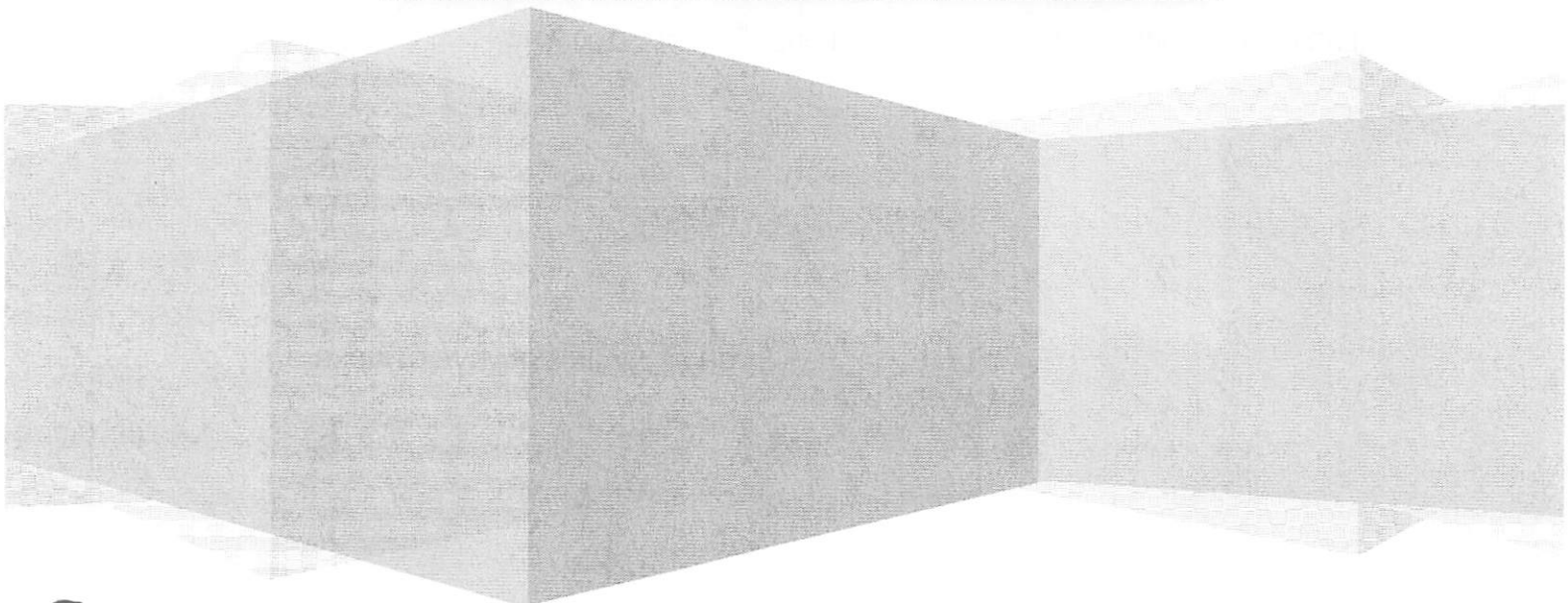


Village of Halkirk

Land Use Bylaw No. 2012-2



VILLAGE OF HALKIRK
BYLAW NO. 2012-2

BEING A BYLAW OF THE VILLAGE OF HALKIRK IN THE PROVINCE OF ALBERTA TO REGULATE
THE DEVELOPMENT AND USE OF LAND IN THE VILLAGE OF HALKIRK

WHEREAS: pursuant to the provisions of Section 639(1) of the Municipal Government Act, as amended, the Council of the Village of Halkirk must, by Bylaw in accordance with Section 692 of the Municipal Government Act, adopt a plan to be known as:

"THE VILLAGE OF HALKIRK LAND USE BYLAW"

AND WHEREAS: a Public Hearing was held on Nov 14, 2012, as required by Section 230 of the Municipal Government Act.


NOW THEREFORE: THE COUNCIL OF THE VILLAGE OF HALKIRK IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "The Village of Halkirk Land Use Bylaw".
2. Bylaw No. 780 being the "Village of Halkirk Land Use Bylaw" currently in effect is hereby repealed including all amendments thereto and replaced by Bylaw No. 2012-2.
3. Council adopts as the Land Use Bylaw for those lands contained within its civic boundaries, "The Village of Halkirk Land Use Bylaw."
4. Council adopts as "The Village of Halkirk Land Use Bylaw" this text and the accompanying Schedules.
5. This Bylaw takes effect on the date of the third and final reading.

READ A FIRST TIME this 12th day of Sept., 2012.

READ A SECOND TIME this 14th day of Nov, 2012.

READ A THIRD TIME AND FINALLY PASSED this 14th day of Nov, 2012


MAYOR


CHIEF ADMINISTRATIVE OFFICER

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Appendix 'A' – Land Use District Map

PART I
Purpose & Definitions

1. Short title

- (1) This Bylaw may be cited as "Village of Halkirk Land Use Bylaw".

2. Purpose

- (1) The purpose of this Bylaw is to:
- (a) provide direction for the orderly, economical, and beneficial development, use of land and patterns of human settlement for the residents of the Village of Halkirk and
 - (b) regulate and control development or, where necessary, prohibit development without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

3. Application of the Land Use Bylaw

- (1) Except as permitted in this Bylaw, no person shall commence a development unless a development permit for that development has been issued and the appeal period has expired.
- (2) If one or more provisions of this Bylaw are for any reason declared to be invalid, it is intended that all remaining provisions are to remain in full force and effect.
- (3) This Bylaw comes into force upon the date of final reading.
- (4) An application for a development permit, which is received in its complete form prior to the effective date of this Bylaw, shall be processed as if this Bylaw had not come into force.

4. Interpretation

(1) In this Bylaw, unless the context otherwise requires, the expression "use" or "to use" shall include work done or permitted by the owner or occupant of any land, building or structure, directly or indirectly, or by or through any trustee, tenant, servant or agent acting for or with the knowledge and consent of the owner or occupant for the purpose of making use of the said land, building or structure.

(2) Unless otherwise stated, The Interpretation Act applies to this Bylaw.

5. Definitions

"Act" means the Municipal Government Act RSA 2000 Ch. M-26 as amended;

"Accessory building" means a building separate and subordinate to the main building, the use of which is incidental to the main building and is located on the same parcel of land;

"Accessory Building – Fabric Covered" means:

- (a) A *temporary* structure separate and subordinate to the principal building, the use of which is incidental to that of the principal building and is located on the same parcel of land;
- (b) the building is designed by virtue of easy assembly and dismantling;
- (c) Pre-engineered and commercially constructed of metal or synthetic tube and fabric, plastic or similar materials, and

covered with waterproof sheeting, synthetic sheeting or plastic film;

- (d) Shall require the necessary building permits to meet all the requirements of the Alberta Safety Code to ensure foundation, anchoring and location/ placement are in accordance with the Alberta Safety Codes;
- (e) all fabric covered accessory buildings shall adhere to the requirements of **Part VI Section 8**.

"Accessory use" means a use customarily incidental and subordinate to the main use or building and is located on the same parcel of land with such main use or building;

"Adjacent land" means land that is contiguous to the parcel of land that is subject to an application and includes land that would be contiguous if not for a highway, road, river or stream;

"Artist's Studio" means a use:

- (a) where art is produced by individuals;
- (b) may include the instruction of art to individuals or groups;
- (c) may include the sale of art pieces produced by that use;

"Automotive Repair & Service" means a use for the servicing and repair of motor vehicles within a building, excluding an auto body and paint shop, and includes such facilities as alignment shops, muffler shops, transmission repair shops, rust-proofing, brake shops and other similar uses;

"Automotive Vehicle Sales" means a use:

- (a) where motor vehicles are sold or leased;
- (b) may only store or display vehicles on portions of the parcel approved exclusively for storage or display; and
- (c) that may have a building for administrative functions associated with the use;

"Auto Wrecker" means a use:

- (a) where dilapidated vehicles are stored, dismantled or crushed;
- (b) where motor vehicle parts may be sold;
- (c) where motor vehicles in their complete and operable state are not displayed or sold;
- (d) that may have equipment used for crushing, dismantling or moving motor
- (e) that may have a building for administrative functions associated with the use;
- (f) that does not involve the manufacture or assembly of any goods.

