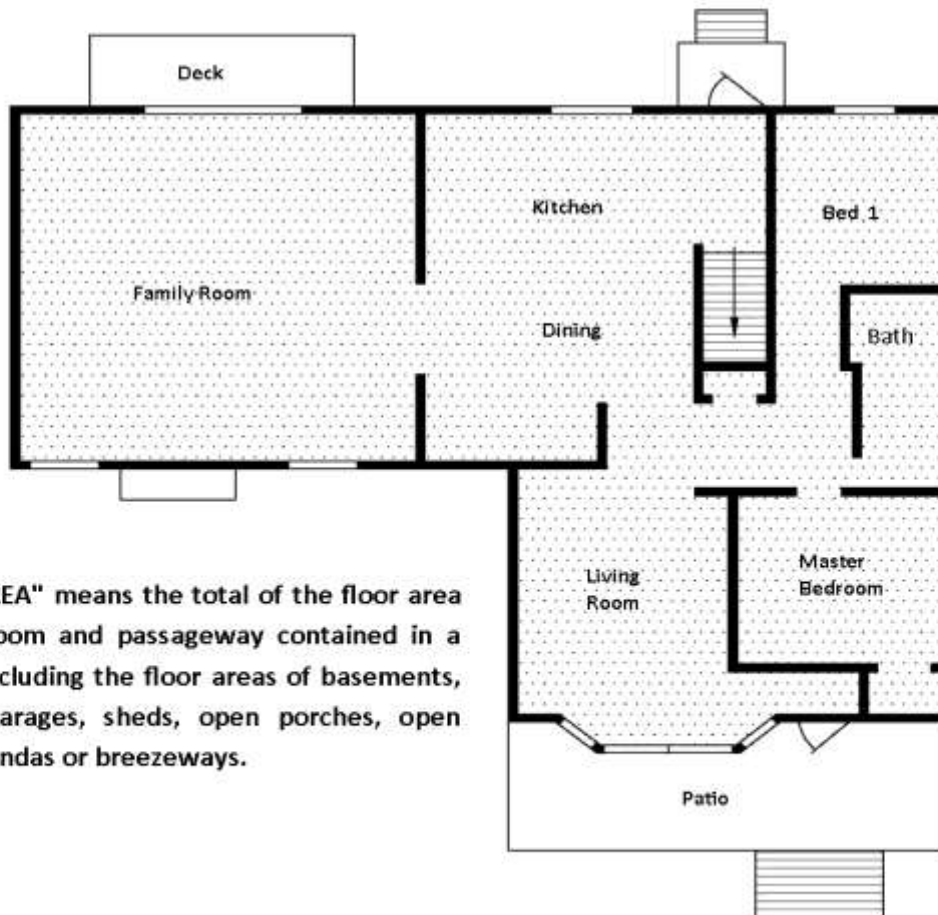
“FARMSTEAD” means a developed parcel of land, having a residential unit thereupon and related improvements associated with a farm operation on an unsubdivided quarter section or a river lot.

“FLOOR AREA” (see explanation note for 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.

EXPLANATION NOTES

Floor Area

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



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

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

“GAS BAR” means premises used or intended to be used for the sale of gasoline, lubricating oils and associated petroleum products and may include the sale of automotive parts, a car wash, towing service or a retail food store.

“GRADE” (for determining the height of buildings) means the average level of finished ground adjoining a building at all exterior walls.

“GREENHOUSE” means a building constructed primarily of glass or other transparent material used for cultivation of plants but does not include a Licensed Medical Marihuana Production Facility.

“GROCERY STORE” means the use of that portion of a building with a gross floor area of less than 260 m² (2,800 ft²), for the sale of foodstuffs and convenience goods.

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

“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 does not change the character thereof and/or generate additional traffic or noise, and is considered to have no impact on the neighbours, and is basically invisible (that is, nobody notices that a business is being run). 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. Home-Based Business does not include a Licensed Medical Marihuana Production Facility.

“HOTEL” means a building designed for the accommodation of the travelling or vacationing public containing guest rooms served by a common entrance as well as general kitchen and dining or other public rooms. A Hotel includes an Inn. A Hotel does not include a Workcamp.

“LANDSCAPING” means the modification and enhancement of a site through the use of any of, but not limited to, the following elements: trees, shrubs, hedges, grass and ground cover.

“LICENSED MEDICAL MARIJUANA PRODUCTION FACILITY” means the use of land, buildings or structures for the cultivation, processing, testing, destruction, packaging and shipping of marihuana used for medical purposes as permitted and licensed by Canada.

“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, duck, geese, and game production animals within the meaning of the “Livestock Industry Diversification Act.”

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

Bylaw 15-07
2015/09/14

“LOT” means:

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

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

“LOT 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.).

“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.

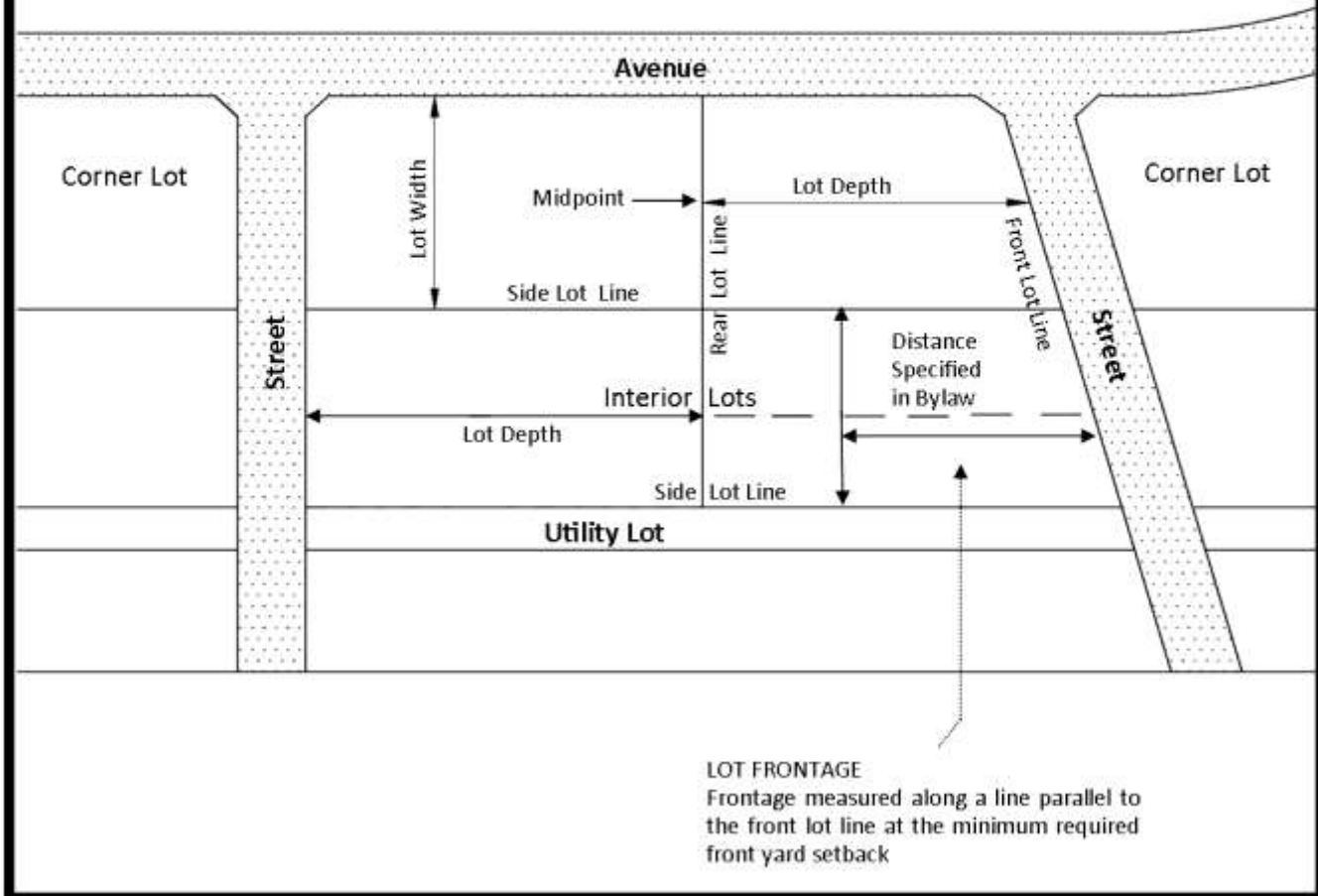
“LOT, THROUGH” means any lot other than a corner lot having access on two abutting streets.

“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

EXPLANATION NOTES

Lot Definitions

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



Bylaw 15-11
2015/11/09

“MANUFACTURED HOME” means a development of a transportable dwelling unit that is built off-site. It is designed to be transported on its own wheels or on a 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 or industrial camp trailers. A manufactured home meets any one of the following design criteria:

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

“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

“MARKET GARDEN” means the use of land for the commercial growing of vegetables or fruit, but does not include a Licensed Medical Marihuana Production Facility.

Bylaw 15-11
2015/11/09

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

“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 DWELLING” means a single dwelling unit other than a manufactured home previously constructed and occupied on a site that is to be relocated from that site.

“MUNICIPAL GOVERNMENT ACT (MGA)” means the Municipal Government Act, R.S.A 2000. c.M-26, as amended.

Bylaw 15-05
2015/09/14

“MUNICIPAL PLANNING COMMISSION (MPC)” *deleted*

“NATURAL RESOURCE EXTRACTION” means the extraction of natural resources such as timber, clay, sand and gravel, limestone, shale, coal, and other minerals including petroleum and natural gas and which may include bringing these together with other elements such as power or water into integrated processes for the purpose of primary treatment into a marketable form.

“NON-CONFORMING BUILDING” means a building:

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

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

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

“OFFICIAL” means:

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

“PARK OR PLAYGROUND” means an area of land that is used for recreational purposes and usually includes facilities such as picnic benches, slides, swings, and other playground type equipment.

“PARCEL” means the aggregate of the one or more areas of land described in a certificate of title by reference to a plan filed or registered in a land titles office.

“PARKING SPACE” means a space within a building or a private or public parking area, exclusive of driveway, ramps and columns for the parking of one vehicle.

“PERMANENT PROPANE TANK INSTALLATION” means a propane tank installed on a site for the purpose of providing primary servicing to a residential or recreational vehicular use for services such as cooking, heating, lighting, and hot water for periods of time exceeding three (3) months in place of using alternative sources of energy such as natural gas or electricity. This does not include the recreational use of propane in portable cylinders for uses such as barbecues, lanterns, and other recreational uses deemed similar by the Development Officer.

“PERMITTED USE” means the use of land or of a building which is listed in the column captioned “Permitted Uses” in a table of uses for most districts appearing in this Bylaw and for which, subject to the provisions of this Bylaw, a development permit shall be issued.

“PREMISES” means an individual business operating on a site or in a building as a sole occupant or in shared occupancy with one or more other businesses.

“PRINCIPAL BUILDING OR USE” means the main purpose for which, in the opinion of the Development Officer, a building or site 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.

“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, structure or lot used for public services by the Municipality, by any local board or agency of the Municipality, by any department, commission or agency of any other municipal corporation or the Government of Alberta or Canada or by any public utility.

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

- (a) water or steam;
- (b) sewage disposal;
- (c) public transportation operated by or on behalf of the Town;
- (d) irrigation;
- (e) drainage;
- (f) fuel;
- (g) electric power;
- (h) heat;
- (i) waste management;
- (j) telecommunications;

and commodity supplied by any of those systems or works.

“RECREATIONAL VEHICLE” means a portable 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 including display and storage of products on or about the premises in quantities sufficient only to supply the establishment.

“REGISTERED OWNER” means:

- (a) The Minister responsible for the administration of land, in the case of land owned by the Crown in the Right of Alberta or in the Crown in the Right of Canada;
- (b) The purchaser of a fee simple estate, registered against the certificate of title in the land, or any assignee of the purchaser’s interest that is the subject of a caveat registered against the title; or
- (c) The person registered under the Province of Alberta Land Titles Act as the owner of the fee simple estate in the land, in the absence of a person described in (b) above.

“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.

“RESTAURANT” means an establishment where food is prepared, served and generally intended to be consumed on the premises for sale to the public.

“RETAIL FOOD STORE” means the portion of a building with a gross floor area in excess of 260 m² (2,800 ft²), generally for the sale of foodstuffs for consumption off premises.

“RETAIL STORE” means the use of a building or a portion thereof for the sale or display of merchandise to the public and includes the storage of merchandise on or about the premises in quantities sufficient only to supply the establishment, but does not include a grocery store or a retail food store.

“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.

“SATELLITE DISH ANTENNA” means a combination of:

- (a) An antenna or dish antenna whose purpose is to receive signals from orbiting satellites;
- (b) A low noise amplifier (LNA) situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals;
- (c) A cable whose purpose is to transmit signals; or
- (d) Other associated components.

“SCREENING” means a fence, berm, hedge, or other similar structure or feature used to visually separate areas or functions.

“SEA-CAN” means a container, including a sea/land/rail shipping container, which is used as a storage vault. A sea-can shall only be allowed on a lot and use as an accessory building and/or use to a main building or use. A sea-can shall not be used for a dwelling or any part of a dwelling; and, notwithstanding any other provision of this Bylaw to the contrary, not attached, in any way, to a main building;.

“SECONDARY SUITE” means a self-contained unit, clearly secondary in size to the main dwelling unit within a dwelling, which may or may not share access to the outside and/or other facilities with the main dwelling unit. It is considered “secondary” or “accessory” to the primary residence on the parcel. It normally has its own entrance, kitchen, bathroom and living area.

“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 nursing homes.

“SERVICE STATION” means a facility for the service and repair of motor vehicles and for the sale of gasoline, lubricating oils, and accessories for motor vehicles and which may provide a towing service, and further may include a building or site or part thereof where petroleum products are delivered into containers, tanks, vessels or cylinders.

“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.

