

**BYLAW NO. 957/DEV/2019**

**BEING A BYLAW OF THE  
MUNICIPAL DISTRICT OF FAIRVIEW NO. 136  
IN THE PROVINCE OF ALBERTA**

**TO AMEND THE  
MUNICIPAL DISTRICT OF FAIRVIEW NO. 136 LAND USE BYLAW NO. 876**

**WHEREAS**, the Municipal District of Fairview No. 136 has adopted the Municipal District of Fairview No. 136 Land Use Bylaw No. 876 to regulate land use and development in the Municipal District, and

**WHEREAS** The Council of the Municipal District of Fairview No. 136, in the Province of Alberta, has deemed it desirable to amend the Municipal District of Fairview No. 136 Land Use Bylaw to re-designate lands from Agricultural Conservation District (AG-1) to Rural Recreational District (R-REC) to enable various indoor and outdoor recreational uses on the subject lands, located north of Town of Fairview, at the Cummings Lake Recreation Area.

**NOW  
THEREFORE** Pursuant to Sections 230, 606 and 692 of the Province of Alberta Municipal Government Act, the Municipal District of Fairview No. 136 Council, duly assembled, hereby enacts as follows:

1. That SW 10 82 3 W6 (Link #0038 192 423); Plan 9120543 Lot 2 (Link #0017 099 573); and SE 10 82 3 W6 (Link #0020 017 083) be re-designated from Agricultural - Conservation District (AG-1) to Rural Recreational District (R-REC) as shown in the attached Schedule "A";

2. Add the following definitions to Section 1.5:

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

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

3. Revise the following definitions in Section 1.5:

Replace "Community centre or hall" with "Community hall".

Replace "Extensive Recreational Use" with "recreational, Extensive"

Replace "Intensive Recreational Use" with "recreational, Intensive"

"Park/playground" means an area of land used for recreation purposes, usually including facilities such as picnic benches, slides,

swings, and other playground type equipment, built in accordance with the Alberta Safety Codes Act.

“Place of worship” means a building or structure, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

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

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

4. Replace “Extensive Recreational Use” with “recreational, Extensive” throughout the land use bylaw.
5. Replace “Intensive Recreational Use” with “recreational, Intensive” throughout the land use bylaw.
6. Replace “Church” with “Place of worship” throughout the land use bylaw.
7. Replace Section 9.10 (2) Uses as follows:

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

a) Permitted Uses:

- Historic site
- Park/playground


b) Discretionary Uses:

- Accessory building or structure
- Campsite
- Caretaker’s residence
- Cemetery
- Community hall
- Country store
- Convenience food store
- Laundromat
- Manufactured home
- Market garden use
- Modular home
- Place of worship
- Public use
- recreation, Indoor participant
- Recreational cabin
- recreational, Extensive
- recreational, Intensive


- Recreational Vehicle
  - Restaurant
  - School
  - Single Detached Dwelling
  - Other similar uses deemed appropriate by the Development Officer
8. Add the following to Section 9.10 (3)  
c) Building size:  
i) Cabin: 88 square metres (950 square feet) maximum
9. Renumber Section 9.10 (3) c) i) and ii) to 9.10 (3) d) i) and ii);  
renumber Section 9.10 (3) d) to 9.10 (3) e)
10. Add "Recreational cabin" to the following sections:  
  
9.4 Crown Land Management District (CLM) (2) a) Discretionary Uses  
  
9.5 Agricultural Conservation District (AG-1) (2) b) Discretionary Uses
11. Replace the following uses:  
  
"Public uses associated with community benefits" with "Community hall"  
  
"Community based institutions and establishments" with "Community hall"  
  
"Recreational establishments" with "Community hall"
12. Add "recreation, Indoor participant" to the following sections:  
  
9.8 Highway Development District (HD) (2) b) Discretionary Uses  
  
9.11 Rural Settlement District (RS) (2) b) Discretionary Uses
13. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed;
14. The adoption of this bylaw is effective upon the date of the passing of the third and final reading of this bylaw.

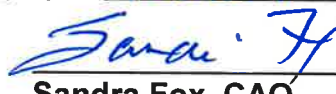
First reading given on the 26<sup>th</sup> day of February, 2019

  
Peggy Johnson, Reeve  
M.D. of Fairview No. 136


  
Sandra Fox, CAO  
M.D. of Fairview No. 136

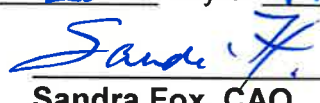
Second reading given on the 26<sup>th</sup> day of March, 2019

  
Peggy Johnson, Reeve  
M.D. of Fairview No. 136

  
Sandra Fox, CAO  
M.D. of Fairview No. 136

Third reading and adoption given on the 26<sup>th</sup> day of March, 2019

  
Peggy Johnson, Reeve  
M.D. of Fairview No. 136



  
Sandra Fox, CAO  
M.D. of Fairview No. 136

**SCHEDULE "A"**

**Bylaw No. 957/DEV/2019**

1. That SW 10 82 3 W6 (Link #0038 192 423); Plan 9120543 Lot 2 (Link #0017 099 573); and SE 10 82 3 W6 (Link #0020 017 083) be re-designated from Agricultural - Conservation District (AG-1) to Rural Recreational District (R-REC) as shown in the attached Schedule "A";



 Agricultural Conservation District (AG-1) to Rural Recreational District (R-REC)  
 Agricultural Conservation District (AG-1)

*Peggy Johnson*  
**Peggy Johnson, Reeve**  
M.D. of Fairview No. 136

*Sandra Fox*  
**Sandra Fox, CAO**  
M.D. of Fairview No. 136

EFFECTIVE THIS 26<sup>th</sup> DAY OF March, 2019.