"Basement" means that portion of a building between two floor levels which is partly underground but which has a portion of its height from finished floor to finished ceiling above the adjacent finished grade;

"Boarding or Lodging House" means a building where meals are served for remuneration or rooms are rented to three or more persons, not including the occupant and his or her immediate family, but does not include a hotel, motel, restaurant, café, coffee shop, in refreshment stand or other similar use;

drive-

"Building" includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway;

"Bulk Fuel Sales Depot" means a use where fuel for motor vehicles is sold either with or without an attendant;

"Campground" means a recreational development for the purpose of providing temporary accommodation for recreational vehicles or tents. A campground is not construed to mean a development for the purpose of accommodating long-term or permanent occupancy by recreational vehicles or manufactured homes;

"Communication Tower" means a structure designed to support antennas for telecommunications and broadcasting and may include television, cellular phone, or

wireless internet or radio signals. Communication Towers are regulated by Industry Canada however municipal consultation is required and considerations respected;

“Community Recreation Facility” means a use where that is available to the public for sports and recreational activities conducted indoors and/or outdoors. Typical uses include indoor/outdoor swimming pools, hockey rinks, gymnasiums, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, bowling greens, riding stables and fitness;

“Corner Site” means a site formed by the intersection of two or more streets;

“Council” means the Council of the Village of Halkirk;

“Deck” means a structure with the top of the floor 0.6 m or greater in height above finished grade without a roof or walls, except for railings, which is designed and intended for use as an outdoor amenity area;

“Development” means:

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

“Development Authority” means

- (a) a person (or persons) appointed as Development Officer by Bylaw,
- (b) the Municipal Planning Commission appointed by Bylaw;

“Development Commencement” means the moment construction is started on site (ie. Excavation) or the land use has begun for the purposes of the development permit application.

“Development Completion” means the moment the required building/ development permit conditions and requirements have been met for the purposes of the development permit application and/ or the final inspection reports have been received (as required for the project).

“Development permit” means a document authorizing a development, issued pursuant to a land use bylaw;

“Discretionary use” means a use of land or a building which is considered on its individual merits and circumstances by the Development Authority and for which development permits may be issued at the discretion of the Development Authority in accordance with the land use bylaw;

“Dwelling” means any building or structure used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level and includes multiple dwellings, apartments, lodging and boarding homes, but does not include manufactured homes of any kind whether standing on wheels or supported by blocks, jacks, or any other temporary foundation;

“Dwelling unit” means a complete building or self-contained portion of a building , set or suite of rooms for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and separated or shared toilet facilities intended as a permanent or semi - permanent residence;

- a) **“Duplex”** means two dwelling units sharing a common wall, and located side-by-side or one above the other;
- b) **“Garden Suite”** means a *temporary* moveable dwelling which is the second dwelling unit on the lot and accessory to a *single detached dwelling*. Garden suites may be occupied by elderly relatives of the owner of the principal residence, or other relatives needing care, and the unit is removed when it is no longer required.

- c) **"Modular home"** means a prefabricated or factory built frame or shell that comprises the wall or siding of a proposed dwelling. More specifically, a modular unit represents only a section of the dwelling, and such a unit has neither chassis, running gear, nor its own wheels, but units may be stacked side-by-side or vertically and completed to form one or more complete dwelling unit(s) for year round occupancy. Modular homes are constructed to C.S.A. Standard A277;
 - d) **"Manufactured Home"** means a transportable, single or multiple section single dwelling unit conforming to CAN/CSA Z240 MH Series certified standards at time of manufacture. It is ready for residential occupancy upon completion of set-up in accordance with required factory recommended installation instructions.
 - e) **"Manufactured Home Park"** means a parcel of land under one title which has been planned, divided into manufactured home lots and improved for placement of manufactured homes for permanent residential use and may include convenience stores, parking facilities, home occupations and other accessory uses;
 - f) **"Multiple dwelling unit - (Apartment)"** means a residential building comprising three or more dwelling units with shared entrances and other essential facilities and services;
 - g) **"Multiple dwelling unit - (Attached Housing)"** means a building designed and built to contain three or more dwelling units separated from each other by a fire rated wall with each unit having separate entrances from grade level. (For purposes of this Bylaw; garden, linked, row, townhouses and multiplex units that meet these criteria are considered to be attached houses.);
 - h) **"Semi-detached dwelling -"** means a building comprised of two dwelling units side by side in one building with a common party wall which separates vertically, without opening the two dwelling units throughout the entire structure and each dwelling unit having separate access to the outside grade;
 - i) **"Single detached dwelling "** means a detached building consisting of one dwelling unit as herein defined and occupied as the permanent home or residence of one household.
- "Easement"** means a right to use land generally for access to other property or as a right-of-way for a public utility;
- "Existing"** means existing at the effective date of this Bylaw;
- "Extensive Agriculture"** means systems of tillage and grazing on large areas of land by the raising of crops or the rearing of livestock either separately or in conjunction with one another and includes buildings and other structures incidental to the operation;
- "Fabric Covered Building"** means a steel-framed, fabric-membrane pre-engineered building for temporary & permanent industrial, commercial & agricultural applications including warehouses, equipment storage, manufacturing facilities, barns, stables, arenas & event centers. All fabric covered buildings shall require the appropriate building permits to ensure all aspects of the development is in accordance with the Alberta Safety Codes including appropriate foundation construction and building anchoring.
- "Fence"** means a physical barrier constructed out of typical building material for the purpose of providing privacy or preventing unauthorized access or both;
- "Financial Institution"** means a bank, treasury branch, trust company, credit union or similar establishment;
- "Frontage"** means the side of a lot abutting the street, however, in the case of a corner lot the shorter side shall be the frontage;
- "Funeral Home"** means a business establishment where the bodies of the dead are prepared for burial or cremation, and where funeral services can be held;
- "Grade Level"** means the elevation of the finished ground surface. Where grade level is varied on the site the average elevation of finished ground surface calculated at the corners of the development shall determine grade level.
- "Greenhouse"** means a building designated and used for the growing of vegetables, flowers and other plants for transplanting or for sale;

"Heavy Industrial" means an industrial use where the process of which generates fumes, gases, smoke, vapours, vibrations, noise or glare, or similar nuisances that may cause adverse effects on users of adjacent land.

"Height" means, when used with reference to a building or structure, the vertical distance between a horizontal plane through grade level and a horizontal plane through:

- (a) the highest point of the roof in the case of a building with a flat roof or a deck roof,
- (b) the average level of a one-slope roof, or
- (c) the highest point in the case of a pitched, gambrel, mansard or hipped roof;

"Home Occupation" means any occupation, trade, profession, or craft carried on by an occupant of a residential building or a use secondary to the residential use of the building, and which does not change the residential nature of the building. A home occupation shall not include the outside storage of materials, goods or equipment.

"Hotel" or **"Motel"** means a building used primarily for sleeping accommodations and ancillary services provided in rooms or suites of rooms which may contain bar/kitchen facilities;

"Kennel" means any place where three or more dogs and/or 5 or more cats over the age of 90 days are cared for, maintained, boarded, bred, or trained whether or not the owner receives compensation for such activities.

"Land Use District" means an area of land as described and shown in Schedules B and C of this Bylaw;

"Licensed Beverage Establishment" means an establishment licensed by the Province of Alberta, in which alcoholic beverages are served for consumption on the premises and any preparation or serving of food is accessory thereto. This term includes but is not limited to bars, taverns, pubs and lounges.

"Light Industrial" means an industrial use that does not include uses which may be obnoxious by reason or emission of odors, dust, noise, smoke or vibrations.

"Liquor Store" means a use where alcoholic beverages are sold for consumption off the retail outlet premises, that has been licensed by the Alberta Gaming and Liquor Commission;

"Livestock" means cattle, horses, sheep, goats, swine or fowl and other types of animals;

"Lot" means:

- (a) a quarter section,
- (b) a river lot shown on an official plan referred to in Section 32 of the Surveys Act that is filed or lodged in a Land Titles Office,
- (c) a settlement lot shown on an official plan referred to in Section 32 of the Surveys Act that is filed or lodged in a Land Titles Office,
- (d) a part of a parcel described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision,
- (e) a part of a parcel described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;

"Manufactured Home Park" means a parcel of land under one title which has been planned, divided into manufactured home lots and improved for placement of manufactured homes for permanent residential use;

"Municipality" means the Village of Halkirk;

"Municipal Planning Commission" (MPC) means the Village of Halkirk Municipal Planning Commission established by Council pursuant to the Act;

"Non-Conforming Building" means a building lawfully constructed or lawfully under construction at the date this Bylaw becomes effective, as required by the Act, and which does not comply with the requirements of this 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 a land use bylaw or any amendment thereof affecting the land or building becomes effective, and

(b) that on the date the land use bylaw or in the case of a building under construction will not, comply with the land use bylaw;

"Parcel" means the aggregate of the one or more areas described in a certificate of title by reference to a plan registered in a land titles office;

"Parks and Playgrounds" means a use:

(a) where open space is provided for the purposes of recreation;

(b) that may include playground equipment, benches, landscaping and related development;