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

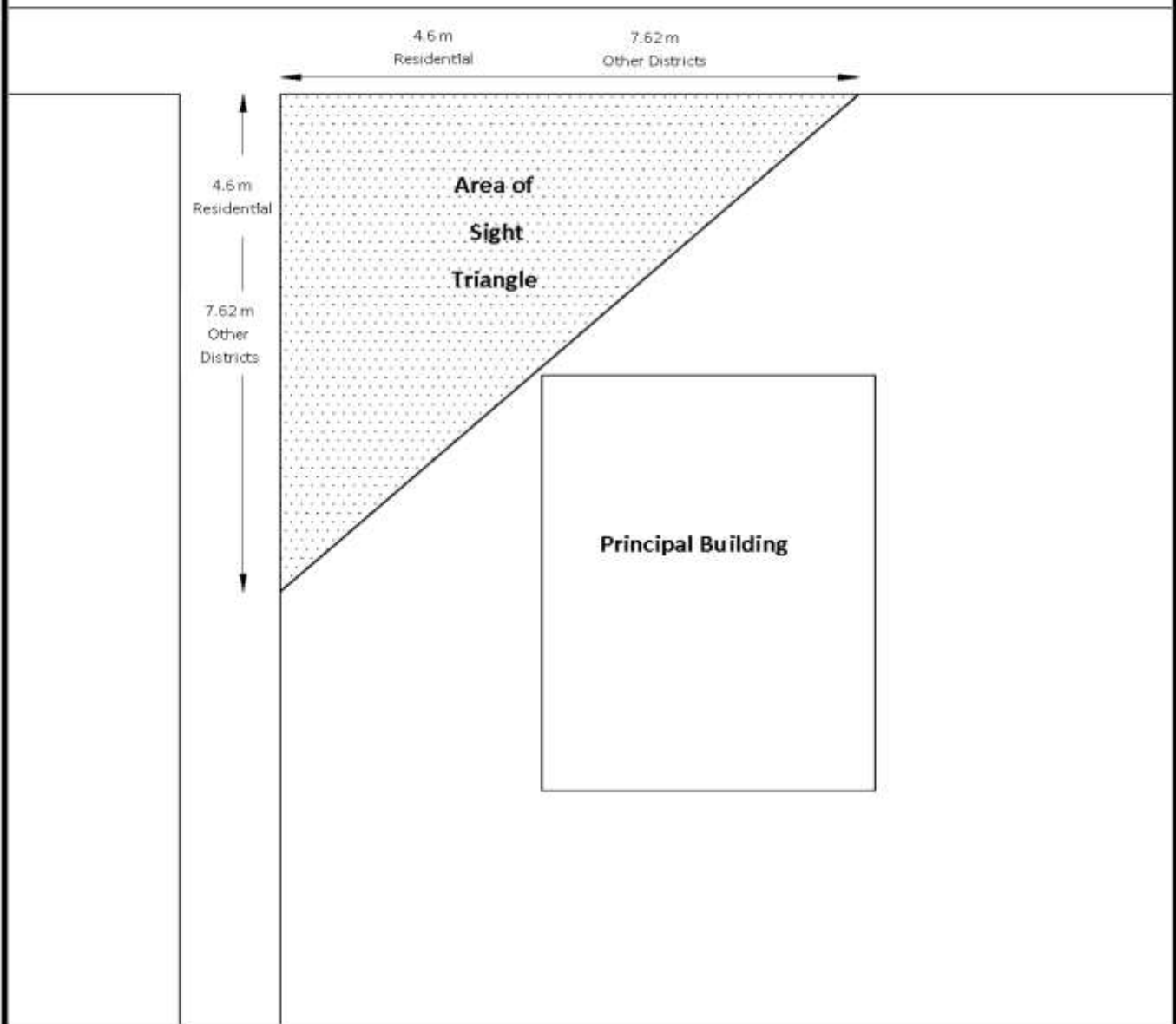
- (a) 4.6 m (15 ft.) from the point where they intersect in all residential and commercial Districts;
- (b) 7.62 m (25 ft.) from the point where they intersect for all other districts.

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.



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

“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 every sign supported independently 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, portable signs and the like.

“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, 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.

“SINGLE DETACHED DWELLING UNIT” means a building containing only one dwelling unit but does not include a **manufactured** home.

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

“SOLAR ARRAY” means multiple solar panels used in conjunction to produce electricity.

“SOLAR ENERGY COLLECTION SYSTEM” means a system of one or more buildings or appurtenances to buildings designed to convert solar energy into mechanical or electrical energy and includes solar array, solar panels, free standing, ground and roof mounted.

“SOLAR PANEL, FREE STANDING” means a device which is used to convert energy contained within the sun’s rays into electricity, which is not mounted or attached to any other structure for support.

“SOLAR PANEL, ROOF MOUNTED” means a device which is used to convert energy contained within the sun’s rays into electricity, which is located, mounted, or attached to the roof of a structure.

“SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)” means The Town of Falher Subdivision and Development Appeal Board as established by Bylaw.

“SUBSTANTIAL COMPLETION” means that phase of a development where at least 75% of the development is complete to the Development Authority’s satisfaction.

“SWIMMING POOL” means a public or privately owned in-ground swimming pool.

“TEMPORARY” means a use which occurs for a maximum of three (3) months from date of development permit approval with the possibility for one three (3) month extension by the Development Officer.

“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

“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.

“YARD, EXTERIOR SIDE” means a side yard immediately adjoining a street.

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

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

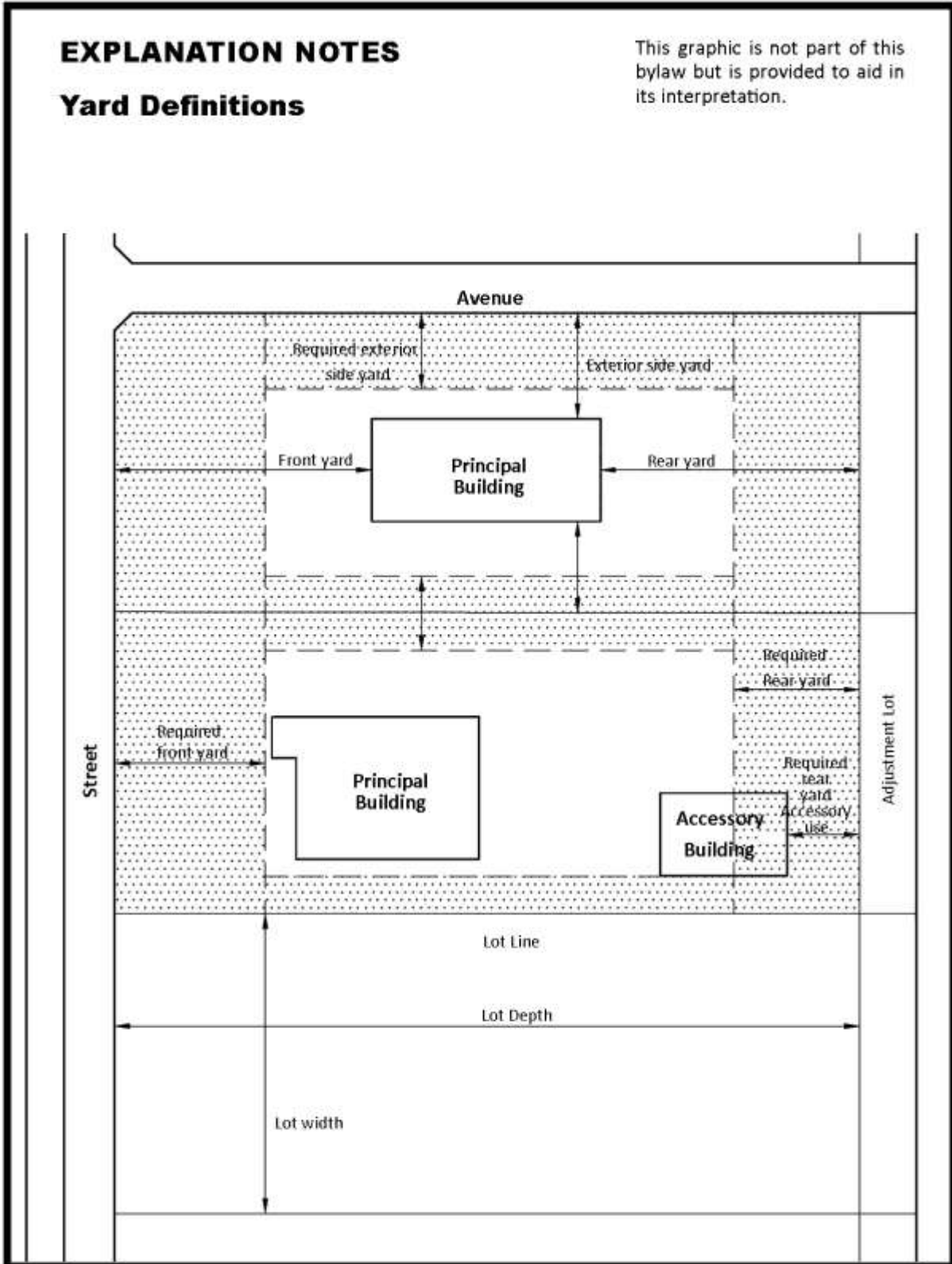
“YARD, REAR” means a yard extending across the full width of a lot and situated between the rear lot line and the nearest portion of the principal building.

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

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

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

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



2.1 DEVELOPMENT PERMITS REQUIRED

- 2.1.1 Except as provided in Section 2.2 of this Bylaw, no person shall undertake any development unless:
- (a) it is in accordance with the terms and conditions of a development permit issued pursuant to this Bylaw; and
 - (b) safety code permits are obtained subject to the provisions of the Alberta Safety Codes.

2.2 DEVELOPMENT PERMITS NOT REQUIRED

- 2.2.1 A development permit is not required for the following developments by they shall otherwise comply with the provisions of this Bylaw:
- (a) works of maintenance, repair or alterations on a structure, both internal and external, if in the opinion of the Development Officer, such work:
 - (i) does not include structural alterations, and
 - (ii) does not change the use or intensity of the use of the structure, and
 - (iii) is performed in accordance with obligatory legislation or other government regulations;
 - (b) 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;
 - (c) the erection or installation of machinery needed in connection with operations for which a Development Permit has been issued, for the period of those operations;
 - (d) 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;
 - (e) the use by the Municipality of land of which the Municipality is the legal or equitable owner for a purpose approved by a two-thirds majority vote of Council in connection with any public utility or public use carried out by the Municipality;

- (f) the use of a building or part thereof as a temporary polling station for a Federal, Provincial and Municipal election or referendum;
- (g) an official notice, sign, placard, or bulletin required to be displayed pursuant to the provisions of Federal, Provincial or Municipal legislation;
- (h) one temporary, on-site sign which does not exceed 1 m² (11 ft²) in area nor 1.5 m (5 ft.) in height and is intended for:
 - (i) advertising the sale or lease of a dwelling unit, or property for which a development permit has been issued for the development on the said property; or
 - (ii) identifying a construction or demolition project for which a development permit has been issued for such a project; or
 - (iii) identifying a political campaign; or
 - (iv) advertising a campaign or drive which has been approved by Council: such a sign may be posted for a maximum period of fourteen (14) days and shall be removed after the duration of this time period; or
 - (v) commemorative plaques and cornerstones of a non-advertising nature.
- (i) 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;
- (j) stripping or stockpiling of soil, installation of utilities and construction of roads in a subdivision area when a development agreement has been duly executed;
- (k) the construction of a movable 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.

2.3 PRIORITY OF AGRICULTURE

- 2.3.1 The Town of Falher is an agricultural community, and one which strongly desires the retention and maintenance of the agricultural sector. The Town wishes to ensure the long-term viability, growth, and sustainability of the agricultural industry in and surrounding the Town in a manner that is compatible with and complimentary to the existing and future development areas of the Town.
- 2.3.2 All residential uses on the fringe of the Town must recognize that the normal sights, sounds, and smells of agricultural operations are part of the character of the rural municipality.

PART THREE**DUTIES AND RESPONSIBILITIES OF THE DEVELOPMENT AUTHORITY****3.1 DEVELOPMENT OFFICER**

- 3.1.1 The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution or bylaw of Council and is hereby declared to be an authorized person by Council.

3.2 DUTIES AND RESPONSIBILITIES OF THE DEVELOPMENT OFFICER

- 3.2.1 In accordance with the Act, the Development Officer shall:

- (a) receive, consider and decide upon applications for development permits; and
- (b) keep and maintain for inspection of the public during regular office hours, a copy of this Bylaw and all amendments thereto and ensure that copies are available to the public at reasonable charge; and
- (c) keep a register of all applications for development, including the decisions thereon and the reasons therefore, for a minimum period of 7 years.

- 3.2.2 The Development Officer shall approve all applications for a "Permitted Use" unconditionally if it conforms with the Bylaw, or with conditions necessary to bring the application into conformity with the Bylaw.

Bylaw 15-05
2015/08/10

- 3.2.3 The Development Officer shall consider and decide on applications for Development Permits which constitute as discretionary uses within a District, other than Direct Control.

- (a) for those uses which constitute discretionary uses in any District; or
- (b) for those applications seeking a variances in excess of:
 - (i) 15% for development setback requirements
 - (ii) 10 % for height of buildings
 - (iii) 10% for site width.

- 3.2.4 The Development Officer may:

- (a) refer a Development Permit application to the Mackenzie Municipal Services Agency and/or any local, Provincial, or Federal Government agency for comments and/or recommendations;
- (b) at the Development Officer's discretion, may refer to Council for comments, any application for a permitted or discretionary use.

Bylaw 15-05
2015/08/10

- 3.2.5 Notwithstanding Section 3.2.4(b), the Development Officer shall refer a Development Permit application for a Licensed Medical Marihuana Production Facility to Council for comments prior to making a decision.

3.3 DEVELOPMENT OFFICER'S DISCRETION

- 3.3.1 In making a decision on a development permit application the Development Officer may:
- (a) approve an application unconditionally; or
 - (b) approve an application subject to conditions; or
 - (c) refuse an application; and
 - (d) may refer to Council for its consideration and comments on any development permit applications or notifications regarding a confined feeding operation, and any such matters as Council directs.
- 3.3.2 In making a decision on an application for a use listed under the "Permitted Uses" column in a respective District the Development Officer:
- (a) shall issue a development permit upon the use conforming with the Bylaw; or
 - (b) may issue a development permit upon the use not conforming with the Bylaw subject to conditions necessary to ensure conformity.
- 3.3.3 Notwithstanding Section 3.2.2 above, the Development Officer may allow a minor variance of any or all of the following requirements where, in their opinion, such variance does not unduly affect the amenities, use, enjoyment, or safety of the site or the neighboring properties. The following variances may be applied:
- (a) development setback requirements – 15%;
 - (b) any other development standard – 10%
- 3.3.4 Notwithstanding anything else in this Bylaw, a vacant lot held in separate ownership from adjoining parcels on the effective date of this Bylaw, having less than the minimum width and square area may at the discretion of the Development Officer, be used for any purpose allowed for in the district in which the lot is located and a building may be erected on the lot provided that all other applicable provisions in this Bylaw are satisfied.

3.3.5 Where the proposed use is not listed in a land use district, the Development Officer or the Municipal Planning Commission may consider the use to be so listed as a discretionary use if, in their opinion, it is sufficiently similar in character and purpose to either a listed permitted or discretionary use.

Bylaw 15-05
2015/08/10

3.3.6 Notwithstanding Section 3.3.3, the Development Officer may, after obtaining advice Council, allow that any or all of the following variances:

- (a) development setback requirements – 30%
- (b) any other development standard – 20%

Bylaw 15-05
2015/08/10

3.4 THE TOWN OF FALHER MUNICIPAL PLANNING COMMISSION (MPC) *deleted*

3.4 SUBDIVISION AND DEVELOPMENT APPEAL BOARD “SDAB”

3.4.1 The SDAB shall be established by separate Bylaw and perform its duties in accordance to that Bylaw and the provisions of the Act.

3.5 CONDITIONS ATTACHED TO AN APPROVED PERMIT

3.5.1 The Development Authority may require with respect to a development that, as a condition of issuing a development permit, the applicant enters into an agreement with the Municipality to do any or all of the following:

- (a) to construct or pay for the construction of a road required to give access to the development;
- (b) to construct or pay for the construction any or all of the following:
 - (i) a pedestrian walkway system to serve the development; or
 - (ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development.
- (c) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development, such as:
- (d) to construct or pay for the construction of:
 - (i) off-street other parking facilities, and
 - (ii) loading and unloading facilities.
- (e) to pay an off-site levy or redevelopment levy imposed by bylaw.