"Parking area or space" means a portion of land or part of a building set aside for the parking of motor vehicles off of a public road;

"Permitted use" means a use of land or a building that is compatible with other uses in the Land Use District and for which a development permit shall be issued provided it otherwise conforms to the regulations and all other standards of this Bylaw;

"Personal Service" means the provision of a service to individuals on a commercial basis, and includes such services as photographers, travel agencies, beauty salons, and dry cleaners and may have the incidental sale of products relating to the services provided by the use;

"Principal Building" means a building in which is conducted the main or principal use of the site on which it is erected;

"Public Roadway" means a highway, local road, service road, street, avenue that provides the primary access to a parcel of land and that is registered as a public right-of-way in a land titles office;

"Public or Quasi-public Building, Facilities and Installations" includes any building which is used by the public for the purpose of assembly, instruction, culture or enlightenment or for a communal activity, but does not include a church, school, or place of public entertainment for which an admission fee is customarily charged. In addition, it includes a building as defined in the Municipal Government Act in which the proprietor of the public utility maintains its office or offices or maintains or houses any equipment used in connection with the public utility;

"Public Utility Building" means a building as defined in the Municipal Government Act in which the proprietor of the public utility maintains its office or offices and/or maintains any equipment used in connection with the public utility;

or houses

"Recreational Vehicle" means a vehicle or a portable structure designed to be carried on a vehicle providing temporary sleeping accommodation for travel and recreation purposes. Recreational vehicles include but are not limited to motor homes, campers and trailers. Recreational vehicles do not include manufactured homes;

holiday

"Recycling Facility" means a use where recyclable materials are collected, sorted, stored and processed and packaged for future reuse or appropriate disposal. Product may also be transported to other facilities for further preparation for reuse or appropriate disposal. This use does not apply to auto wreckers;

or

"Restaurant" means a use

(a) where food is prepared and sold for consumption on the premises and may include the sale of prepared food for consumption off the premises;

(b) that may be licensed for the sale of liquor by the Alberta Gaming and Liquor O

(c) that may contain a drive-through as a separate use;

things

"Retail Store" means a building where goods, wares, merchandise, substances, articles or are stored, offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such a store;

"Right of Way" means a legal document, usually a plan of survey, where land is required for an easement or right of way, a purpose incidental to the undertaking for which a right of way is required;

"Secondary Suite" means an accessory dwelling unit that is located as part of the same building as a single detached dwelling that is owner occupied and which meets the requirements of *Part VI Section 19* and any other applicable requirements or regulations of this Bylaw and shall only be approved as one of the following:

- (a) Secondary Suite – Attached Above Grade: where the secondary suite is located above the first storey of a single detached dwelling;
- (b) Secondary Suite – Attached At Grade: Where the Secondary Suite is located at grade and is attached to the side or rear of a single detached dwelling;
- (c) Secondary Suite – Attached Below Grade: where the Secondary Suite is located below the first storey of a single detached dwelling;
- (d) Secondary Suite – Accessory building: where the Secondary Suite is a separate building or as a part of an accessory building and located on the same parcel as a single detached dwelling.

"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;

"Site" means a lot or parcel of land on which a development exists or occurs or for which an application for a development permit is made;

"Site Coverage" means the ratio of all principal and accessory buildings or structures (including verandas, porches, enclosed/ covered/ decks) on a site to the total lot area. Such buildings and structures do not include steps, eaves, cornices and open decks;

"Storage Structure" means a structure that does not meet the definition of an accessory building and is used for the storage of goods or equipment. A storage structure may be in the form of a shipping container, trailer or other structure and shall meet the requirements of *Part VI Section 9* and any other applicable requirements or regulations of this Bylaw ;

"Storage Yard" means a use:

- (a) where goods, motor vehicles or equipment are stored when they are not being used and may include long term storage where a fee is paid;
- (b) where the vehicles and equipment stored may also be serviced, cleaned or repaired;
- (c) that may involve the storage of construction material such oil and gas pipeline materials;
- (d) that does not involve the storage of any derelict vehicles or derelict equipment;
- (e) that does not involve the production or sale of goods as part of the use; and
- (f) that may have a building for the administrative functions associated with the Use;

"Structural Alterations" means adjustments or changes made to load bearing walls within a structure for which a building permit is required;

"Subdivision and Development Appeal Board" means a Subdivision and Development Appeal Board established by Council by Bylaw;

"Temporary" means a limited period of time as decided by the development authority ;

"Temporary Use" means a proposed land use or development where the intent is to operate the use or structure for a specified period of time, not to exceed one (1) year unless otherwise approved by the development authority in consideration of a land use that is temporary but has longer term requirements due to the specific use or project. Any temporary development permit application will state a date on which the development will cease. Temporary Uses shall be considered a discretionary use in all land use districts;

"Utilities" means any one or more of the following:

- (a) systems for the distribution of gas, whether artificial or natural;

- (b) facilities for the storage, transmission, treatment, distribution or supply of water;
- (c) facilities for the collection, treatment, movement or disposal of sanitary sewage;
- (d) storm sewer drainage facilities;

"Veterinary Clinic" means a use:

- (a) where animals or pets receive medical treatment; and
- (b) that may provide for the incidental sale of products related to the use; and
- (c) includes provision for their overnight accommodation but does not include
 - (i) kennels, outdoor pens, runs or enclosures;

"Warehousing" means a use:

- (a) where goods are stored and packaged inside a building;
- (b) where goods are transported to and shipped from the use;
- (c) where the building has loading docks and overhead doors;
- (d) that does not accommodate the manufacture of any goods;
- (e) that does not accommodate any display or sales area; and
- (f) that may have administrative functions associated with the use;

"Worship Facility" means any facility used for the purpose of spiritual worship. Examples may be, but are not limited to churches, temples, mosques, and synagogues;

"Yard" means a part of a parcel upon or over which no main building is erected.

"Yard, Front" means that part of the yard extended across the full width of a parcel, which is between the main building and the front line.

"Yard, Rear" means that part of the yard, extended across the full width of a parcel, which is between the main building and the rear parcel boundary.

"Yard, Side" means that part of the yard which is between the front and rear yards and between the main building and the side parcel boundary.

All other words and expressions have the meanings respectively assigned to them in the Municipal Government Act R.S.A. 2000 Ch. M.26-1 as amended.

PART II

Administrative Agencies

1. Development Authority

The Development Authority shall exercise development powers and perform duties on behalf of the municipality in accordance with Section 642 of the Municipal Government Act and may include:

(1) Development Officer

- such matters
hours,
legislation
- (i) The office of the Development Officer is hereby established, by resolution, to act on behalf of Council in those matters delegated by the Bylaw and in as may instruct from time to time;
 - (ii) The Development Officer must make available for inspection, during office all applications and decisions for development permits, subject to any in force restricting availability;
 - (iii) duties as are specified in *Part III Section 4* of this bylaw.

(2) Municipal Planning Commission

The Municipal Planning Commission, established by Bylaw in accordance with the Municipal Government Act, shall perform such duties as are specified in *Part III Section 4* of this bylaw.

(3) Subdivision and Development Appeal Board

The Subdivision and Development Appeal Board, established by Bylaw in accordance with the Municipal Government Act, shall perform such duties as are specified in *Part IV* of this bylaw.

2. Subdivision Authority

The Subdivision Authority, as established by Council, shall perform duties on behalf of the municipality in accordance with the Municipal Government Act, the Land Use Bylaw and all relevant Village of Halkirk planning documents.

3. Subdivision Authority – Powers and Duties

The Subdivision Authority shall:

- (a) keep and maintain for the inspection of the public copies of all decisions and ensure that copies of same are available to the public at a reasonable charge;
- (b) keep a register of all applications for subdivision, including the decisions therein and the reasons therefore;
- (c) receive all complete applications for subdivision including the required application fees and decide upon all applications in accordance with the Subdivision and Development Regulation and Land Use Bylaw with consideration of all comments received through circulation and the recommendations of the Municipal Planning Commission;
- (d) On receipt of an application for subdivision, review to ensure sufficient information is provided to adequately evaluate the application in accordance with *Part 1* of the Subdivision and Development Regulation;

- (e) Excepting subdivision applications not requiring circulation under the Municipal Government Act to circulate applications for subdivision for comments to those authorities and agencies as prescribed within the Subdivision and Development Regulation and this Land Use Bylaw and all comments to be added to the subdivision report;
- (f) Excepting subdivision applications not requiring circulation under the Municipal Government Act, to circulate applications for subdivision for comments to the County of Paintearth when the original parcel boundaries are adjacent to the municipal boundary or where an intermunicipal development plan requires or, at the discretion of the subdivision authority, where a subdivision application is not adjacent to the municipal boundary but has potential for land use impacts within the County of Paintearth;
- (g) Excepting subdivision applications not requiring circulation under the Municipal Government Act, the Subdivision Authority may proceed with processing of the application after thirty (30) days from the date of referral to authorities, agencies or landowners whether or not comments have been received;
- (h) prepare a subdivision report including all relevant information to the application, recommendations and any comments received from circulated agencies and review with the Municipal Planning Commission for municipal recommendations;
- (i) prepare, sign and transmit all notices of decision to the relevant agencies in accordance with the Subdivision and Development Regulation;
- (j) ensure all conditions are complied with prior to endorsement to the satisfaction of the municipality;
- (k) endorse Land Titles instruments to effect the registration of the subdivision of land;
- (l) advise the Council, Municipal Planning Commission and Subdivision and Development Appeal Board on matters relating to the subdivision of land;
- (m) appear before the Subdivision and Development Appeal Board or Municipal Government Board where appeals are made on subdivision application decisions.

PART III

Development Permit Application

1. Control of Development

No development other than those designated in *Development Not Requiring A Development Permit* shall be undertaken within the Municipality unless a development permit application for it has been approved and issued.

2. Development Not Requiring a Development Permit

It shall not be necessary to obtain a development permit for the following developments, but the development shall otherwise comply with the provisions of this Bylaw:

- (a) The carrying out of works of maintenance or repair to any building, including interior renovations, only if such works do not include structural alterations or major works of renovation which would affect changes in exterior design;
- (b) A temporary construction site building, the sole purpose of which is incidental to the erection or alteration of a building for which a development permit has been issued, and which is removed from the site on completion of the construction/alteration;
- (c) The erection or construction or replacement of one (1) accessory building per site, which does not exceed 9.3 m² (100 sq. ft.) in floor area and is not placed on a permanent foundation or connected to any utilities. Additional accessory buildings shall require a development permit application.
- (d) The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial, municipal, or public authorities on land which is publicly owned or controlled;
- (e) The construction, maintenance and repair of private walkways, pathways, driveways and other similar works;
- (g) The placement of signs that:
 - i. Are for the purpose of identification, direction and warning, not exceeding 0.9 m² (10 ft.²) and limited to one sign per parcel;
 - ii. Are temporary and are for the advertising of sale or lease of property, not exceeding 0.55 m² (6 ft.²) in area and not more than 1.8 m (6 ft.) in height;
 - iii. Relate to a person, partnership or company carrying on a profession; business or trade, not exceeding .28 m² (3 ft.²) and limited to one sign per parcel;
 - iv. Relate to an institution of a religious, educational, cultural, recreational, or similar character or to a residential motel, apartment block, club or similar institution, not exceeding 0.9 m² (10 ft.²) and limited to one sign per parcel;
 - v. Related to the function of Local Authorities and Utilities Boards; and
 - vi. Relate to a Home Occupation and which do not exceed 0.28 m² (3 sq. ft.) and are fixed to the principal or accessory building.
- (h) An official notice, sign, placard or bulletin required to be displayed pursuant to provisions of Federal, Provincial or Municipal Legislation;
- (i) The operation of home occupations, subject to the restrictions outlined in **Part VI**;
- (j) The erection or construction of gates, fences, walls or other means of enclosure (other than on corner lots or where abutting a road used by vehicular traffic) subject to the restrictions outlined in **Part VI**, and the maintenance, improvement

and other alterations of any gates, fences, or walls or other means of enclosure;

- (k) The use of land by the Village of which the Village is the legal or equitable owner for a purpose directed or approved by a two-thirds majority vote of Council in connection with any public utility carried on by the Village.

3. Application for a Development Permit

- (1) Any owner of a parcel, an authorized agent, or other persons having legal or equitable interest in the parcel may make application for a development permit to the Development Officer using the approved form and shall be accompanied by information as may be required by the Development Authority to evaluate the application including, but not limited to:
 - (a) a site plan showing the legal description and the front, rear and side yards, if any, and any provisions for off-street loading and vehicle parking and access and egress points to the site and the position and location of any existing building, roads, water bodies, trees or other physical features on the land to be developed.
 - (b) floor plans and elevations and sections if required by the Development Officer;
 - (c) a statement of the proposed uses;
 - (d) a statement of ownership of land and interest of the applicant therein;
 - (e) the estimated commencement and completion dates;
 - (f) the estimated cost of the projected or contract price;
 - (g) the development permit fee as set by Council;
 - (h) a surveyor's sketch or real property report if required by the Development Officer;
 - (i) **Damage Deposits:**
 - i. A damage deposit of per lot at the discretion of the Development Officer with the amount determined in consideration of the potential for damage to public infrastructure shall be paid upon receipt of a development permit. This requirement may be waived if, in the opinion of the Development Officer, there are no improvements abutting the property that could sustain damage during construction.
 - ii. The damage deposit shall be used by the Municipality to repair or replace damaged curb stops, valve boxes, manhole cover, catch-basins, culverts, pipelines, sidewalks, curbs and gutters, lanes, roads and any surface or underground improvement on or abutting the land which is covered by the construction or demolition activity.
 - iii. It is the owner's or agent's responsibility to ensure, prior to commencement of construction or demolition, there is no previous

damage. If there is existing damage, it shall be reported to the Municipal office before the work commences.

- iv. Rough landscaping (spreading of topsoil) must be completed before the damage deposit is refunded.
 - v. The property owner or agent is responsible to have the necessary improvement cleared and visible for the initial and final inspection by the Municipality.
 - vi. The property owner or agent shall apply to the Public Works Department for the refund of the damage deposit.
 - vii. When an application is made, the Public Works Department shall inspect the site for damage.
 - viii. If no damage has occurred, the deposit shall be refunded in full.
 - ix. If damage has occurred, the deposit shall be used to cover the cost and any outstanding amount shall be directed to the property owner.
 - x. Damage deposits cannot be transferred to another property.
- (j) any other information deemed necessary by the development officer.
- (2) The Development Authority may require additional copies of the application plans or specifications as well as such additional information as deemed necessary to sufficiently evaluate the application.

4. Deciding on Development Permit Applications

(1) The Development Officer shall:

- (a) receive, consider and decide on an application for a development permit for those uses listed as permitted for the relevant land use district and that comply with the minimum standards for that district;
- (b) receive, consider and decide on an application for gates, fencing, retaining walls, or other means of enclosure, of any height;
- (c) receive, consider and decide on all applications for home occupations;
- (c) refer, at the development officer's discretion, a permit application for an industrial development to those authorities (provincial and regional) whose interest or jurisdiction may be affected, for comments on the proposed development;
- (d) refer with recommendations, to the Municipal Planning Commission for its consideration and decision, applications for a development permit for Discretionary Uses and those uses which have been assigned to it for consideration and decision; and
- (e) refer to the Municipal Planning Commission any application which in his opinion should be decided by the Commission.

(2) The Municipal Planning Commission shall:

- (a) decide on applications for a development permit for those Discretionary Uses in the relevant land use district (excepting applications for Home Occupations and fencing);
- (b) approve the application unconditionally or impose conditions considered appropriate, either permanently or for a limited period of time, or refuse the application.
- (c) When making a decision on a development permit application for a discretionary use the Municipal Planning Commission must take into account:
 - (i) any plans and policies affecting the parcel;

- (ii) the purpose statements in the applicable land use district;
 - (iii) the appropriateness of the location and parcel for the proposed development;
 - (iv) the compatibility and impact of the proposed development with respect to adjacent development and the neighbourhood;
 - (v) the merits of the proposed development;
 - (vi) the servicing requirements;
 - (vii) access and transportation requirements;
 - (viii) vehicle and pedestrian circulation within the parcel;
 - (viii) sound planning principles.
- (3) An application may be approved where the proposed development does not comply with the required development standards of any land use district in this Bylaw if, at the discretion of the Municipal Planning Commission, the proposed development is in accordance with **Part VI** and all other bylaw requirements.
- (4) In the case where a proposed specific use of land or a building is not provided for in any district in the Bylaw, the Development Authority **shall not** have jurisdiction to approve the use in accordance with the Municipal Government Act. Any proposed development must conform with the use prescribed for that land or building in the land use bylaw (**MGA Sec. 687(3)(d)(ii)**). A Land Use Bylaw amendment approved by council shall be required to incorporate the lawful specific use of land in a land use district as a permitted or discretionary use prior to a development permit approval unless otherwise permitted in the land use bylaw;
- (5) The Development Authority may require, with respect to a development that, as a condition of issuing a development permit, the applicant enter into an agreement to do all or any of the following:
- (a) to construct or pay for the construction of public roadways required to give access to the development, or
 - (b) to construct or pay for the construction of pedestrian walkway systems, or
 - (c) to construct or pay for the construction of parking facilities and/or loading and unloading facilities, or
 - (d) to install or pay for the installation of utilities that are necessary to service the development, or
 - (e) to pay an off-site levy or redevelopment levy imposed by Bylaw.
- (6) If a development permit application is refused, the Development Officer need not accept another application for the same or similar use on the same parcel for six months from the date of refusal or appeal decision, whichever is the latter;
- (7) An application for a Development Permit, shall at the opinion of the Development Officer, be deemed to be refused when a decision thereon is not made within forty (40) days after the receipt of the application in its complete and final form by the Development Officer. The applicant may appeal in writing as provided for in **Part IV** as though the applicant had received a decision or refusal. This clause shall not apply if an applicant for a development permit enters into an agreement with the Development Officer to extend the 40 day time period;
- (8) The Development Authority may issue a temporary Development Permit, for a period not exceeding one year unless otherwise permitted in this bylaw;

- (9) If the development authorized by a permit is not commenced within the 12 months from the date of its issue, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Authority. Development shall be completed as determined by the completion date referenced on the Development Permit application or may be added as a development permit condition.