- (f) to give security in the form of an irrevocable letter of credit to ensure that the terms of the agreement are carried out.
- 3.5.2 Pursuant to Section 650(2) of the MGA, the Development Authority may register a caveat against the Certificate of Title to the property being developed which shall be discharged upon the terms of the agreement being met.
- 3.5.3 When, in the opinion of the Development Authority, satisfactory arrangements have not been signed 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.
- 3.5.4 In addition to entering an agreement as outlined in Section 3.6.1, the Development Officer shall refer to Parts 6 and 7 in order to determine the need for further conditions to be attached where discretion is provided for.
- 3.5.5 A development permit lapses and is automatically void if the development authorized is not commenced within twelve (12) months from the date of issuing the permit, or within a longer period not exceeding six (6) months as may be approved in writing by the Development Officer.

3.6 OFFENCES AND PENALTIES

- 3.6.1 The Development Officer may issue a stop order in accordance with Section 645 and 646 of the MGA to any person who:
 - (a) fails to apply for or comply with a development permit or the plans and conditions forming part thereof, or
 - (b) makes use of land in a manner contrary to the provisions of this Bylaw.
- 3.6.2 A person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine not exceeding \$500.00 exclusive of costs.
- 3.6.3 The Development Officer may suspend or revoke a development permit which has not been complied with.

PART FOUR

METHOD OF APPLYING FOR A DEVELOPMENT PERMIT

4.1 FORMS AND NOTICES

Bylaw 16-01
2016/03/14

4.1.1 Where the Development Officer has determined in accordance with Part 2 that an application for a [Development Permit](#) is required, then an application for a development permit shall be made to the Development Officer in writing in the prescribed form, and shall be signed by the registered landowner or his authorized agent.

4.1.2 The forms and notices authorized by Council pursuant to this Bylaw may be posted, issued, served or delivered (in the course of his or her duties) by an official of the Municipality.

Bylaw 16-01
2016/03/14

4.1.3 For the purpose of administrating the provisions of this Bylaw, Council, by resolution, may authorize the preparation and use of and fees for such forms or notices as in its discretion it may deem 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.

4.2 CONTENTS OF A DEVELOPMENT PERMIT APPLICATION

4.2.1 An application for a Development Permit shall be made to the Development Authority in writing by completing a Development Permit Application and shall require the following

- a) a scaled site plan showing the location and dimensions of the following existing and proposed :
 - (i) site property lines;
 - (ii) buildings and structures;
 - (iii) parking stalls, vehicle circulation areas, walkways and road access points;
 - (iv) landscaping, retaining walls, fences and other screening;
 - (v) above ground utilities and direction of storm water drainage off the site.

4.2.2 The Development Authority may request the following additional information for to applications for multi-unit dwellings, commercial uses, industrial uses, public uses and/or any other uses at its discretion:

- (a) floor plans;

- (b) building elevations;
- (c) illustrated exterior finishing materials;
- (d) existing and finished lot grades and street grades;
- (e) the location(s) of existing and proposed outdoor storage areas and/or garbage collection facilities;
- (f) the locations and dimensions of any culverts and/or crossings;
- (g) the location(s) of any water and/or sewer lines;
- (h) the location(s) of existing underground gas, electrical or telephone lines,
- (i) furthermore, as part of the Development Permit Application, the Development Authority may also require any other studies of projected traffic volumes, utilities, landscaping, urban design, parking, social and economic effects, environmental impact assessment, environmental audit, slope, soil, flood plain, sun, and wind impact studies and/or any other information as required by the Development Authority.

4.2.3 Upon approval of a Development Permit the Development Authority may attach building plans, site plans, and landscaping plans as a schedule to the development agreement.

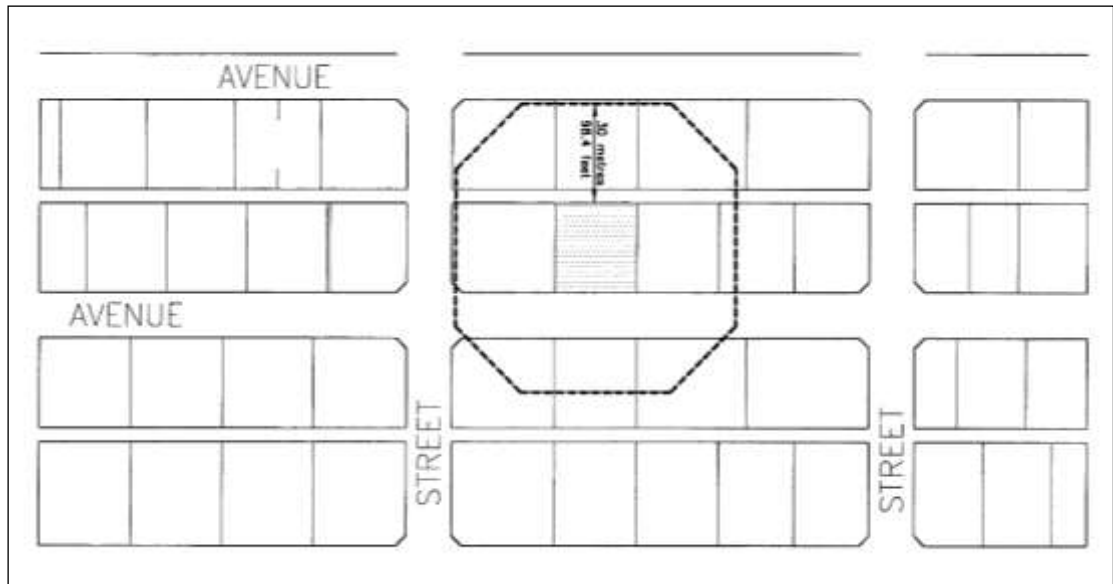
4.3 INCOMPLETE FORMS REJECTED

4.3.1 When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the development permit application, the Development Authority may return the application to the applicant for further details. The application so returned shall be deemed not to have been in its complete and final form until all required details have been submitted to the satisfaction of the Development Authority.

5.1 NOTIFYING THE PUBLIC OF APPLICATION

5.1.1 Upon receipt of a complete application for a development permit for a development listed as a “Discretionary Use” the Development Officer shall mail a notification to all landowners and occupiers within a 30 m (98.4 ft.) radius of the proposed development and at the discretion of the Development Officer to any other landowners or occupiers that may be affected by the development.

Bylaw 16-01
2016/03/14



5.1.2 The notice of application shall contain:

- (a) a copy of the development permit application,
- (b) a map of the proposed location of the application,
- (c) an explanatory note of the development approval and appeal process,
- (d) the time period within which written comments regarding the application must be received.

5.1.3 Upon receipt of a notification from the Natural Resources Conservation Board in regards to a Confined Feeding Operation, the Development Officer shall refer it to Council for comment.

5.2 WHEN A DECISION WILL BE MADE

- 5.2.1 The Development Authority shall consider and decide on applications for development permits within forty (40) days of the receipt of the application in its complete and final form, unless the applicant has entered into an agreement with the Development Authority to extend the forty (40) day period.
- 5.2.2 An application for a development permit shall, at the option of the applicant be deemed to be refused when a decision of the Development Authority is not made within forty (40) days of the receipt of the development permit application in its complete and final form, unless the applicant has entered into an agreement with the Development Authority to extend the forty (40) day period.

5.3 NOTIFICATION OF DEVELOPMENT PERMIT APPROVAL OR REFUSAL

- 5.3.1 When an application for a development permit is approved for a Discretionary Use, an official of the Municipality shall publish a notice in a local newspaper mapping the location and address of the property for which the application has been made and the development permit approved.
- 5.3.2 A decision of the Development Authority of a Development Permit application shall be given in writing by an official of the Municipality and a copy of it shall be sent to the applicant and/or their agent, by mail.
- 5.3.3 When the Development Authority refuses an application for a Development Permit, the notice of decision, containing reasons for the refusal, shall be given in writing by an Official of the Municipality and a copy of it shall be sent to the applicant and/or their agent by mail.

5.4 EFFECTIVE DATE OF PERMIT APPROVAL

- 5.4.1 For the purpose of this Bylaw, notice of the decision of the Development Officer is deemed to have been given on the day when Notice of Decision for approval (with or without conditions) has been published in a newspaper or when notice of refusal has been received by the applicant through registered mail.
- 5.4.2 A development permit is automatically effective seventeen (17) days after its issuance unless an appeal is lodged with the Subdivision and Development Appeal Board.
- 5.4.3 When an appeal is made with respect to a development permit approved by the Development Authority, the development permit which has been issued shall not come into effect until the appeal has been determined, at which time the permit may be approved, modified, or nullified thereby.

5.5 WAITING PERIOD FOR RE-APPLICATION

- 5.5.1 When an application for a development permit has been refused pursuant to this Bylaw or ultimately after appeal, the submission of another application for a development permit on the same parcel of land for a similar use of the land shall not be accepted by the Development Officer for at least 6 months after the date of the refusal.

The regulations contained in this Section shall apply to all Land Use Districts within the Town of Falher as shown on Schedule “B” – Town of Falher Land Use Districts Map.

6.1 NON-CONFORMING USES

- 6.1.1 If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.
- 6.1.2 A non-conforming use of land or a building may be continue to 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.
- 6.1.3 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.
- 6.1.4 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.
- 6.1.5 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; or
 - (c) in accordance with a land use bylaw that provide minor variance powers to the development authority for the purposes of this section.
- 6.1.6 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.
- 6.1.7 The land use or the use of a building is not affected by change of ownership, tenancy or occupancy of the land or building.

6.2 PARKING & LOADING FACILITIES

6.2.1 When a building is constructed or changed in use, in such a manner as to cause an intensification of the use of that building, provision shall be made for the additional parking spaces required under the parking provisions of this Bylaw.

6.2.2 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:

- (a) it is reasonably accessible to the vehicle intended to be accommodated there;
- (b) it can be properly maintained; and
- (c) it is satisfactory to the Development Officer in size, shape, location and construction.

6.2.3 Off street parking shall be provided in accordance with the following table:

TYPE OF USE	MINIMUM PARKING
<u>Residential Uses:</u>	
Apartment Dwellings, Dwelling Groups	1.5 space/dwelling unit and at least 0.25 spaces per dwelling unit for visitor parking
Senior Citizen Homes	1 space/2 dwelling units and at least 0.25 spaces per dwelling unit for visitor parking
Other Residential Uses	2 space/dwelling unit
<u>Commercial Uses:</u>	
Business, Administrative and Professional Offices	1 space/45 m ² (484 ft ²) plus one (1) bicycle parking space per five (5) vehicle stalls
Drinking Establishments	1 space/4 seats plus 1 space per 2 employees
Motels and Hotels	1 space/guest unit plus 1 space/2 employees
Restaurants	1 space/4 seats plus 1 space per 2 employees plus 1 bicycle parking space per 5 vehicle stalls
Retail Shops and Personal Service Shops	1 space/30 m ² (323 ft ²) of sales area plus one (1) bicycle parking space per five (5) vehicle stalls
Service Stations and Gas Bars	1 space/30 m ² (323 ft ²) of floor area for all uses allowed on site including service islands at grade

Note: Where a hotel and/or restaurant and/or motel and/or drinking establishment are grouped in any combination on a site, the required number of parking spaces may be reduced, at the discretion of the Development Authority, to 75% of the combined total of all specified uses.	
<u>Other Non-Residential Uses:</u>	
Public Assembly Auditoria, Theatres, Convention Halls, Gymnasias, Private Clubs or Organizations	1 space/3.5 seats or 1 space/ m ² (32 ft ²) of floor area used by patrons, whichever is greater plus one (1) bicycle parking space per ten (10) vehicle parking stalls
Religious Use Facility	1 space/ 3.5 seating spaces
Hospitals, clinics or Nursing Homes	1 space/95 m ² (1,023 ft ²) or floor area plus one (1) bicycle parking space per ten (10) vehicle stalls at hospitals
TYPE OF USE	MINIMUM PARKING
<u>Schools:</u>	
<u>Child Care Facility</u>	1 space per employee plus one (1) bicycle parking space per two (2) employees
Elementary	2 spaces/classroom plus one (1) bicycle parking space per five (5) students, based on design capacity
Junior High, Senior High Schools	2 spaces/classroom plus one (1) bicycle parking space per ten (10) students, based on design capacity
<u>Industrial Uses:</u>	
Manufacturing and Industrial Plants, Warehousing, Wholesale and Storage Buildings and Yards, Servicing and Repair Establishments and Public Utility Buildings	1 space/2 employees on a maximum working shift
<u>Any Other Uses:</u>	1 parking space/35 m ² (377 ft ²) of floor area

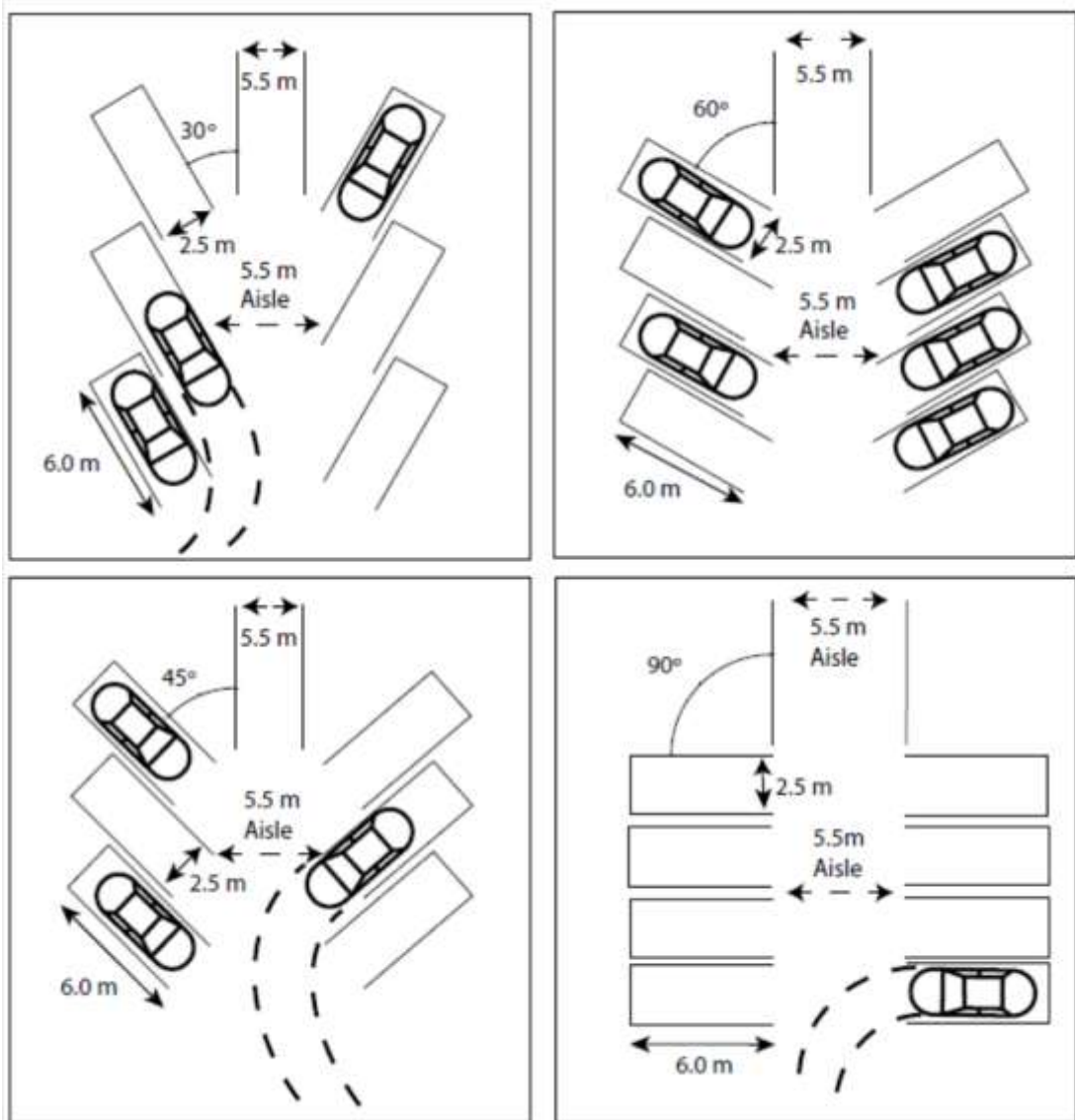
6.3 PARKING VARIANCE PROVISIONS

- 6.3.1 Notwithstanding Section 6.2, in a C-1 District only, the Development Authority may allow for the required number of parking spaces to be fulfilled by the use of on-street parking (as per Section 6.3.2).
- 6.3.2 In a C-1 District only, the Development Authority may allow the parking requirements to be fulfilled by the inclusion of on-street parking immediately fronting and adjacent to the site under the following conditions:
- (a) If the total number of required parking spaces is 10 or less, up to 100% of the parking requirement may be located on-street, provided that the required number of stalls is available on-street and adjacent to the site.
 - (b) If the total number of required parking spaces is greater than 10, up to 70% of the parking requirement may be located on-street, provided the required number of stalls is available on-street and adjacent to the site.