5. Application for Relaxation/ Variance of Bylaw Requirements

- (1) Where a development permit application is for a permitted or discretionary use in a building or on a parcel and the proposed development does not conform to all applicable requirements and rules of the Bylaw, the Development Authority may, in accordance with the following standards:
- (a) refuse to approve the development permit application; or
 - (b) approve the development permit application and grant a relaxation of the requirement or rule to which the proposed use does not conform.

- (2) The development officer, at its discretion, may relax the development standards within residential land use districts of **up to 10%** of the Land Use Bylaw requirement or defer a decision on a relaxation request to the Municipal Planning Commission;

- (3) The Municipal Planning Commission at its discretion may relax the development standards in any land use district **up to 20%**;

- (4) Notwithstanding Subsection (3) above, the Municipal Planning Commission or Subdivision Authority at its discretion, may relax the development standards beyond 20% in the following cases in accordance with the test for a relaxation as follows:

The test for a relaxation shall include the following criteria:

- (a) the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties;
- (b) the proposed development conforms with a use prescribed by this Bylaw for that land or building;
- (c) conformance to the purpose and intent of the Land Use District;
- (d) whether granting the relaxation would make the proposed development incompatible with existing developments or uses;
- (e) take into consideration the future land uses of the parcel and surrounding area as depicted in any adopted statutory plan or policy affecting the site;

- (5) The Development Authority may, as a condition of approving a development permit that does not comply with all of the applicable requirements and rules of this Bylaw require the applicant to conform to a higher standard than required by the applicable rules if, in the opinion of the Development Authority, conformance to a higher standard will off-set any impact of granting the relaxation.

6. Applications the Development Authority Must Refuse

- (1) The Development Authority must refuse a development permit application when the proposed development:

- (a) is for a use that is not listed as either a permitted or discretionary use in the governing land use district;
- (b) is for a use containing a restriction in its definition that is not met by the proposed use.

7. Development Permit Referrals & Notices

(1) Development Permit Application Referrals

- (a) Upon receipt of a complete application for development of a use listed as a Discretionary Use or that requires a variance, the Development Authority may, at their discretion, provide written notice to all adjacent landowners or a greater circulation area if potential for conflict is deemed to be probable;
- (b) refer at their discretion, a permit application for a development for comments to any officer, individual, group, department, agency, (provincial and regional) or adjacent municipality whose intent or jurisdiction may be affected;
- (c) The notice shall indicate the location and nature of the development proposal, the time and date a decision will be rendered on the application, copies of relevant drawings and a contact and a final date to submit comments;
- (d) After a minimum 14 days from the date of referral to any department/individual and/or to any other provincial, federal, or external agency, the Development Officer may present the application to the Municipal Planning Commission whether or not comments or recommendations have been received;
- (e) The Development Officer shall disclose to the Municipal Planning Commission whether a circulation was performed in regards to a development application for a discretionary use or an application that requires a variance and the extent of the circulation area;
- (f) In cases where the Development Officer has rendered a decision, this decision shall be circulated to the Municipal Planning Commission for their information.

(2) Development Permit Notification of Decision

- (a) A development permit granted pursuant to this Bylaw does not come into effect until it is determined that no notice of appeal has been served on the Subdivision and Development Appeal Board within the 14 day appeal period. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant;
- (b) Notwithstanding subsection (a), a development permit granted pursuant to this Bylaw, for a permitted use, where the provisions of this Bylaw have not been relaxed or varied, comes into effect on the date that the decision is made.
- (c) Where an appeal is made pursuant to *PART IV* of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined. The Subdivision and Development Appeal Board may approve or refuse the permit application in accordance with the Municipal Government Act;

- (d) When a Development Permit has been granted, the following **notification procedures** shall be followed:
- (i) in the case of a permit issued for a permitted use where the provisions of this Bylaw have not been relaxed or varied, the Development Officer is not required to notify adjacent or affected land owners;
 - (ii) for all Home Occupation permit applications, a notice in writing shall be immediately mailed to all adjacent landowners who, in the opinion of the Development Officer, may be affected;
 - (iii) in all other circumstances, a notice shall immediately be posted conspicuously on the property for which the Development Permit application has been made; and/or
 - (iv) a notice, in writing, shall be immediately mailed to all adjacent landowners and to all registered owners of land who, in the opinion of the Development Officer, may be affected; and/or
 - (v) a notice shall be immediately published in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved.
- (e) A decision by the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant;
- (f) When the Development Authority refuses an application for a development permit, the decision shall contain the reasons for the refusal and a copy of the notice of decision to be sent to the applicant;
- (g) If after the issuance of a development permit it becomes known to the Development Authority that:
- (i) the application for a development permit contains a misrepresentation;
 - (ii) facts have not been disclosed which should have been disclosed at the time of consideration of the application for the development permit; or
 - (iii) the development permit was issued in error;
 - (iv) the requirements or conditions of the development permit have not been complied with; or
 - (v) the applicant requests, by way of written notice to the Development Authority, the cancellation of the development permit, provided that commencement of the use, development or construction has not occurred.

the development permit may be suspended or cancelled by notice in writing, issued by the Development Authority to the applicant at the address given in the development permit application. Upon receipt of the written notice of suspension or cancellation, the applicant must cease all development and activities to which the development permit relates.

PART IV

Appeals

1. Appeal Procedure

- (a) An appeal may be made to the Subdivision and Development Appeal Board where the Development /Subdivision Approval Authority:
 - (i) Refuses or fails to issue a development permit to a person within 40 days of receiving the application;
 - (ii) Issues a development permit/subdivision approval subject to conditions;
 - (iii) Issues an order under **Part V Section 2** of this Bylaw;
 - (iv) Refuses or fails to issue a subdivision approval within 21/60 days (whichever period is applicable), of receipt of a completed application, unless the applicant has entered into an agreement with the Subdivision Approval Authority to extend the 21/60 day time period;
 - (v) Cancels or suspends a development permit under **Part V Section 2** of this Bylaw.
- (b) Notwithstanding Subsection (a), no appeals are allowed in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted;
- (c) The person applying for the permit or subdivision approval or affected by the order, or any other person affected by an order, decision or development permit, may appeal to the Subdivision and Development Appeal Board;
- (d) An appeal shall be made by serving a written notice of appeal to the Secretary of the Subdivision and Development Appeal Board accompanied by the fee as determined by Council within 14 days after the date of the order, decision or permit issued by the Development /Subdivision Approval Authority was either:
 - (i) First published in a newspaper circulating in the area, or
 - (ii) Posted on the site of the property the subject of the application, or
 - (iii) Received by the applicant,whichever of these occur first.
- (e) For the purpose of subsection (d), the date of receipt of the decision is deemed to be five (5) days from the date that the decision is mailed.

2. Public Hearing

- (a) Within 30 days of receipt of a notice of appeal, the Board shall hold a public hearing respecting the appeal;
- (b) The Subdivision and Development Appeal Board shall give at least 5 days notice in writing of the public hearing to:
 - (i) The appellant; and
 - (ii) The Development Officer from whose order, decision or development permit the appeal is made; and
 - (iii) Those adjacent land owners and registered owners of land in the municipality who were notified under **Part III (Section 7 (2) (d) (iv))** and any other person who in the opinion of the Board, is affected by the order, decision or permit; and
 - (iv) Such other persons as the Board specifies.
- (c) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:
 - (i) The application for the development permit or subdivision, the decision and the appeal there from; or
 - (ii) The Order of the Development Officer under **Part V**, as the case may be.