6.4 DESIGN AND DIMENSIONS OF REQUIRED PARKING SPACES

- 6.4.1 Off-street parking spaces shall be designed and provided in accordance with the following minimum dimensions:

Width of Stall m (ft.)	Angle of Parking Degree	Width of Aisle m (ft.)	Depth of Stall Perpendicular to Aisle m (ft.)
2.5 (8.0)	30	5.5 (18.0)	5.1 (16.5)
2.5 (8.0)	45	5.5 (18.0)	6.0 (19.5)
2.5 (8.0)	60	5.5 (18.0)	5.5 (18.0)
2.5 (8.0)	90	5.5 (18.0)	6.5 (21.5)
			6.0 (19.5)
			7.0 (23.0)



All dimensions are in metres

6.4.2 Each parking space for parallel parking on a street shall be a minimum of:

- (a) 18 m² (194 ft²) in area,
- (b) 2.5 m (8 ft.) in width.

6.4.3 Any loading space shall be of a size necessary to accommodate the expected vehicles but shall not be less than the following minimum dimensions:

- (a) 28 m² (301 ft²) of area,
- (b) 3.5 m² (11.5 ft²) in width,

(c) 4 m (13 ft.) of overhead clearance.

- 6.4.4 Any parking space or any loading space provided shall be developed and surfaced in accordance with Section 6.5 as a condition of development permit approval.
- 6.4.5 Adequate curbs or concrete bumpers or fences shall be provided to the satisfaction of the Development Officer, if in their opinion, it is or becomes necessary to protect adjacent fences, walls, boulevards, landscaped areas or buildings on the site, or an abutting site, from contact with vehicles using such parking space or area.
- 6.4.6 Off-street parking shall be provided in the manner shown on the approved site plan with the entire area to be graded so as to ensure that drainage will be confined to the site and disposed of in a manner satisfactory to the Development Officer as a condition of development permit approval.

6.5 PAVING REQUIREMENTS

- 6.5.1 Except for an Industrial District, a UR 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.
- 6.5.2 In accordance with Section 6.5.1 and as a condition of development permit approval, all areas to which vehicles may have access shall be paved within twelve (12) months of paving the main access road.
- 6.5.3 The Development Authority may, at their discretion, defer paving requirements.

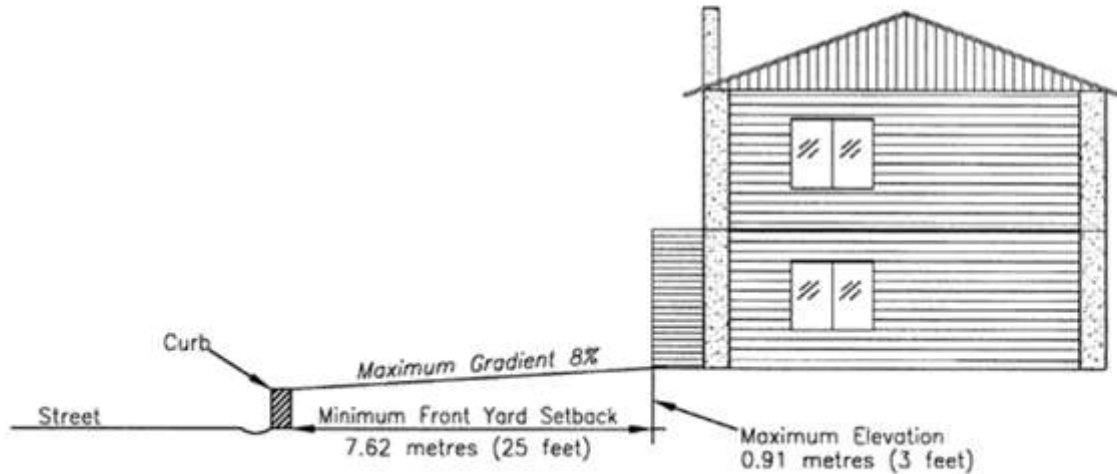
6.6 LANDSCAPE AND SCREENING

- 6.6.1 All landscaping standards shall be followed in accordance with this section.
- 6.6.2 The Development Authority may require, at its discretion, landscaping plans.
- 6.6.3 All areas not used for vehicle circulation, storage or a structure shall be landscaped.
- 6.6.4 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.
- 6.6.5 The maximum gradient from the top of the curb (where curb exists) to the house (at grade) shall be 8%. Where no curbs exist, the gradient shall be determined from where the deemed elevation of the top of the curb shall be.

EXPLANATION NOTES

Maximum Grade and Elevation

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



- 6.6.6 The maximum height measured from the top of the curb (where curb exists) to the house measured at grade shall be 0.91 m (3.0 ft.), but in no case shall the grade be greater than 8%. Where no curb exists, the maximum height shall be determined from where the deemed elevation of the top of the curb shall be.
- 6.6.7 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 of 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.
- 6.6.8 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.
- 6.6.9 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.

6.7 CORNER SITE RESTRICTIONS

- 6.7.1 Except in C-1 District, 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 a sight triangle.

- 6.7.2 Except for Section 6.7.1 (above), 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

6.8 RELOCATION OF BUILDINGS

- 6.8.1 On application for a development permit for the relocation of a building on the same site or from another site, the Development Officer may require the applicant to provide:
- (a) an irrevocable letter of credit of such amount to ensure completion of any renovations set out as a condition of approval of a development permit, and/or
 - (b) a certificate from a structural engineer duly registered with the Province of Alberta, to confirm that the building is structurally sound, and/or
 - (c) coloured photographs accurately depicting the site and general condition of the building and its conformity with the neighbourhood, and/or
 - (d) complete site plan showing how the proposed building would be located on the proposed lot, and/or
 - (e) floor plan and foundation plan, and/or
 - (f) the applicant shall provide an unconditional right of entry for the Development Officer, or appointed successors to inspect the said premises and building until such time as the building has complied with the requirements of the development permit.
- 6.8.2 Renovations of the relocated building shall be completed within one year of the issuance of a development permit.
- 6.8.3 All development permits for moved in buildings shall be decided on by the Development Authority based on the following considerations:
- (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.

6.9 OBJECTS PROHIBITED IN DISTRICTS

6.9.1 No person shall be allowed to keep or maintain:

- (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 unless all safety requirements are complied with and the owner and developer of any such site assumes full responsibility for on-site safety measures in writing;
- (c) any excavation, equipment, or construction materials to remain on a site over a period longer than is reasonably necessary for completion of construction.

6.10 RECREATIONAL VEHICLES

6.10.1 The storage of a recreational vehicle for a period exceeding 24 hours is prohibited on municipal property and public road right-of-ways.

6.10.2 In the case of a corner lot, no recreational vehicle shall be allowed to be stored or parked in the sight triangle.

6.10.3 No person shall reside in a recreational vehicle on a vacant lot in any district for any period greater than one month (31 days).

6.10.4 No person shall occupy a recreational vehicle in any district for any period of time exceeding one (1) month except:

- (a) in the manufactured Home Residential District (MHR) this period may be extended for up to six (6) months, at the discretion of the Development Authority, only in a manufactured home park setting.
- (b) in any district where residential uses are allowed, for the purpose of providing temporary (3 months maximum) residence due to the construction, maintenance, and/or alterations of a residential dwelling.
- (c) in designated camping areas, this provision may be extended at the discretion of the Development Authority and the campground operator.

6.11 SWIMMING POOLS

- 6.11.1 A development permit is required for the installation of swimming pools and the required enclosures.
- 6.11.2 No person shall place water in a swimming pool or allow water to remain therein unless an enclosure has been erected and maintained to a standard sufficient to make such area not accessible to unauthorized persons.
- 6.11.3 Fencing must be constructed to a minimum height of 1.5 m (5 ft.) and to the satisfaction of the Development Authority.
- 6.11.4 All fencing shall be made of wood or chain link construction and shall be self-closing, latching and outward opening. The latching mechanism must be installed at least 1.3 m (4.5 ft.) above the grade at which the gate is located.
- 6.11.5 Fencing may be of construction other than that in subsection 6.11.4, provided an equivalent or greater degree of safety is maintained.
- 6.11.6 No swimming pools shall be located in the front yard of the principal dwelling.
- 6.11.7 The Development Authority may require additional screening and/or landscaping adjacent to the swimming pool area in order to screen the pool from view.

6.12 PROPANE TANKS

- 6.12.1 Permanent propane tank installations are prohibited in all residential districts and recreational vehicle parks.
- 6.12.2 Portable propane tanks are permitted in all residential districts and recreational vehicle parks.
- 6.12.3 All non-portable propane tanks shall be screened from view from the adjacent properties and public thoroughfares including internal roads to the satisfaction of the Development Authority.
- 6.12.4 Notwithstanding subsection 6.12.1, the Development Authority, at its discretion, may allow a permanent propane tank installation in a residential district or a recreational vehicle park only where natural gas is not available for purchase.
- 6.12.5 Recreational use of propane in portable cylinders for uses such as barbecues, lanterns, and other recreational uses deemed similar by the Development Authority are exempt from the regulations of this section.

6.13 PROJECTIONS INTO YARDS

- 6.13.1 No projections shall be permitted into yards without a variance being granted subject to the provisions of this bylaw.
- 6.13.2 Patio decks, balconies, shade projections, and any other architectural features (excluding eaves), which in the opinion of the Development Authority are of similar nature, attached to the principal building by a common roof, foundation, an open or enclosed structure, or any other means of construction shall be considered as part of the principal dwelling and the required minimum yard setback for each district shall apply.
- 6.13.3 Notwithstanding any other part of this bylaw, only in respect to existing previously approved patio decks, balconies, shade projections, and any other architectural features, which in the opinion of the Development Authority are of a similar nature, the Development Authority may, in its discretion, grant a variance in excess of 10% to a maximum of 80%, but in no case shall development occur in the sight triangle.

6.14 SETBACKS FROM POWER LINES

- 6.14.1 For all urban uses, the minimum required separation distance measured at right angles from the power line to the structure shall be 3.0 m (10 ft.).
- 6.14.2 For all farm and rural uses, the absolute minimum required separation distance measured at right angles from the power line to the structure shall be 15.0 m (50 ft.).
- 6.14.3 Notwithstanding 6.14.1 and 6.14.2, the Development Authority, at its discretion may increase the minimum required separation distance between any structure and any power line based on recommendations received from the electricity provider.

6.15 NUMBER OF DWELLINGS PERMITTED ON A LOT

- 6.15.1 No person in the Town shall construct or cause to be constructed more than one (1) dwelling unit per lot.
- 6.15.2 Notwithstanding Section 6.15 (a), multi-unit residential dwellings (apartments, duplexes, four-plexes, etc.) may be allowed to be developed on a lot in accordance with the provisions of this Bylaw.

6.16 APPLICATIONS FOR SUBDIVISIONS

- 6.16.1 Notwithstanding any other part of this Bylaw, 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.
- 6.16.2 In regards to applications for subdivision, Council may approve and/or recommend a variance in the regulations after taking into account the following:
- (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.

6.17 SHOPPING CENTRES

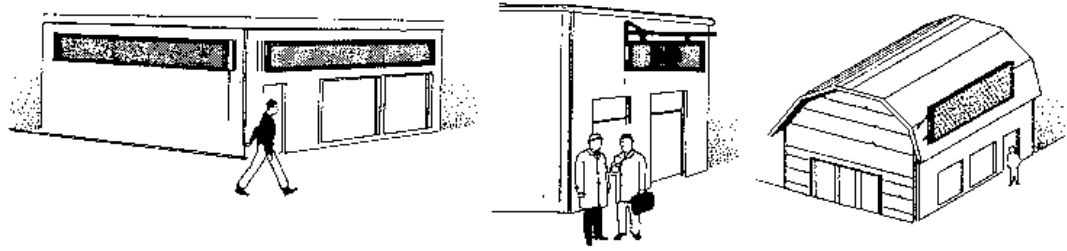
- 6.17.1 A minimum landscaped buffer strip of 1 m (3.3 ft.) in width shall separate any parking area from the lot line of the site.
- 6.17.2 In considering an application for a development permit, the Development Authority shall evaluate the proposal according to the following criteria:
- (a) orientation, 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) pedestrian access and egress within the site and from any public sidewalk must be convenient and safe; and
 - (e) location of exterior signs (information, directional or advertising) must maintain a unified theme and shall conform to the requirements of this Bylaw.

6.18 SIGNS

6.18.1 Signage Regulations for all Districts

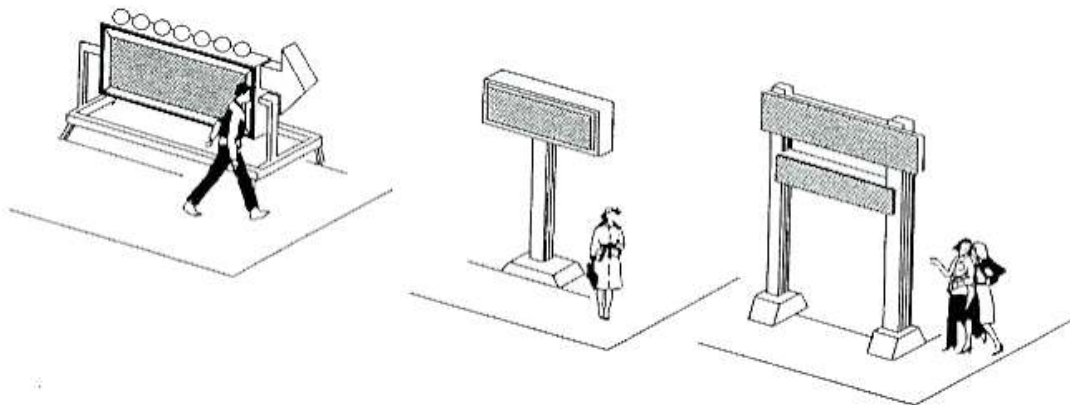
- (a) No sign of an advertising, directional or information nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved by the Development Officer.
- (b) No sign shall be illuminated unless in the opinion of the Development Authority, and where applicable Alberta Transportation, the source of light is suitably shielded and does not interfere with vehicular traffic.
- (c) The support structure for all signs shall be an integral part of the design and shall be affixed and designed in accordance with accepted engineering practices as outlined in the Alberta Building Code to support the wind load of the sign structure.
- (d) Maximums:
 - (i) Projection Above Main Wall or Parapet: 1.5 m (5 ft.)
- (e) An application for a sign shall not be approved if, in the opinion of the Development Officer, the sign would:
 - (i) unduly interfere with the amenities of the area; or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- (f) Acceptable Types of Signage:
 - (i) Illuminated Signs: Fascia, Projecting, Canopy Face, Canopy Underside, Backlit Awning;
 - (ii) Non-Illuminated Signs: Fascia, Canopy Face, Canopy Underside, Window Signage, Painted Wall Signage, Awning.
- (g) Acceptable Materials for Sign Construction:
 - (i) Wood (Carved &/or painted);
 - (ii) Metal (Painted &/or sculpted);
 - (iii) Plastic (3 dimensional formed letters & plastic lenses);
 - (iv) Glass (Leaded stained glass & neon tube);

6.18.2 Wall Mounted Signs in Commercial/Industrial Districts



- (a) Wall mounted signs include those which have copy displayed parallel to, perpendicular to or at any other angle to the wall to which it is attached and includes a wall mounted sign, a projecting sign or a mansard roof sign as illustrated above.
- (b) A mansard roof sign shall not project beyond the roof peak or sides.
- (c) Minimums:
 - (i) Clearance Height: 2.5 m (8.5 ft.) above finished grade at sign location.
- (d) Maximums:
 - (i) Projection Out From a Wall: 1.2 m (4 ft.)

6.18.3 Free Standing Signs in Commercial/Industrial Districts



- (a) No free standing sign shall project over a public roadway.
- (b) Portable signs shall be evaluated by the Development Officer according to the following criteria:

- (i) they shall not cause a distraction to vehicular traffic by means of flashing lights; and
 - (ii) they shall be compatible with adjacent land uses according to their location on the site and length of stay on the premises.
- (c) Maximums:
- (i) Number of Signs: 1 for each 15 m (50 ft.) of continuous frontage on a public roadway to a maximum of 2 free standing signs per premises;
- Note:** A third free standing sign may be approved if, in the opinion of the Development Officer, the sign would be compatible with the Commercial or Industrial District in which the business operates.
- (ii) Total Sign Area: 0.3 m² (3.2 ft²) per 1 linear m (3.3 linear ft.) of total frontage to a maximum of 40 m² (430 ft²) per premises for all free standing signs;
 - (iii) Height: 10 m (33 ft.) above finished grade.

6.18.4 Canopy Signs in Commercial/Industrial Districts

- (a) Canopy signs may be allowed where the canopy projection is greater than 1 m (3.3 ft.) but less than one half of the width of the sidewalk.
 - (b) A canopy sign may be allowed on the second and third floors for premises operating only on those floors.
- (c) Minimums:
- (i) Clearance: 2.5 m (8 ft.) above finished grade at sign location.

6.18.5 Under Canopy Signs in Commercial/Industrial Districts

- (a) This category includes all signs suspended from a canopy and entirely under the canopy.
- (b) Minimums:
- (i) Clearance: 2.5 m (8 ft.) above finished grade at sign location.
- (c) Maximums:
- (i) Number of Signs: 1 under canopy sign per premises;

- (ii) Total Sign Area: 0.3 m² (3.2 ft²) per 1 linear m (3.3 linear ft.) of canopy frontage.

6.18.6 Signage Regulations for Residential Districts

- (a) No sign shall be permitted in a Residential District other than a wall sign to identify:
 - (i) an apartment building
 - (ii) a bed and breakfast operation
- (b) Maximums:
 - (i) Total Area of Sign: .84 m² (9 ft²)
 - (ii) Number of Signs: 1 per dwelling

6.18.7 Free Standing Signs Along Public Right-Of-Ways – Main Street East

- (a) Specifications:
 - (i) Size: 1.2 x 2.4 m (4 x 8 ft.)
 - (ii) Support: 15.2 x 15.2 cm (6 x 6 in.) treated posts
 - (iii) Elevation: Between 1.06 to 1.22 m (3.5 to 4ft.) from ground level to bottom of sign
 - (iv) Spacing: Minimum 15.24 m (50 ft.) between signs
 - (v) Lighting of signs is prohibited
 - (vi) Distance from the centre point of road: 21.3 m (70 ft.)
- (b) Regulations:
 - (i) No signs shall be permitted in the Sight Triangle (SEE EXPLANATION NOTES SIGHT TRIANGLE).
 - (ii) Signs along Main Street shall be angled and may have advertising on one side only.
 - (iii) Signs will be permitted only in areas outlined on the District Map.
- (c) Maintenance:

- (i) Owners are required to upkeep signs in a good order. Signs deemed to be dilapidated by the Development Officer will be removed.
- (ii) A Development Permit is required to construct and or maintain signs along public right-of-ways. Annual maintenance fees will be determined by the Council of the Town of Falher.

6.19 SEWAGE DISPOSAL

6.19.1 No surface discharge of sewage shall be permitted. Septic systems will be allowed only if effluent is stored in tanks and hauled away.

6.20 FENCES

6.20.1 Development Permits shall be required for construction of all fences. No person shall construct a fence on a site in a residential district that is higher than:

- (a) 1.8 m (6 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.

6.20.2 Notwithstanding any other provision of this Bylaw, the Development Authority may allow for the construction of a chain-link type fence by allowing a variance to the regulations used for the construction of fences when, in the opinion of the Development Authority, the erection of the fence does not impede traffic movement and/or safety.

6.21 SATELLITE DISH ANTENNAS

6.21.1 A satellite dish antenna shall not be located on a rooftop except for:

- (a) apartment buildings 3 stories or greater in height, or,
- (b) buildings in Commercial and Industrial Districts.

6.21.2 A satellite dish antenna shall be located entirely to the rear of the rear wall of the principal building.

6.21.3 Where satellite dish antennas cannot meet the rear yard setback requirements they may be permitted in the side yard provided that they meet the specific setback requirements of the corresponding land use district

6.21.4 Section 6.21.1 and 6.21.3 may be waived where the applicant can demonstrate, to the satisfaction of the Development Officer, that compliance with these sections would prevent line of sight signal reception.

- 6.21.5 The satellite dish antenna shall be located on the same site as the intended signal user.
- 6.21.6 Where any part of a satellite dish antenna is more than 3 m (10 ft.) above grade it shall be screened and located to the satisfaction of the Development Officer.
- 6.21.7 If a signal cannot be received in a location other than a front yard, the minimum front yard setback shall be 3 m (10 ft.)
- 6.21.8 The illumination of a satellite dish antenna is prohibited.
- 6.21.9 No advertising shall be allowed on a satellite dish antenna (The manufacturing logo is excluded from this requirement).
- 6.21.10 Notwithstanding any other regulation contained in this Bylaw, smaller-sized dish antennas may be mounted on the building subject to the approval of the Development Officer and based on the following considerations:
 - (a) appearance of the dish antenna;
 - (b) relationship to adjacent properties; and
 - (c) safety factors.

6.22 ACCESSORY BUILDINGS AND USES; TEMPORARY MOVABLE STRUCTURES AND USES

- 6.22.1 For the sole purpose of calculating yard setbacks and site coverage requirements as provided in the Bylaw, when an accessory building is attached to the principal building on a site, adjacent to a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the principal building and not as an accessory building.

6.23 HOME BASED BUSINESSES

- 6.23.1 Home Based Businesses are 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.
- 6.23.2 A Home Based Business 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) in the opinion of the Development Authority, create a nuisance by way of dust, noise, smell, smoke or traffic generation;
- (d) display any form of commercial advertising, wares or products discernible from the outside of the building.

6.24 MANUFACTURED HOMES

Bylaw 15-11
2015/11/09

- 6.24.1 Before a development permit is issued for a manufactured home, the Development Authority shall receive verification that the home fully complies with the Alberta Building Code (ABC) and either the CSA Z240 MH National Manufactured Home Standard or CSA A277 Procedure for Factory Certification of Buildings Standard. If the CSA Z240/A277 sticker or the Alberta Municipal Affairs sticker verifying compliance to the ABC is missing, the Development Authority may require an inspection by an Alberta Safety Codes Officer.
- 6.24.2 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 CSA Z240/A277 standard or the ABC, all required upgrades shall be made before the issuance of a development permit.
- 6.24.3 In addition to the requirements of subsection (1) and (2) above, a manufactured home must meet the following aesthetic regulations:
 - (a) The height of the main floor above grade shall be consistent with the height of the main floor of dwellings in the immediate area.
 - (b) The roof pitch shall be consistent with the roof pitch of dwellings in the immediate area.
 - (c) Exterior finishing materials used on the roof and exterior walls shall be consistent with the materials used on dwellings in the immediate and general area and be in good condition.
 - (d) Minimum roof overhang or eaves should be consistent with the overhang or eaves of dwellings in the immediate area.
 - (e) The undercarriage of a manufactured home shall be completely screened from view by fireproof skirting or by such other means satisfactory to the Development Officer or the Municipal Planning Commission.

- (f) The design of each manufactured home shall ensure the side or end of the building facing the street contains a front door, and/or windows in quantity and size to provide a strong visual connection between the building and the street.
- (g) Every manufactured home shall be placed on a full perimeter foundation that complies with the ABC unless the manufactured home is designed to be supported on longitudinal floor beams, in which case an alternate skirted foundation system as described in CSA Z240.10.1 may be utilized.
- (h) The full perimeter foundation or the skirting utilized on an alternative skirting foundation should be parged in order create the same finished appearance customarily found on concrete basements of single detached dwellings in the immediate area.
- (i) All accessory structures, additions, porches, and skirting shall:
 - (i) be of a quality and appearance equivalent to that manufactured home;
 - (ii) be considered as part of the main building; and
 - (iii) be erected only after obtaining a development permit.
- (j) 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.
- (k) Additions shall not exceed 30% of the gross floor area of the manufactured home subject to setback requirements being met.
- (l) For the purposes of storage, any domestic equipment or seasonally used equipment shall be stored in adequate covered storage or screening either individually on the lot or communally, and shall conform to the Alberta Building Codes (ABC) standards.
- (m) The following regulations also apply to manufactured home uses located in residential subdivisions and manufactured home parks:
 - (i) The hitch and wheels are to be removed from the manufactured home.
 - (ii) All manufactured homes shall be placed on a foundation or base. The manufactured home is to be attached by means of bolting or similar connectors to the foundation or base.
 - (iii) The property is to be grassed and landscaped within one (1) year from the date of issue of the development permit.
 - (iv) Minimum lot area and width may be less in the case of existing registered substandard lots, with the approval of the Development Authority.

- 6.24.4 Any required aesthetic upgrades to the manufactured home must be completed before the issuance of the development permit. The completion of foundation or skirting material must be completed within thirty (30) days of the placement of the manufactured home on a site.
- 6.24.5 Used manufactured homes over the age of 5 years under consideration or relocation on a parcel shall meet the following criteria:
- (a) not be older than 10 years of age,
 - (b) enclosed by a peaked roof,
 - (c) be architecturally similar to existing dwellings in the vicinity of the proposed development.
- 6.24.6 Manufactured homes shall be located in areas free from shifting due to frost and readily accessible for water line hook-up.
- 6.24.7 With the exception of driveways, no accessory building or use shall be located in the front yard of any residential district.

6.25 MOTELS

- 6.25.1 Not less than 3.5 m (11.5 ft.) of clear, unoccupied surface space shall be provided between each rentable unit except where the rentable units are connected by a common roof or wall.
- 6.25.2 Each rentable unit shall face onto or abut a driveway not less than 6 m (10 ft.) in width and have unobstructed access thereto.
- 6.25.3 Garbage facilities shall be provided to the satisfaction of the Development Officer.

6.26 SEA-CANS

- 6.26.1 A sea-can may not be located on a lot where there is no principal use.
- 6.26.2 The maximum number of sea-cans that may be placed on a commercial or industrial lot is at the discretion of the Development Authority.
- 6.26.3 Sea-cans cannot be used as a dwelling unit of any form within the Town of Falher.
- 6.26.4 Sea-cans cannot be stacked. The maximum height for a sea-can allowed on a lot is 3.0 m (9.8 ft.).

- 6.26.5 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.
- 6.26.6 A maximum of one (1) sea-can may be allowed, at the discretion of the Development Authority, for a temporary period not exceeding six (6) months during the construction of the primary dwelling on a lot.
- 6.26.7 The exterior finish of a sea-can sited within a Commercial or Residential District must be consistent with the finish of the primary building.

6.27 SECONDARY SUITE

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- 6.27.1 A secondary suite shall only be allowed on a lot occupied by a single-detached dwelling or a duplex dwelling.
- 6.27.2 A secondary suite is prohibited from being constructed within dwelling group housing.
- 6.27.3 A maximum of one (1) secondary suite is permitted per dwelling unit where allowed. Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.
- 6.27.4 A secondary suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove (or provision of 220 volt wiring) and toilet with bathing facilities.
- 6.27.5 A secondary suite must have an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the exterior of the structure.

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- 6.27.6 A secondary suite may include the conversion of a portion of existing space in the principal dwelling, the addition of new floor space to an existing dwelling.
- 6.27.7 The minimum floor area for a secondary suite is 30 m² (323 ft²).
- 6.27.8 A secondary suite cannot exceed the maximum area of the principal dwelling.
- 6.27.9 Prior to development permit approval, the developer must submit, along with the development permit application, a parking plan that indicated the location and size of the on-site parking spaces.
- 6.27.10 A minimum of one (1) parking space must be provided for the secondary suite in addition to the parking requirements in Section 6.2.3.

6.28 LICENSED MEDICAL MARIHUANA PRODUCTION FACILITY

- 6.28.1 The owner or applicant must provide as a condition of development a copy of the current licence for all activities associated with medical marihuana production as issued by Health Canada.
- 6.28.2 The owner or applicant must obtain any other approval, permit, authorization, consent or licence that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.
- 6.28.3 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.
- 6.28.4 The development shall not operate in conjunction with another approved use.
- 6.28.5 The development shall not include an outdoor area for storage of goods, materials or supplies.
- 6.28.6 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.
- 6.28.7 The development must not be within 75.0 m (246 ft.) of a residential or a community district, measured from the building foundation containing the use to the nearest property line of a parcel designated as a residential or a public institutional district.
- 6.28.8 The Development Officer may require, as a condition of a development permit, a public utility 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. liquid and waste material discharged by the facility.
- 6.28.9 Off street parking shall be provided in accordance with the minimum requirements for industrial uses in Section 6.2.3.

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2015/08/10

6.29 CAMPGROUNDS

- 6.29.1 A development concept plan may be required by the Development Authority as part of a development permit application.
- 6.29.2 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.
- 6.29.3 Visitor parking shall be provided in common areas within a campground area, to the satisfaction of the Development Authority.
- 6.29.4 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.
- 6.29.5 The Development Authority may require a landscaping plan to be submitted as part of a development permit application for a campground.
- 6.29.6 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.
- 6.29.7 Fires are permitted only in facilities which have been provided for such purpose or where open fires are allowed by the Town's fire department.
- 6.29.8 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.