- (d) At the public hearing referred to in subsection (a), the Board shall hear:
 - (i) The appellant or any person acting on his behalf;
 - (ii) The Development Officer from whose order, decision or development permit the appeal is made;
 - (iii) Any other person who was served notice of the hearing and who wishes to be heard, or a person acting on the appellants behalf;
 - (iv) Any other person who claims to be affected by the order, decision or permit and that the Board agrees to hear or a person acting on their behalf.

3. Decision

- (a) The Board shall give its decision in writing together with reasons for that decision, within 15 days of the conclusion of the public hearing;
- (b) A decision made under this part of this Bylaw is final and binding on all parties, and subject only to appeal upon a question of jurisdiction or law pursuant to Section 688 of the Act. An application for leave to appeal to the Court of Appeal shall be made:
 - (i) To a judge of the Court of Appeal; and
 - (ii) Within 30 days after the issue of the order, decision, permit or approval sought to be appealed.

PART V

Enforcement & Administration

1. Contravention

- (a) Where a Development Officer finds that a development or use of land or buildings is not in accordance with:
- (i) The Municipal Government Act as amended, or the regulations; or
 - (ii) A development permit or subdivision approval; or
 - (iii) This Land Use Bylaw;
- the Development Officer may, by notice in writing, order the registered owner, the person in possession of the land or buildings or the person responsible for the contravention or any or all of them to:
- (i) Stop the development or use of the land or buildings in whole or in part as directed by the notice; and/or
 - (ii) Demolish, remove or replace the development; and/or
 - (iii) Take other such measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations, a development permit, subdivision approval or this Bylaw as the case may be; and
 - (iv) Stipulate the time period within which the contravention shall be remedied.
- (b) Any person who receives a notice under *Part III Section 7* of this Bylaw, may appeal to the Subdivision and Development Appeal Board in accordance with *Part IV*.

2. Enforcement

- (a) Where a person fails or refuses to comply with an order directed to him under subsection (1) or an order of the Subdivision and Development Appeal Board under *Section 687* of the Act within the time specified, the Council or a person appointed by it may, in accordance with *Section 646* of the Act, enter on the land or building and take such action as is necessary to carry out the order;
- (b) Where the Council or a person appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll of the parcel of land, and the amount:
- (i) is deemed for all purposes to be a tax imposed under the Act from the date that it was added to the tax roll; and
 - (ii) forms a special lien against the parcel of land in favor of the municipality from the date it was added to the tax roll.
 - (iii) A photocopy of the title for the property, as it currently exists at the Land Titles Office; and
 - (iv) All drawings submitted shall be to a standard to the satisfaction of the Development Officer.

3. Amending Bylaws

- (1) A person may apply to have this Bylaw amended, by applying with a complete application form and furnishing reasons in support of the application.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Officer to initiate an application therefore.
- (3) All applications for amendments of this Bylaw shall be made using the approved form, accompanied by:
 - (a) the application fee;

- (b) a statement of the applicant's interest in the land;
 - (c) any drawings, plans or maps required by the Development Officer to an acceptable standard to the satisfaction of the Development Officer;
 - (d) A photocopy of the current title for the property, as it currently exists at the Land Titles Office; and
 - (e) any documents as required by the Development Officer.
- (4) All amendments to this Land Use Bylaw shall be made by Council by bylaw and in accordance with the procedures set forth in the Act and regulations.
- (5) The Council, in considering an application for an amendment to this Land Use Bylaw, shall refer a copy of the proposed amendment to:
- (a) Palliser Regional Municipal Services,
 - (b) County of Paintearth, if the proposed amendment
 - (i) affects land on the boundary with that jurisdiction, or
 - (ii) may otherwise have an effect on the adjacent municipality, and
 - (c) such other persons or agencies as it considers necessary for comment.
- Prior to the public hearing for verbal or written comments that shall be presented at the public hearing.
- (6) If an application for an amendment to this Bylaw has been refused by Council, then Council need not accept an application for an amendment for the same use on the same parcel for twelve months from the date of the refusal.
- (7) Prior to third reading of the proposed by-law, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.

PART VI

General Land Use Regulations

1. Subdivision of Land

A development requiring subdivision of land shall not be issued a development permit until such time as subdivision approval has been received from the subdivision approval authority, or upon appeal from the Subdivision and Development Appeal Board or the Municipal Government Board.

2. Dwelling Units on a Parcel

- (a) No person shall construct or locate or cause to be constructed or located more than one dwelling on a lot unless:
 - (i) the second or additional dwelling is contained in a building designed for or divided into two or more dwelling units;
- (b) The Development Officer may issue a permit for a second or additional dwelling unit on a lot/parcel, if the proposed development would not:
 - (i) unduly interfere with the amenities of the neighborhood; and
 - (ii) materially interfere with or affect the use, enjoyment or value of the neighboring properties;and
 - (iii) the proposed development conforms with the use prescribed for that land or building in this Bylaw; and
 - (iv) the proposed development conforms to the standards and provisions of the Alberta Building Code.

3. Non-Conforming Buildings and Uses

- (a) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building shall conform with the provisions of the Land Use Bylaw in effect;
- (b) 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-complying building, shall not be enlarged or added to and no structural alterations shall be made thereto or therein;
- (c) 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 upon the lot while the non-conforming use continued;
- (d) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - (i) as may be necessary to make it a complying building, or
 - (ii) as the Development Officer considers necessary for the routine maintenance of the building, or
 - (iii) if, at the discretion of the Development Officer, the alterations do not increase the extent of non-compliance and are within all other requirements of this Bylaw, the development may be permitted.
- (e) If a non-conforming building is damaged or destroyed to the extent of more than 75 per cent 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;
- (f) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

4. **Fencing**

- (a) In a residential district, a fence or hedge located within the rear or side yard of a lot, shall not exceed 1.8m (6 feet) in height;
- (b) In a residential district, a fence or hedge located within the front yard of a lot shall not exceed 1.2m (4 feet) in height;
- (c) In a residential district, a fence or hedge located within a corner lot and along the street sides of the lot shall not exceed 1m (3.2 feet) in height;
- (d) The materials used in fence and wall construction shall be appropriate to the district in which they are located, and shall be in general conformity with the adjacent properties to the satisfaction of the Development Authority;
- (e) Swimming pools shall be fenced as required by the appropriate codes and standards to the satisfaction of the Development Officer

5. **Signs**

- (a) No signs shall be erected or affixed to private property without the consent of the property owner or tenant;
- (b) No signs shall be erected or affixed to public property without the prior consent of the relevant public authority;
- (c) All signs and sign structures shall be kept in a safe, clean and tidy condition, and if not so kept, may be required by the Development Officer to be renovated or removed;
- (d) No signs of any kind shall be permitted adjacent to a highway unless the prior approval of Alberta Transportation has been obtained;
- (e) No sign shall resemble or conflict with a traffic sign;
- (f) No signs other than those specified in **Section 6 Home Occupations**, shall be permitted in a residential district.

6. **Home Occupations**

- (a) Where the operator of a home occupation is not the registered owner of the dwelling unit proposed to be used for the home occupation, the applicant shall obtain written authorization from the registered owner(s);
- (b) There shall be no electrical or mechanical equipment which creates visual, audible or electrical interference in radio or television reception;
- (c) Outdoor storage of materials or equipment shall be limited to the accessory building or areas designated by the Development Officer;
- (d) The home occupation shall not create a nuisance by way of smoke, dust, noise or odour;
- (e) Signage related to a home occupation is restricted to one non-illuminated sign per site, attached to the building with a maximum size of 0.28m² (3.0 ft.²). The appearance of this sign shall be of a quality satisfactory to the Development Officer.

7. **Accessory Buildings and Uses**

- (a) An accessory building shall not be used as a dwelling;
- (b) An accessory building shall not be located in the front yard;
- (c) The height of an accessory building shall not exceed 4.5m (16 feet);
- (d) Where a structure is attached to the principal building by a roof, a floor or a foundation, then it is to be considered as part of the principal building and is not an accessory building;
- (e) The total combined floor area of all accessory buildings shall not exceed 15% of the site area;
- (f) An accessory building or use shall be located at least 2 m (6.5ft.) from any **principal building**;
- (g) The minimum side yard of an accessory building shall be 1m (3.28 ft.) except on corner lots;
- (h) On **corner lots**, the distance between an accessory building and the street flanking the lot shall not be less than the **side yard** requirement for the **principal building** if there is no vehicular access to the accessory building from the flanking street;

- (i) On **corner lots**, the distance between an accessory building and the street flanking the lot shall not be less than 3 m (9.85 ft.) from the property line when vehicular access to the accessory building is from the flanking street;
- (j) The minimum rear yard for an accessory building shall be 0.9m (3 ft.).