6.30 SOLAR ENERGY COLLECTION SYSTEM

- 6.30.1 Solar energy collection systems shall only be allowed as accessory developments.
- 6.30.2 Ground mounted solar collectors shall be located in a side or rear yard only.
- 6.30.3 When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot should not be located so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is the portion which:

- (a) is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical 3.66 m (12 ft.) obstruction located on the lot line; and
- (b) has an area not greater than one-half of the heated floor area of the structure, or the largest of the structures, to be served.

Notwithstanding the foregoing, the Town shall not be held responsible for protecting access to solar energy on private land.

- 6.30.4 No solar energy collection system that is tied into a grid shall be installed until evidence has been given that the utility has been informed of the customer's intent to install an interconnected customer-owner generator. A copy of a letter to the applicant's utility is sufficient. No response or evidence of approval from the utility is required. Off-grid systems and grid-tied systems that are not capable of feeding onto the grid with advanced control grid fault protection and disconnect switches covered under the electrical code shall be exempt from the requirement.

6.31 WORKCAMPS

- 6.31.1 All workcamps shall be considered temporary developments.
- 6.31.2 All workcamps require a development permit and the Development Authority shall give due regard to the need, location and type of camp, prior to rendering its decision.
- 6.31.3 No development permit for a workcamp shall be approved unless:
 - (a) it is for a temporary period of time as specified by the Development Authority;
 - (b) all required access provisions are provided to the satisfaction of the Development Authority at the sole cost to the developer;
 - (c) 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
 - (d) 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.
- 6.31.4 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.

6.32 MODULAR BUILDING

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2015/11/09

- 6.32.1. Any development for a modular building is considered discretionary.
- 6.32.2. 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 (ABC) 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 ABC is missing, the Development Authority may require an inspection by an Alberta Safety Codes Officer.
- 6.32.3. 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 ABC, all required upgrades shall be made before the issuance of a development permit.
- 6.32.4. A proposed modular building shall be architecturally similar 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.
- 6.32.5. Modular buildings shall be securely fastened and placed on a permanent foundation.
- 6.32.6. A modular single-detached dwelling placed in the R-1 or R-2 District shall have a front door and a minimum of one window facing the street to provide a strong visual connection between the building and the street.
- 6.32.7. The quality of the completed modular construction shall be consistent with the quality of the other structures in the area.

PART SEVEN DISTRICT CLASSIFICATION

7.1 DISTRICT CLASSIFICATION

7.1.1 For the purpose of this Bylaw, all lands within the Municipality are divided into Districts as shown in Schedule “B” and are classified as follows:

<u>Districts</u>	<u>Symbols</u>
• RESIDENTIAL DISTRICTS	
Restricted Residential District	R-1
Low Density Residential District.....	R-2
High Density Residential District	R-3
Manufactured Home Residential District.....	MHR
• COMMERCIAL DISTRICTS	
General Commercial District	C-1
Secondary Commercial District	C-2
• INDUSTRIAL DISTRICTS	
Light Industrial District	M-1
Heavy Industrial District.....	M-2
• OTHER DISTRICTS	
Urban Reserve District	UR
Community District	COM
Direct Control District.....	DC

7.2 DISTRICT SYMBOLS

7.2.1 Throughout this Bylaw and amendments thereto a district may be referred to either by its full name or by its abbreviation as set out in Section 7.1 above.

7.3 DISTRICT MAP

7.3.1 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 and among other things bears the following identification:

- (a) The title of “Town of Falher Land Use Bylaw No. 14-05”;
- (b) Adopted by Council this ____ day of _____, 2014, A.D.;

- (c) Signatures of the Mayor and Town Chief Administrative Officer or their designates.

7.4 BOUNDARY DISPUTES

- 7.4.1 In the event that a dispute arises over the precise location of a boundary of any district as shown on the Land Use Bylaw Districts Map (see Schedule B), the Council may request planning advice and shall decide thereon.

7.5 RESTRICTED RESIDENTIAL DISTRICT (R-1)

7.5.1 Purpose

THE PURPOSE OF THIS DISTRICT IS TO PROVIDE FOR LOW DENSITY RESIDENTIAL DEVELOPMENT IN THE FORM OF LARGER SINGLE-DETACHED DWELLINGS NOT INCLUDING MANUFACTURED HOMES.

(a) Permitted Uses

- accessory building or use
- park and playground
- satellite dish antenna
- single-detached dwelling

(b) Discretionary Uses

- bed and breakfast operation
- child care facility
- home based business
- moved-in dwelling
- public use
- public utility
- religious use facility
- secondary suite
- solar energy collection system
- temporary sign
- temporary movable structure

7.5.2 Minimum Development Standards

(a) Site Area:

- (i) Single Detached Dwelling: 560 m² (6,028 ft²)
- (ii) Religious Use Facility: 930 m² (10,000 ft²)
- (iii) Other Use: 560 m² (6,028 ft²)

(b) Front Yard Setback: 7.62 m (25 ft.)

(c) Rear Yard Setback:

- (i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)
- (ii) Satellite Dish Antenna: 1 m (3.3 ft.)
- (iii) Religious Use Facility: 7.62 m (25 ft.)
- (iv) Single Detached Dwelling: 4.5 (15 ft.)
- (v) Other Use: 7.62 m (25 ft.)

- (d) Interior Side Yard Setback:
 - (i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)
 - (ii) Satellite Dish Antenna: 1 m (3.3 ft.)
 - (iii) Other Use: 1.5 m (5 ft.)
- (e) Exterior Side Yard Setback:
 - (i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)
 - (ii) Satellite Dish Antenna: 1 m (3.3 ft.)
 - (iii) Other Use: 3 m (10 ft.)
- (f) Ground Floor Area for Single Detached Dwelling: 80 m² (860 ft²)
- (g) Setback Distance from Principal Building:
 - (i) Accessory Building, Temporary Movable Structure: 2 m (6.5 ft.)
- (h) Site Frontage for Religious Use Facility: 30 m (95.5 ft.)

7.5.3 Maximum Development Standards

- (a) Building Height (Above Grade)
 - (i) Accessory Building, Temporary Movable Structure: 5.5 m (18 ft.)
 - (ii) Satellite Dish Antenna: 5.5 m (18 ft.)
 - (iii) Religious Use Facility: 15 m (50 ft.)
 - (iv) Other Use: Two (2) stories or 9 m (30 ft.), whichever is greater
- (b) Site Coverage:
 - (i) Accessory Building, Temporary Movable Structure: 10% of the site
 - (ii) Principal Use: 40% of the site including Accessory Buildings, Uses and Temporary Movable Structures

7.5.4 Addition Requirements

- (a) All Safety Codes Permits pertaining to Building, Gas, Electrical, and Plumbing must be applied for prior to any work being performed on site.
- (b) 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.

- (c) No accessory building, temporary movable structure or accessory use shall be located within the front yard setback of any principal building.
- (d) 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 1,390 m² (14,962 ft²).
- (e) The development standards for satellite dish antennas may be waived where the applicant can demonstrate, to the satisfaction of the Development Officer, that compliance with these sections would prevent line of sight signal reception.
- (f) Notwithstanding Subsection 7.5.2(b), the Front Yard Setback for a lot within the Central Falher Area Structure Plan may be reduced to 4.6 m (15 ft).
- (g) Notwithstanding Subsection 7.5.3(b)(i), the Site Coverage for an accessory building and a temporary movable structure within the Central Falher Area Structure Plan may be increased to 15% of the site.
- (h) Notwithstanding Section 7.5.3(b)(ii), the Site Coverage for a principal use with the Central Falher Area Structure Plan may be increased to 45% of the site.

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7.6 LOW DENSITY RESIDENTIAL DISTRICT (R-2)

7.6.1 Purpose

THE PURPOSE OF THIS DISTRICT IS TO PROVIDE FOR LOW-DENSITY RESIDENTIAL DEVELOPMENT IN THE FORM OF SINGLE-DETACHED DWELLINGS WITH PROVISIONS FOR DUPLEX AND SEMI-DETACHED DWELLINGS.

(a) Permitted Uses

- accessory building or use
- duplex dwelling
- parks and playground
- satellite dish antenna
- semi-detached dwelling
- single-detached dwelling

(b) Discretionary Uses

- bed and breakfast operation
- child care facility
- home based business
- manufactured home
- moved-in dwelling
- public use
- public utility
- religious use facility
- secondary suite
- senior citizens home
- solar energy collection system
- temporary movable structure
- temporary sign

7.6.2 Minimum Development Standards

(a) Site Area:

- (i) Manufactured Home: 360 m² (3,875 ft²)
- (ii) Religious Use Facility: 930 m² (10,000 ft²)
- (iii) Semi-Detached Dwelling: 325 m² (3,500 ft²) per dwelling unit
- (iv) Other Uses: 560 m² (6,028 ft²)

(b) Front Yard Setback: 7.62 m (25 ft.)

(c) Rear Yard Setback:

- (i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)

- (ii) Duplex, Semi-detached dwelling and Single-detached dwelling: 4.5 m (15 ft.)
 - (iii) Manufactured Home: 4 m (13 ft.)
 - (iv) Religious Use Facility: 7.62 m (25 ft.)
 - (v) Satellite Dish Antenna: 1 m (3.3 ft.)
 - (vi) Other Use: 7.62 m (25 ft.)
- (d) Interior Side Yard Setback:
- (i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)
 - (ii) Satellite Dish Antennas: 1 m (3.3 ft.)
 - (iii) Other Uses: 1.5 m (5 ft.)
- (e) Exterior Side Yard Setback:
- (i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)
 - (ii) Satellite Dish Antenna: 1 m (3.3 ft.)
 - (iii) Other Use: 3 m (10 ft.)
- (f) Ground Floor Area for Single Detached Dwelling: 80 m² (860 ft²)
- (g) Setback Distance from Principal Building:
- (i) Accessory Building, Temporary Movable Structure: 2 m (6.5 ft.)
- (h) Manufactured Home Width: 6 m (20 ft.)

7.6.3 Maximum Development Standards

- (a) Building Height (Above Grade)
- (i) Accessory Building, Temporary Movable Structure: 5.5 m (18 ft.)
 - (ii) Satellite Dish Antenna: 5.5 m (18 ft.)
 - (iii) Religious Use Facility: 15 m (50 ft.)
 - (iv) Other Use: Two (2) stories or 9 m (30 ft.), whichever is greater

- (b) Site Coverage:
 - (i) Accessory Building, Temporary Movable Structure: 10% of the site
 - (ii) Single Detached Dwelling, Duplex, Semi-Detached Dwelling: 40% of the site including Accessory Buildings, Uses and Temporary Movable Structures
 - (iii) Other Uses: 35% of the site including Accessory Buildings, Uses and Temporary Movable Structures

7.6.4 Additional Requirements

- (a) All Safety Codes Permits pertaining to Building, Gas, Electrical, and Plumbing must be applied for prior to any work being performed on site.
- (b) The Development Officer may decide on such other requirements as are necessary having due regard to the nature of a proposed development and the purpose of this District.
- (c) No accessory building, temporary movable structure or accessory use shall be located within the front yard setback of any principal building.
- (d) 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 1,390 m² (14,962 ft²).
- (e) The development standards for satellite dish antennas may be waived where the applicant can demonstrate, to the satisfaction of the Development Officer, that compliance with these sections would prevent line of sight signal reception.
- (f) Notwithstanding Subsection 7.6.2(b), the Front Yard Setback for a lot within the Central Falher Area Structure Plan may be reduced to 4.6 m (15 ft).
- (g) Notwithstanding Subsection 7.6.3(b)(i), the Site Coverage for an accessory building and a temporary movable structure within the Central Falher Area Structure Plan may be increased to 15% of the site.
- (h) Notwithstanding Subsection 7.6.3(b)(ii), the Site Coverage for a single-detached dwelling, duplex dwelling and semi-detached dwelling within the Central Falher Area Structure Plan may be increased to 45% of the site.

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7.7 HIGH DENSITY RESIDENTIAL DISTRICT (R-3)

7.7.1 Purpose

THE PURPOSE OF THIS DISTRICT IS TO PROVIDE FOR HIGHER DENSITY MULTIPLE DWELLING UNITS OF GREATER THAN TWO (2) ATTACHED DWELLING UNITS.

(a) Permitted Uses

- accessory building or use
- apartment building
- dwelling group
- park and playground
- satellite dish antenna
- senior citizen home

(b) Discretionary Uses

- child care facility
- home based business
- motel
- solar energy collection system
- temporary movable structure
- temporary sign

7.7.2 Minimum Development Standards

(a) Site Area:

- (i) Dwelling Groups (Row Dwellings): 150 m² (1,615 ft²) per internal unit
- (ii) Dwelling Groups (Row Dwellings): 186 m² (2,000 ft²) per end unit
- (iii) Other Use: 560 m² (6,028 ft²)

(b) Front Yard Setback: 7.62 m (25 ft.)

(c) Rear Yard Setback::

- (i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)
- (ii) Dwelling Group (Row Dwellings): 6 m (20 ft.)
- (iii) Satellite Dish Antenna: 1 m (3.3 ft.)
- (iv) Other Use: 7.62 m (25 ft.)

- (d) Interior Side Yard Setback:
 - (i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)
 - (ii) Dwelling Group: 3 m (10 ft.)
 - (iii) Satellite Dish Antenna: 1 m (3.3 ft.)
 - (iv) Other Use: 1.5 m (5 ft.)
- (e) Exterior Side Yard Setback:
 - (i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)
 - (ii) Dwelling Group: 3 m (10 ft.)
 - (iii) Manufactured Home: 1.5 m (5 ft.)
 - (iv) Satellite Dish Antenna: 1 m (3.3 ft.)
 - (v) Other Uses: 3 m (10 ft.)
- (f) Setback Distance from Principal Building:
 - (i) Accessory Building, Temporary Movable Structure: 2 m (6.5 ft.)
- (g) Row Dwelling Minimum Standards:
 - (i) Width: 6 m (19.5 ft.) per unit
 - (ii) Length: 22 m (72 ft.) per unit

7.7.3 Maximum Development Standards

- (a) Building Height (Above Grade)
 - (i) Accessory Building, Temporary Movable Structure: 5.5 m (18 ft.)
 - (ii) Dwelling Group: 10.5 m (34.5 ft.)
 - (iii) Satellite Dish Antenna: 5.5 m (18 ft.)
 - (iv) Other Use: At the discretion of the Development Officer
- (b) Site Coverage:
 - (i) Accessory Building, Temporary Movable Structure: 10% of the site
 - (ii) Dwelling Group: 1 unit allowed for every 220 m² (2,370 ft²) of site area
 - (iii) Other Uses: 40% of the site including Accessory Buildings, Uses and Temporary Movable Structures

7.7.4 Additional Requirements

- (a) All Safety Codes Permits pertaining to Building, Gas, Electrical, and Plumbing must be applied for prior to any work being performed on site.
- (b) The Development Officer may decide on such other requirements as are necessary having due regard to the nature of a proposed development and the purpose of this District.
- (c) No accessory building, temporary movable structure or accessory use shall be located within the front yard setback of any principal building.
- (d) The development standards for satellite dish antennas may be waived where the applicant can demonstrate, to the satisfaction of the Development Officer, that compliance with these sections would prevent line of sight signal reception.
- (e) Notwithstanding Subsection 7.7.2(b), the Front Yard Setback for a lot within the Central Falher Area Structure Plan may be reduced to 4.6 m (15 ft).

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7.8 MANUFACTURED HOME RESIDENTIAL DISTRICT (MHR)

7.8.1 Purpose

THE PURPOSE OF THIS DISTRICT IS TO PROVIDE FOR LOTS WITHIN A MANUFACTURED HOME RESIDENTIAL NEIGHBOURHOOD IN WHICH MANUFACTURED HOMES ARE ACCOMMODATED ON AN INDIVIDUAL SITE BASIS WITH PERMANENT FOUNDATIONS AND INDIVIDUAL SERVICE CONNECTIONS.

(a) Permitted Uses

- accessory building and use
- manufactured home
- park and playground
- satellite dish antenna

(b) Discretionary Uses

- home based business
- public use
- public utility
- solar energy collection system
- temporary movable structure
- temporary sign

7.8.2 Minimum Development Standards

(a) Site Area: 360 m² (3,875 ft²)

(b) Front Yard Setback: 7.62 m (25 ft.)

(c) Rear Yard Setback:

(i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)

(ii) Manufactured Home: 4 m (13 ft.)

(iii) Satellite Dish Antenna: 1 m (3.3 ft.)

(iv) Other Use: 7.62 m (25 ft.)

(d) Interior Side Yard Setback:

(i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)

(ii) Manufactured Home: 1.5 m (5 ft.)

(iii) Satellite Dish Antenna: 1 m (3.3 ft.)

(iv) Other Use: 3 m (10 ft.)

- (e) Exterior Side Yard Setback:
 - (i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)
 - (ii) Manufactured Home: 1.5 m (5 ft.)
 - (iii) Satellite Dish Antenna: 1 m (3.3 ft.)
 - (iv) Other Use: 4.6 m (15 ft.)
- (f) Setback Distance from Principal Building:
 - (i) Accessory Building, Temporary Movable Structure: 2 m (6.5 ft.)

7.8.3 Maximum Development Standards

- (a) Building Height (Above Grade)
 - (i) Accessory Building, Temporary Movable Structure: 5.5 m (18 ft.)
 - (ii) Satellite Dish Antenna: 5.5 m (18 ft.)
 - (iii) Other Use: Two (2) stories or 10.7 m (35 ft.), whichever is greater
- (b) Site Coverage:
 - (i) Accessory Building(s), Temporary Movable Structure(s): 10% of the site
 - (ii) Other Use: 40% of the site including Accessory Buildings, Uses and Temporary Movable Structures

7.8.4 Additional Regulations

- (a) All Safety Codes Permits pertaining to Building, Gas, Electrical, and Plumbing must be applied for prior to any work being performed on site.
- (b) The Development Officer may decide on such other requirements as are necessary having due regard to the nature of a proposed development and the purpose of this District.
- (c) No accessory building, temporary movable structure or accessory use shall be located within the front yard setback of any principal building.
- (d) The development standards for satellite dish antennas may be waived where the applicant can demonstrate, to the satisfaction of the Development Officer, that compliance with these sections would prevent line of sight signal reception.

7.9 GENERAL COMMERCIAL DISTRICT (C-1)

7.9.1 Purpose

THE PURPOSE OF THIS DISTRICT IS TO PROVIDE FOR OFFICE RETAIL AND SERVICE COMMERCIAL DEVELOPMENTS GENERALLY INTENDED TO LOCATE IN THE CENTRAL BUSINESS AREA OF THE TOWN.

(a) Permitted Uses

- arts and crafts supply shop
- bakery
- barber shop
- book store
- clothing store
- coffee shop
- florist
- hair dresser
- hobby shop
- office (business, administrative and professional)
- park and playground
- pet shop
- satellite dish antenna
- tailor shop

(b) Discretionary Uses

- accessory building and use
- cinema
- commercial/technical school
- dry cleaning establishment
- furniture store
- grocery store
- hardware store
- hotel
- laundromat
- liquor store
- medical clinic
- pharmacy
- printing shop
- restaurant
- retail food store
- sea-can
- solar energy collection system

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7.9.2 Minimum Development Standards

- #### (a) Site Area: 140 m² (1,507 ft²)

- (b) Front Yard Setback: At the discretion of the Development Authority
- (c) Rear Yard Setback:
 - (i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)
 - (ii) Satellite Dish Antenna: 1 m (3.3 ft.)
 - (iii) Other Use: 4.5 m (15 ft.)
- (d) Interior Side Yard Setback:
 - (i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)
 - (ii) Satellite Dish Antenna: 1 m (3.3 ft.)
 - (iii) Other Use: At the discretion of the Development Authority
- (e) Exterior Side Yard Setback:
 - (i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)
 - (ii) Satellite Dish Antennas: 1 m (3.3 ft.)
 - (iii) Other Uses: At the discretion of the Development Authority
- (f) Setback Distance from Principal Building:
 - (i) Accessory Building, Temporary Movable Structure: 2 m (6.5 ft.)

7.9.3 Maximum Development Standards

- (a) Building Height (Above Grade)
 - (i) Accessory Building, Temporary Movable Structure: 5.5 m (18 ft.)
 - (ii) Other Use: 15 m (50 ft.)
- (b) Site Coverage:
 - (i) Accessory Building, Temporary Movable Structure: 10% of the site
 - (ii) Other Use: At the discretion of the Development Authority

7.9.4 Additional Regulations

- (a) In relation to existing residential uses located in the area of the Town zoned as General Commercial (C-1) District, the Development Officer:
 - (i) may allow for the development of accessory buildings, including garages, that are compatible to adjacent properties and the future development of the area for commercial purposes.
 - (ii) shall not allow for the construction or development of any new residential use or dwelling.

- (b) No accessory building, temporary movable structure or accessory use shall be located within the front yard or side yard setbacks of any principal building.
- (c) All Safety Codes Permits pertaining to Building, Gas, Electrical, and Plumbing must be applied for prior to any work being performed on site.

7.10 SECONDARY COMMERCIAL DISTRICT (C-2)

7.10.1 Purpose

THE PURPOSE OF THIS DISTRICT IS TO PROVIDE FOR RETAIL, WHOLESALE AND SERVICE ESTABLISHMENTS WHICH MAY HAVE EXTENSIVE LAND OR OUTDOOR STORAGE REQUIREMENTS AND ARE USUALLY RELATED TO VEHICLE-ORIENTED AND/OR AGRICULTURAL PURPOSES.

(a) Permitted Uses

- None

(b) Discretionary Uses

- accessory building and use
- auto body and paint shop
- automobile and truck sales and service
- building supplies shop
- bulk granular fertilizer depot
- bulk oil and gas depot
- campground
- car and truck washing facility
- farm implement sales and repair
- flour and seed mill
- gas bar or service station
- greenhouse
- industrial construction equipment sales and repair
- manufactured home sales and service
- motel
- offices attached to the principal use
- public use
- public utility
- recreational vehicle and equipment sales and service
- restaurant
- retail nursery and garden supply store
- satellite dish antenna
- sea-can
- seed cleaning plant
- sign
- solar energy collection system
- temporary movable structure
- workcamp

7.10.2 Minimum Development Standards

- (a) Site Area:
 - (i) Stand-alone Car and Truck Washing Facility: 745 m² (8,019 ft²)
 - (ii) Combined Car and Truck Washing Facility and a Service Station or Gas Bar: 1,115 m (12,000 ft²)
 - (iii) Gas Bar or Service Station: 560 m²
 - (iv) Other Use: 0.75 ha (1.85 acres)
- (b) Site Width: 30 m (100 ft.)
- (c) Front Yard Setback: 9 m (30 ft.)
- (d) Rear Yard Setback:
 - (i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)
 - (ii) Satellite Dish Antenna: 1 m (3.3 ft.)
 - (iii) Other Use: 7.62 m (25 ft.)
- (e) Side Yard Setback:
 - (i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)
 - (ii) Satellite Dish Antenna: 1 m (3.3 ft.)
 - (iii) Other Use: 3 m (10 ft.)
- (f) Setback Distance from Principal Building:
 - (i) Accessory Building, Temporary Movable Structure: 2 m (6.5 ft.)
- (g) Car and Truck Washing Facility Line Up Space: 10 vehicles

7.10.3 Maximum Development Standards

- (a) Building Height (Above Grade)
 - (i) Accessory Building, Temporary Movable Structure: 5.5 m (18 ft.)
 - (ii) Other Use: At the discretion of the Development Officer
- (b) Site Coverage:
 - (i) Accessory Building, Temporary Movable Structure: 10% of the site
 - (ii) Gas Bar or Service Station: 15% of the site including accessory buildings, uses and temporary movable structures
 - (iii) Other Use: 60% of the site including Accessory Buildings, Uses and Temporary Movable Structures

7.10.4 Additional Regulations

- (a) Any office development shall be considered only as accessory to another use and shall be part of the principal use on the site.
- (b) No accessory building, temporary movable structure or accessory use shall be located within the front yard setback of any principal building.
- (c) All Safety Codes Permits pertaining to Building, Gas, Electrical, and Plumbing must be applied for prior to any work being performed on site.
- (d) 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.

7.11 LIGHT INDUSTRIAL DISTRICT (M-1)

7.11.1 Purpose

THE PURPOSE OF THIS DISTRICT IS TO PROVIDE FOR THE DEVELOPMENT OF LIGHT INDUSTRIAL USES THAT ARE COMPATIBLE WITH THE SURROUNDING LAND USES.

(a) Permitted Uses

- accessory building and use
- autobody and paint shop
- automobile and truck sales and service
- building supplies shop
- indoor storage of machinery, equipment, goods or products (excepting flammable or combustible materials)
- industrial, construction and farm implement sales and service
- manufactured home sales and service
- recreational vehicle sales and service
- satellite dish antenna
- sea-can

(b) Discretionary Uses

- auction mart
- licensed medical marihuana production facility
- office attached to the principal use
- outside storage of materials (excepting flammable or combustible materials)
- public parking area
- public use
- public utility
- railway spur line
- salvage yard
- sign
- solar energy collection system
- veterinary service
- warehouse or wholesaling use
- workcamp

7.11.2 Minimum Development Standards

- (a) Front Yard Setback: 7.5 m (30 ft.)
- (b) Rear Yard Setback:
 - (i) Accessory Building: 1 m (3.3 ft.)
 - (ii) Satellite Dish Antenna: 1 m (3.3 ft.)
 - (iii) Other Use: 7.62 m (25 ft.)

- (c) Side Yard Setback:
 - (i) Accessory Building: 1 m (3.3 ft.)
 - (ii) Satellite Dish Antenna: 1 m (3.3 ft.)
 - (iii) Other Use: 3 m (10 ft.)
- (d) Setback Distance from Principal Building for Accessory Building: 2 m (6.5 ft.)

7.11.3 Maximum Development Standards

- (a) Building Height (Above Grade)
 - (i) Accessory Building: 5.5 m (18 ft.)
 - (ii) Other Use: At the discretion of the Development Authority.
- (b) Site Coverage:
 - (i) Accessory Building, Temporary Movable Structure: 10% of the site
 - (ii) Other Use: 60% of the site including Accessory Buildings, Uses and Temporary Movable Structures.

7.11.4 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.
- (c) Only one (1) principal building is allowed per lot.

(d) Landscaping:

- (i) Landscaping shall be to the satisfaction of the Development Authority.
- (ii) All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Development Authority.
- (iii) Any industrial development located on a site bordering a main arterial roadway or highway shall be buffered from these roadways by a strip of treed land or raised berm of a height to be determined by the Development Officer.
- (iv) Other than for landscaping, a developer shall apply in writing to the Development Officer for a development permit for excavation, stripping and grading and shall include the following details:
 - 1. The location of the site on which the excavation, stripping or grading is to take place;
 - 2. The location of the stockpile on the site; and
 - 3. The present height of the land on the site in relation to any abutting thoroughfares and with relation to adjoining sites.

(e) Appearance:

- (i) Any building or accessory building shall employ some of the same elevation elements, materials and colours to achieve a complimentary design that will tie the structures together.
- (ii) A building shall have its exterior walls finished with a material or materials that are acceptable to the Development Officer.
- (iii) The colour of building materials shall be to the satisfaction of the Development Authority.
- (iv) The appearance of the buildings shall be finished with brick masonry, siding, wood and/or steel type building materials.

(f) Premises Used for Outdoor Storage:

- (i) The Development Authority may require that goods be displayed in an orderly manner.
- (ii) 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.

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

- (h) No temporary buildings are to be permitted on site except during the construction phase of development.
- (i) Utilities:
 - (i) The necessary right-of-ways shall be paved at the time of development or subdivision of the site.
 - (ii) Utility up-grading shall be coordinated to accommodate new development.
- (j) All accesses shall be constructed by the developer, at the developer's expense, to the Town of Falher's Engineering Standards.
- (k) No accessory building, temporary movable structure or accessory use shall be located within the front yard setback of any principal building.
- (l) All Safety Codes Permits pertaining to Building, Gas, Electrical, and Plumbing must be applied for prior to any work being performed on site.
- (m) Notwithstanding 7.11.2(b), where the rear boundary of a site abuts a railway right-of-way, no rear yard setback is required.

7.12 HEAVY INDUSTRIAL DISTRICT (M-2)

7.12.1 Purpose:

-

THE PURPOSE OF THIS DISTRICT IS TO PROVIDE FOR THE DEVELOPMENT OF LARGE-SCALE INDUSTRIAL DEVELOPMENT PRIMARILY OF AN EXTRACTIVE OR PROCESSING NATURE.

(a) Permitted Uses

- None

(b) Discretionary Uses

- accessory building and use
- bulk fertilizer depot
- bulk oil and gas depot
- flour and feed mill
- grain elevator
- licensed medical marihuana production facility
- manufacturing or processing of goods or products (involving outdoor operations or storage)
- office attached to the principal use
- outdoor storage of machinery, equipment, goods or products
- public use
- public utility
- sea-can
- seed cleaning plant
- solar energy collection system
- truck terminal
- workcamp

7.12.2 Minimum Development Standards

- (a) Site Area: 604 m² (6,500 ft²)
- (b) Front Yard Setback: 7.62 m (25 ft.)
- (c) Rear Yard Setback:
 - (i) Accessory Building: 1 m (3.3 ft.)
 - (ii) Other Use: 7.62 m (25 ft.)
- (d) Side Yard Setback:
 - (i) Accessory Building: 1 m (3.3 ft.)
 - (ii) Other Use: 4.6 m (15 ft.)

- (e) Setback Distance from Principal Building for Accessory Building: 2 m (6.5 ft.)

7.12.3 Maximum Development Standards

- (a) Building Height (Above Grade):
 - (i) Accessory Building: 5.5 m (18 ft.)
 - (ii) Other Use: 22.86 m (75 ft.)
- (b) Site Coverage:
 - (i) Accessory Building, Temporary Movable Structure: 10% of the site
 - (ii) Other Use: 60% of the site including Accessory Buildings, Uses and Temporary Movable Structures

7.12.4 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.
- (c) Landscaping:
 - (i) Landscaping shall be to the satisfaction of the Development Authority.
 - (ii) All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Development Authority.
 - (iii) Any industrial development located on a site bordering a main arterial roadway or highway shall be buffered from these roadways

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

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

(d) Appearance:

- (i) Any building or accessory building shall employ some of the same elevation elements, materials and colours to achieve a complimentary design that will visually tie the structures together.
- (ii) A building shall have its exterior walls finished with a material or materials that are acceptable to the Development Authority.
- (iii) The colour of building materials shall be to the satisfaction of the Development Authority.
- (iv) The appearance of the buildings shall be finished with brick masonry, siding, wood and/or steel type building materials.

(e) Premises Used for Outdoor Storage:

- (i) The Development Authority may require that goods be displayed in an orderly manner.
- (ii) 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.