8. Accessory Buildings – Fabric covered

- (a) The Development Authority may issue a Development Permit to allow for the placement of a fabric covered or Air Supported Structure if:
 - (i) The shape and size of the lot is adequate to accommodate the proposed Structure,
 - (ii) The structure is not located in the front or side yards,
 - (iii) The approval of the proposal will not negatively impact existing surrounding uses;
- (b) The applicant shall provide the Development Authority with a site plan indicating the Structure location and setback distances from the Tent Structure and the property lines;
- (c) The applicant shall provide the Development Authority with any other information as the Development Authority deems appropriate having due regard to the merits of the proposal;
- (d) All Structures are only allowed as temporary uses and permits shall not exceed one year;
- (e) A Structure shall meet the setback requirements for an accessory building in the appropriate district.

9. Storage Structures

- (a) A storage structure shall meet the setback requirements for an accessory building in the appropriate district;
- (b) A storage structure shall be for cold storage only and shall not be connected to utilities;
- (c) A storage structure shall be screened from view as required by the Municipal Planning Commission and/ or may require exterior finishing to be in general conformance with the principal building or surrounding development;
- (d) A storage structure shall not be permitted in residential areas or on parcels where the primary land use is residential for permanent use;
- (e) A storage structure shall not be used as a sign;
- (f) A storage structure may be approved on a temporary basis during construction within any land use district.

10. Communication Tower

- (a) All communications towers require a development permit;
- (b) All communications tower permit applications shall include a site plan drawn to an appropriate scale identifying site boundaries; tower elevations; guy wire anchor locations; existing and proposed structures; vehicular parking and existing vegetation to be retained, removed or replaced; and the on the parcel and abutting parcels;
 - (c) The height of the tower structure is limited to the maximum height limit of the respective district, but antennas may be situated above that;
 - (d) Unless demonstrated impractical, communications towers shall be mounted on existing structures, including buildings or towers, or within transportation and utility corridors;
 - (e) A communication tower and antenna shall only be located in a rear yard, or a side yard that does not abut a street;
 - (f) On a corner parcel, a communications tower shall be situated so that no part of it is closer to the street than the main building;
 - (g) A communications tower base shall be setback from abutting parcels and roadways by a minimum distance of the tower height plus 20% or the distance between the tower base and the guy wire anchors, whichever is greater;

- (h) The appearance of a communications tower, including but not limited to landscaping and fencing, shall be to the satisfaction of the Municipal Planning Commission;
- (i) The Development Authority may require the applicant for a communications tower, as they may have a potential to have an adverse effect on the surrounding community, to undertake community consultation prior to an application being made. The applicant is required to submit a summary of their community consultation with the application outlining neighbours concerns and how these concerns will be addressed or why they cannot be addressed;
- (j) Industry Canada has the authority under the *Radiocommunications Act* to issue authorizations for the location of radio communication installations, and to approve all masts, towers and other antenna-supporting structures. Industry Canada considers the following when making decisions regarding communications installations: input from local land use authorities; compliance with NAV Canada and Transport Canada's painting and lighting requirements for aeronautical safety; Health CANADA's guidelines respecting limits of exposure to radio frequency fields; and any requirements outlined under the federal *Environmental Assessment Act*.

11. Development Permit for Temporary Buildings

- (a) Notwithstanding anything contrary in this Bylaw, the Municipal Planning Commission may conditionally approve a temporary building to be constructed or located in any land use district subject to the owner agreeing to remove such a building in accordance with the terms and conditions affixed by the Municipal Planning Commission.

12. Off-Street Parking

- (a) The number of off-street parking spaces for any development shall be according to the requirements set out for the Land Use District in which the space is located;
- (b) For multiple use sites, parking requirements shall be based on the calculation of parking required for each individual use;
- (c) A parking space shall not be less than 160 ft.² (14.8m²) in area and less than 8 feet (2.4m) wide.

13. Site Development

- (a) The design, siting, external finish, architectural appearance and landscaping generally of all buildings, including any accessory buildings or structures and signs, and any reconstruction shall be to the satisfaction of the Development Officer in order that these shall be in general conformity in such matters with adjacent buildings.

14. Projection Into Yards

- (1) Front Yards
 - Shade projections, bay windows, parts of chimney, unenclosed steps, decks, and balconies may, at the discretion of the Development Authority, project into a required front yard to a maximum of 1.5 m (5 ft.).
- (2) Side Yards
 - (a) Shade projections, bay windows, parts of chimney, unenclosed steps, decks, and balconies may, at the discretion of the Development Authority, project into a required side yard but must remain at least 1 m (3.28 ft.) from the property line.
 - (b) Eaves may project up to 50% of the required side yard.
- (3) Rear Yards
 - (a) Eaves, cantilevers, balconies, bay windows, enclosed decks, shade projections and chimneys may project a maximum of 1.5 m (4.9 ft.) over or onto a required rear yard.

- (b) Unenclosed decks and steps may project a maximum of 50% of the required rear yard.

15. Drainage

- (a) At the discretion of the Development Authority, the applicant shall be required to grade a parcel in such a manner that all surface water will drain from the building site to the back lane and/or front street.
- (b) The Development Authority at its discretion may establish parcel and building elevations as a development condition if it is felt that drainage will affect neighbouring parcels.
- (c) The Development Authority at its discretion may require the applicant to submit a storm drainage plan, indicating how drainage will be managed on the site.
- (d) The Development Authority at its discretion may require the applicant to install a catch basin or similar drainage system on site if it is felt that drainage will otherwise affect neighbouring parcels.

16. Utilities

- (a) A development shall not be permitted if the development is not served by the public sewer and water system or a provincially approved private system in accordance with Village policies and requirements;
- (b) A development shall not be permitted until satisfactory arrangements have been made by a developer for the supply of water, electric power, sewerage and street access to the development, including payment of costs of installing or constructing any such utility or facility by the developer as determined by Council.

17. Manufactured Homes

- (a) Foundation:
A permanent foundation shall be provided on the stand of each manufactured home lot capable of supporting the maximum anticipated load of the manufactured home at all seasons without settlement or other movement.
- (b) Skirting:
The undercarriage of each manufactured home shall be completely screened from view by the foundation or by skirting within 30 days of placement of the manufactured home.
- (c) Additions, Porches etc.:
All accessory structures such as steps, patios, porches, additions, skirting and storage facilities shall be factory pre-fabricated units or of a quality equivalent thereto, so that design and construction will complement the manufactured home. Additions to a manufactured home shall have a foundation and skirting equivalent to that of the manufactured home. All manufactured homes shall be provided with steps and landings to all entrances within 45 days of their placement.
- (d) Utilities:
Each manufactured home shall be connected to and be serviced by electrical power, natural gas, telephone, and the Village's sanitary sewer and water supply.
- (e) Age:
All manufactured home units shall have Canadian Standards Association (CSA) Certificates. Manufactured Homes constructed more than ten (10) years before the date of application for a development permit shall not be allowed. The Municipal Planning Commission in the performance of its duties in discretionary approval of Development Permits may relax this condition where it is satisfied that the manufactured Home meets the standards of manufactured Homes constructed within the last (10) ten years.

18. Relocation of Buildings

- (1) Where a development permit has been granted for the relocation of a building on the same site or from another site, the Development Authority may require the applicant to

provide a letter of credit to ensure completion of any renovations set out as a condition of approval of a permit.

- (2) All renovations to a relocated building are to be completed within one year of the issuance of the Development Permit.
- (3) All applications to relocate a building or structure shall be accompanied by a recent photograph of the structure. Where possible, the appearance of the structure shall be confirmed by the Development Officer.
- (4) The design, external finish and architectural appearance of any relocated structure shall be similar to complement the existing structures located on the parcels adjacent to the parcel on which it is to be located.

19. Secondary Suites

- (1) A secondary suite may be developed only in a single detached dwelling and only in those Land Use Districts where it is listed as a use;
- (2) Only one secondary suite shall be allowed per principal dwelling;
- (3) A secondary suite shall not exceed 40% of the total floor area of the principal building, including upper floors and basement combined and shall not be smaller than 38.0 sq. m. (400 sq. ft.);
- (4) A separate entrance door to a secondary suite shall not be located on any front building elevation facing a public street. Notwithstanding this, a single entry door providing access to an enclosed, shared landing area from which both the main dwelling unit and the secondary suite gain access, may be located on any front building elevation facing a public street;
- (5) Parking requirements shall be 1 parking space per secondary suite;
- (6) If parking space is provided in the required front yard, a minimum 30% of the front yard must remain as landscaped area.