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

(g) No temporary buildings are to be permitted on site except during the construction phase of development.

(h) Utilities:

- (i) The necessary right-of-ways shall be paved at the time of development or subdivision of the site.
 - (ii) Utility up-grading shall be coordinated to accommodate new development.
- (i) All accesses shall be constructed by the developer, at the developer's expense, to the Town of Falher's Engineering Standards.
- (j) No accessory building, temporary movable structure or accessory use shall be located within the front yard setback of any principal building.
- (k) All Safety Codes Permits pertaining to Building, Gas, Electrical, and Plumbing must be applied for prior to any work being performed on site.

7.13 URBAN RESERVE DISTRICT (UR)

7.13.1 Purpose

THE PURPOSE OF THIS DISTRICT IS TO PROVIDE FOR THE CONTINUATION OF EXISTING RURAL PURSUITS AND TO MINIMIZE INTENSIFICATION OF EXISTING LAND USES UNTIL URBAN SUBDIVISION AND DEVELOPMENT IS PRE-PLANNED IN THE FRAMEWORK OF AN APPROVED AREA STRUCTURE PLAN.

(a) Permitted Uses

- agricultural use except a Confined Feeding Operation or the raising of any livestock
- farm building
- market garden
- principal farmstead dwelling
- satellite dish antenna

(b) Discretionary Uses

- accessory building and use
- cemetery
- home business
- natural resource extraction
- park and playground
- public use
- public utility
- solar energy collection system
- temporary movable structure

7.13.2 Minimum Development Standards

(a) Front Yard Setback: 7.62 m(25 ft.)

(b) Rear Yard Setback:

- (i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)
- (ii) Satellite Dish Antenna: 1 m (3.3 ft.)
- (iii) Other Use: 4.5 m (15 ft.)

(c) Side Yard Setback:

- (i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)
- (ii) Satellite Dish Antennas: 1 m (3.3 ft.)
- (iii) Other Uses: At the discretion of the Development Authority

- (d) Setback Distance from Principal Building:
 - (i) Accessory Building, Temporary Movable Structure: 2 m (6.5 ft.)

7.13.3 Maximum Development Standards

- (a) Building Height (Above Grade)
 - (i) Accessory Building, Temporary Movable Structure: 5.5 m (18 ft.)
 - (ii) Satellite Dish Antenna: 5.5 m (18 ft.)
 - (iii) Other Use: 9 m (30 ft.)
- (b) Site Coverage:
 - (i) Accessory Building, Temporary Movable Structure: 10% of the site
 - (ii) Other Use: 40% of the site including Accessory buildings, Uses and Temporary Movable Structures and farm buildings
- (c) One (1) residential building per parcel

7.13.4 Additional Requirements

- (a) No accessory building, temporary movable structure or accessory use shall be located within the front yard setback of any principal building.
- (b) All Safety Codes Permits pertaining to Building, Gas, Electrical, and Plumbing must be applied for prior to any work being performed on site.

7.14 COMMUNITY DISTRICT (COM)

7.14.1 Purpose

THE PURPOSE OF THIS DISTRICT IS TO PROVIDE FOR THE DEVELOPMENT OF COMMUNITY-ORIENTED USES AS PRESCRIBED BELOW.

(a) Permitted Uses

- accessory building or use
- agriculture use excluding a confined feeding operation and raising of livestock
- community hall/centre
- curling club
- golf course
- library
- park
- playground
- public use
- public utility
- recreation area
- school
- tennis court

(b) Discretionary Uses

- arena
- campground
- child care facility
- museum
- public parking area
- public swimming pool
- recreational vehicle park
- religious use facility
- solar energy collection system

7.14.2 Minimum Development Standards

(a) Site Area:

- (i) Religious Use Facility: 930 m² (10,000 ft²)
- (ii) Other Use: At the discretion of the Development Authority

(b) Front Yard Setback:

- (i) Religious Use Facility: 7.62 m (25 ft.)
- (ii) Other Use: At the discretion of the Development Authority

- (c) Rear Yard Setback:
 - (i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)
 - (ii) Satellite Dish Antenna: 1 m (3.3 ft.)
 - (iii) Religious Use Facility: 7.62 m (25 ft.)
 - (iv) Other Use: At the discretion of the Development Authority
- (d) Side Yard Setback:
 - (i) Accessory Building, Temporary Movable Structure: 1 m (3.3 ft.)
 - (ii) Satellite Dish Antennas: 1 m (3.3 ft.)
 - (iii) Religious Use Facility: 3 m (10 ft.)
 - (iv) Other Uses: At the discretion of the Development Authority
- (e) Setback Distance from Principal Building:
 - (i) Accessory Building, Temporary Movable Structure: 2 m (6.5 ft.)

7.14.3 Maximum Development Standards

- (a) Building Height (Above Grade)
 - (i) Accessory Building, Temporary Movable Structure: 5.5 m (18 ft.)
 - (ii) Satellite Dish Antenna: 5.5 m (18 ft.)
 - (iii) Religious Use Facility: 15 m (50 ft.)
 - (iv) Other Use: At the discretion of the Development Authority
- (b) Site Coverage:
 - (i) Accessory Building, Temporary Movable Structure: 10% of the site
 - (ii) Other Use: At the discretion of the Development Authority

7.14.4 Additional Regulations

- (a) No person shall use any lot or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system and except in accordance with the following provisions:
 - (i) 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.
- (b) No accessory building, temporary movable structure or accessory use shall be located within the front yard setback of any principal building.

- (c) 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 1,390 m² (14,962 ft²)
- (d) All Safety Codes Permits pertaining to Building, Gas, Electrical, and Plumbing must be applied for prior to any work being performed on site.

7.15 DIRECT CONTROL (DC) DISTRICT

7.15.1 Purpose

THE PURPOSE OF THIS DISTRICT IS TO REGULATE, DIRECT AND CONTROL THE DEVELOPMENT OF SPECIALIZED AREAS, LAND USES AND COMPLEX DEVELOPMENT PROPOSALS WITHIN THE TOWN. THE DEVELOPMENT AUTHORITY FOR ALL PROPOSALS WITHIN THIS DISTRICT SHALL BE THE COUNCIL OF THE TOWN OF FALHER.

7.15.2 Site Provisions

- (a) A development application shall be evaluated on its merits by Council which will establish the appropriate development standards.
- (b) In assessing a development permit application in a Direct Control District, Council shall have regard to but not be bound by:
 - (i) The Town of Falher Municipal Development Plan; and
 - (ii) The Town of Falher Land Use Bylaw.
- (c) Council may impose conditions deemed necessary concerning:
 - (i) parking;
 - (ii) buffers;
 - (iii) landscaping;
 - (iv) site coverage and building orientation
 - (v) servicing
 - (vi) internal circulation
 - (vii) accessory uses
 - (viii) signs
 - (ix) exterior architecture and appearance
 - (x) number of business establishmentsor any other requirements deemed necessary having due regard for the nature of the proposed development and the purpose and intent of this District.
- (d) An application for development shall include such information as required in Section 4.2 of this Bylaw.
- (e) Council shall inform the applicant upon decision on an application for a development permit that the decision cannot be appealed to the Subdivision and Development Appeal Board (SDAB).

PART EIGHT APPEALING A DECISION

8.1 METHOD OF APPEAL

- 8.1.1 The procedures for appealing a decision on a development permit are governed by Sections 683 to 687 inclusive of the MGA and the Subdivision and Development Appeal Board Bylaw 12-03, which should be consulted by anyone proposing to launch an appeal.
- 8.1.2 A decision of the Development Authority on a development permit may be appealed by the applicant or any person affected by an order, decision or development permit made or issued by the Development Authority if the Development Authority:
- (a) fails or refuses to issue a development permit to a person,
 - (b) issues a development permit subject to conditions, or
 - (c) issues an order under Section 645 of the MGA
- 8.1.3 No appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the Land Use Bylaw were relaxed, varied, or misinterpreted.
- 8.1.4 A development appeal to the Subdivision and Development Appeal Board is commenced by filing a [notice of the appeal](#) containing reasons to the Board within fourteen (14) days:
- (a) in the case of an appeal made by the person applying for the permit or affected by the order,
 - (i) after the date on which the person is notified of the order or decision or the issuance of the development permit, or
 - (ii) if no decision is made with respect the application within the forty (40) day period or within any extension granted under Section 5.2.1 of this Bylaw, the date the period or extension expires.

or

 - (b) in the case of an appeal made by any other person affected by an order, decision or development permit made or issued by the Development Authority, fourteen (14) days after the day when the notice of decision has been published in a newspaper or fourteen (14) days after notice is deemed received by adjacent and affected landowners and/or occupiers.

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8.2 NOTIFICATION OF APPEAL

- 8.2.1 The Secretary to the Subdivision and Development Appeal Board shall ensure that the notice of appeal is given to all persons required to be notified under the provisions of the Subdivision and Development Appeal Board Bylaw.
- 8.2.2 When a notice has been served on the Secretary to the Subdivision and Development Appeal Board with respect to a decision of the Development Officer to approve a development permit application, the development permit shall not be released before:
- (a) the decision of the Development Officer has been sustained by the Development Appeal Board; or
 - (b) the Secretary to the Development Appeal Board has received written notification from the appellant that the appeal has been abandoned.
- 8.2.3 In the event that a development permit application refused by the Development Authority is, on appeal, approved by the Subdivision and Development Appeal Board, the subsequent approval of the development permit by the Development Authority shall not require further advertising.

8.3 DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- 8.3.1 If the decision of the Development Authority to approve a development permit application is reversed by the Subdivision and Development Appeal Board, the development permit shall be null and void.
- 8.3.2 If the decision of the Development Authority to refuse a development permit application is reversed by the Subdivision and Development Appeal Board, the Board shall forthwith direct the Development Authority to approve the development permit application in accordance with the decision of the Subdivision and Development Appeal Board.
- 8.3.3 If the decision of the Development Authority to approve a development permit application is varied by the Subdivision and Development Appeal Board, the Board shall direct the Development Authority to forthwith approve the development permit application in accordance with the terms of the decision of the Subdivision and Development Appeal Board.

PART NINE

AMENDING THE BYLAW

9.1 METHOD OF APPLICATION

- 9.1.1 All amendments to the Land Use Bylaw shall be made by the adoption of an amending bylaw following a public hearing.
- 9.1.2 Any owner of a site or his authorized agent or other persons having a legal or equitable interest in the site may, in accordance with Section 10.2, apply in writing to the Development Officer to have the land use designation of the site amended.
- 9.1.3 The Town may indicate amendments to this Bylaw which shall be advertised in accordance with Section 10.4.3.

9.2 PLANS AND INFORMATION REQUIRED

- 9.2.1 All applications for amendment to the Land Use Bylaw pursuant to Section 10.1.2 shall be made to the Development Officer on the prescribed [application Form](#) and shall be accompanied by the following:
 - (a) a copy of the certificate of title for the lands affected, copies of any caveats registered by the Town of Falher or restrictive covenants and any other documents satisfactory to the Development Officer verifying that the applicant (except where an authorized agent is used) has a legal interest in the land for at least the period of time necessary to process the application to a public hearing;
 - (b) a statement of the reasons for the request to amend the Bylaw;
 - (c) properly dimensioned and scaled vicinity maps indicating the site to be amended, its relationship to existing land uses with a 30 metre (99 ft.) radius of the boundaries of the site;
 - (d) a non-refundable fee as established by resolution of Council;
 - (e) where the applicant is an agent for the owner, a cover letter from the owner must be provided verifying the agent's authority to make the application.

9.3 INCOMPLETE FORMS REJECTED

- 9.3.1 The Development Officer may refuse to accept an application to amend this Bylaw if the information required by Section 10.2 has not been supplied or if, in his opinion, it is of inadequate quality to properly evaluate the application.

9.4 THE REVIEW PROCESS FOR A BYLAW AMENDMENT

- 9.4.1 Upon receipt of a complete application in accordance with Section 10.2, the Development Officer shall refer the application to Council for first reading.
- 9.4.2 The Development Officer may refer the complete application to the Mackenzie Municipal Services Agency and any other agencies as deemed necessary for comment.
- 9.4.3 The Development Officer shall forthwith cause to be published once a week for two (2) consecutive weeks in the local newspaper, a notice of the application stating:
- (a) the legal description of the land,
 - (b) the purpose of the proposed amending bylaw,
 - (c) the one or more places where a copy of the proposed amending bylaw may be inspected by the public during reasonable hours,
 - (d) the one or more dates, places and times that Council will hold a public hearing on the proposed amending bylaw,
 - (e) an outline of the procedures to be followed by anyone wishing to be heard at the public hearing, and
 - (f) an outline of the procedures by which the public hearing will be conducted.

9.5 WAITING PERIOD FOR RE-APPLICATION

- 9.5.1 Where an application for amendment to this Bylaw has been refused by Council or withdrawn by the applicant after advertisement of the proposed amending bylaw, another application for amendment on the same site for the same or similar use of land shall not be accepted by the Development Officer or Council by the same or any other applicant until twelve (12) months from:
- (a) the date of Council's decision, or
 - (b) the date that the applicant's letter of withdrawal was received by the Development Officer.


9.6 REPEAL OF EXISTING BYLAW

- 9.6.1 The existing Land Use Bylaw of the Town of Falher, being Bylaw 04-06, as amended, is hereby repealed.

9.7 EFFECTIVE DATE

This Bylaw being Bylaw No. 14-05 hereby comes into effect upon the date of its third and final reading.

First reading given on the 10th day of November, 2014.



Donna Buchinski, Mayor



Adele Parker, Chief Administrative Officer

Second reading given on the 8th day of December, 2014.



Donna Buchinski, Mayor



Adele Parker, Chief Administrative Officer

Third reading and finally passed on the 8th day of December, 2014.



Donna Buchinski, Mayor



Adele Parker, Chief Administrative Officer

Schedule A
Land Use Bylaw Amendments

**SCHEDULE A
LAND USE BYLAW AMENDMENTS**

DATE	BYLAW NUMBER	PURPOSE
May 11, 2015	15-02	Lot 1 Plan 782 1802 from M-1 to M-2
August 10, 2015	15-04	Lot C Plan 2016CL from C-1 to C-2 Lot 2 Block t Plan 8126 ET from C-1 to C-2 Lot 1 Block 6 Plan 8126 ET from C-1 to C-2 Lot 4 Block 18 Plan 8622713 from C-1 to C-2 For Lot 4 Block 18 Plan 8622712 - maximum height for an accessory building is 9.1 m
August 10, 2014	15-05	Remove Municipal Planning Commission
September 14, 2015	15-07	Addition to Hotel definition Add Hotel to Discretionary Uses in 7.9.1 (b)
September 14, 2015	15-08	Lot 1A Block 1 Plan 932 2201 from R-3 to R-2 Lots 2, 3, 6, 7 Block 1 Plan 1748 CL from R-3 to R-2 Lot 10 Block 1 Plan 0724867 from R-3 to COM
November 9, 2016	15-10	NW 4-78-21-W5M from UR to R-3 NW 4-78-21-W5M from UR to R-1
November 9, 2015	15-11	Revise Manufactured Home and Modular Building definitions and provisions
March 14, 2016	16-01	Remove Schedule A Forms Add Front yard setback changes in Central ASP
May 9, 2016	16-03	Add Site Coverage changes in Central ASP



Schedule B
Land Use Bylaw District Map



SCHEDULE B
LAND USE BYLAW DISTRICT MAP

[Carte de zonage](#)