PART VII

Land Use Districts

- (1) The Municipality is divided into districts as shown on the Land Use District Map in Appendix 'A'.
- (2) Each district that is shown on the Land Use District Map shall be known by the following identifying code:

Residential District	R
Commercial District	C
Industrial District	I
General Village District	G

- (3) District Boundaries:
 - (a) The locations of boundaries shown on the Land Use District Map shall be governed by the following rules:
 - Rule 1.* Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centre line thereof;
 - Rule 2.* Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line;
 - Rule 3.* In circumstances not covered by Rules 1 and 2, the location of the district boundary shall be determined:
 - (i) Using any dimensions given on the map;
 - (ii) Where no dimensions are given, measurement using the scale shown on the map.
 - (b) Where the exact location of the boundary of a land use district cannot be determined using the rules listed above, Council, by its own motion or on a written request, shall fix the location:
 - (i) in a manner consistent with the provisions of this Bylaw; and
 - (ii) with the appropriate degree of detail required.
 - (c) The location of a district boundary, once fixed, shall not be altered except by amendment to this Bylaw;
 - (d) The Council shall keep a list of its decisions fixing the locations of district boundaries.

(1) RESIDENTIAL DISTRICT "R"

The purpose of this district is to provide for a variety of residential housing types connected to the municipal sanitary and water systems.

(A) Permitted Uses

Accessory buildings and uses
Single-detached dwelling (all types excluding manufactured homes)

(B) Discretionary Uses

Accessory Building – Fabric Covered
Boarding and lodging houses
Communication Tower
Duplex or Semi-detached dwelling
Garden Suite
Home occupation
Manufactured Home
Manufactured Home Park
Multiple Dwelling Unit
Parks and playgrounds
Public or quasi-public buildings and uses
Public utility buildings and facilities
Secondary Suite
Worship facility

(C) Minimum Lot Sizes

(i) 3900 ft.² (362.31m²) for all dwelling types.
(ii) Other uses at the discretion of the Development Authority.

(D) Minimum Site Width

(i) 40 feet (12.19m) for a Single-detached dwelling.
(ii) Other uses at the discretion of the Development Authority.

(E) Front Yard

(i) 16 feet (4.87m) for Single-detached dwelling.
(ii) 12 feet (3.65m) for a manufactured home.
(iii) Other uses at the discretion of the Development Authority.

(F) Side Yard

(i) 4 feet (1.22m) for single-detached dwelling.
(ii) 5 feet (1.52m) for all other uses.

(G) Rear Yard

(i) 20 feet (6.01m)

(H) Floor Area

(i) 900 ft.² (83.61m²) for a single-detached dwelling.
(ii) All other uses at the discretion of the Development Authority.

(I) Maximum Height

(i) 33 ft. (10 m) for single-detached dwelling.
(ii) All other uses at the discretion of the Development Authority.

(J) Site Coverage

- (i) 40% for dwellings;
- (ii) unless otherwise approved by the Municipal Planning Commission, accessory buildings shall not exceed the floor area of the principal building;
- (iii) Total site coverage of all buildings and structures shall not exceed 60%
- (iv) Other uses at the discretion of the Municipal Planning Commission.

(K) Off-Street Parking

On-site parking shall be provided according to the following:

- (i) One (1) stall per dwelling unit for all residential uses.
- (ii) All other uses at the discretion of the Development Authority.

(L) Garbage and Waste Material

Garbage and waste material shall be stored in animal and weather proof containers, and be screened from adjacent sites and public thoroughfares.

(M) Multiple Unit Dwelling Special Requirements

All multiple unit dwellings shall be considered with attention to the following:

- (i) appropriate access/ egress and parking design;
- (ii) minimum yard requirements considered in accordance with the overall site design, building height, mass, density, and any other site planning considerations to reduce land use conflicts and nuisance effects with adjacent properties and to retain neighbourhood consistency;
- (iii) consideration for quality building and site aesthetics, design, function, landscaping, materials and site design;
- (iv) a site with multiple buildings shall be comprehensively planned utilizing site and building design to integrate and interface with the surrounding neighbourhood context.

(2) COMMERCIAL DISTRICT "C"

The purpose and intent of this district is to provide for multiple types of commercial development.

(A) Permitted Uses

Accessory buildings and uses
Artist's Studio
Financial institution
Funeral Home
Personal Service
Post Office
Professional or Administrative Office
Restaurant
Retail Store

(B) Discretionary Uses

Accessory building – fabric covered
Automotive Repair and Service
Automotive Vehicle Sales
Building Materials Storage and Sales
Communication Tower
Fabric Covered Building
Hotels and Motels
Licensed Beverage Establishment
Public and quasi-public buildings and uses
Residential uses accessory to the principal commercial use
Service Station
Storage Structure – Accessory to a Commercial use
Storage Yard
Veterinary Clinic
Warehouse
Workshop (cabinet maker, carpenter, decorator, electrician, gas fitter, laundry, metal worker, painter, plumber, printing, pipe fitting, upholsterer)

(C) Minimum Site Area

As required by the Development Authority.

(D) Front Yard

As required by the Development Authority, and consistent with the front yards provided by neighbouring buildings.

(E) Side Yard

- (i) 5 feet (1.52m) when adjacent to a residential district.
- (ii) Nil where a rated fire wall is provided.
- (iii) 4 feet (1.22m) abutting the flanking street on corner lots.

(F) Rear Yard

- (i) 10 feet (3.05m) when adjacent to a residential district.
- (ii) All other cases, as required by the Development Authority.

(G) Off-Street Parking

On-site parking shall be provided according to the following:
(i) Motels and Hotels One (1) stall per guest suite.

- (ii) Restaurants One (1) stall per ten (10) guest seats.
- (iii) All other uses at the discretion of the Development Authority.

(H) Garbage and Waste Material

Garbage and waste material shall be stored in animal and weather proof containers, and be screened from adjacent sites and public thoroughfares.

(I) Street Level Development

Street level frontage development in this district is reserved for commercial uses. Any accessory residential units shall be located at either the rear of the parcel, or be located above street level, above the primary commercial use.

(J) Screening

The Development Authority may prescribe the screening and landscaping for uses which involve the outdoor storage of goods, machinery, vehicles, building and waste materials, and other similar items.

(3) INDUSTRIAL DISTRICT "I"

The purpose and intent of this district is to provide for a variety of industrial and business uses which are compatible with each other and do not adversely affect non-industrial land uses.

(A) Permitted Uses

Accessory buildings and uses
Building materials storage and sales
Fabric Covered Building
Farm Machinery Sales and Service
Light Industrial
Storage Structure
Storage yard
Vehicle Service and Repair/ Sales
Veterinary Clinic
Warehouse
Workshop (cabinet maker, carpenter, decorator, electrician, gas fitter, laundry, metal worker, painter, plumber, printing, pipe fitting, upholsterer)

(B) Discretionary Uses

Auto Wrecker
Bulk Fertilizer Sales
Bulk Fuel Sales Depot
Feed mills, grain milling cleaning and drying
Grain Elevator
Heavy Industrial
Manufacturing, assembly repair, and maintenance of electrical and mechanical equipment
Manufacturing, packaging or assembly of articles from previously prepared materials
Manufacturing, assembly, repair and maintenance of oilfield equipment
One dwelling unit – accessory to a commercial/ industrial use
Public and quasi-public buildings and uses
Recycling facilities
Service station
Truck and freight terminal
Other similar uses

(C) Minimum Site Area

5000 ft². (464.5m²)

(D) Front Yard

As required by the Development Authority.

(E) Side Yard

- (i) 10 feet (3.05m) when adjacent to a residential district.
- (ii) In all other cases, at the discretion of the Development Authority.

(F) Rear Yard

- (i) 20 feet (6.10m) when adjacent to a residential district.
- (ii) In all other cases, at the discretion of the Development Authority.

(G) Parking

Parking requirements shall be determined at the discretion of the Development Authority, and shall be based on the evaluation of each individual application.

(H) Special Requirements

- (i) The operation of all uses in this district shall comply with the environmental and public health performance standards of the relevant Provincial Acts and Regulations. If the Development Authority believes that a proposed use may conflict with these standards, the application shall be referred to the relevant Provincial Department/Health Unit for clarification, prior to issuing the permit.

- (ii) The Development Authority may prescribe the screening and landscaping for uses which involve the outdoor storage of goods, machinery, vehicles, building and waste materials, and other similar items.

(4) GENERAL VILLAGE DISTRICT "G"

The purpose and intent of this district is to provide for a variety of community services, residential and general uses that do not create conflict within the district.

(A) Permitted Uses

Accessory buildings and uses
Campground
Community recreation facility
Extensive Agriculture
Parks and playgrounds
Public and quasi-public buildings
School
Worship Facility

(B) Discretionary Uses

Commercial uses listed as Permitted Uses in the "C" - Commercial District
Commercial uses listed as Discretionary Uses in the "C" - Commercial District
Communication Tower
Fabric Covered Building
Greenhouse
Home occupation
Manufactured home
Market garden
Senior's lodge
Single-detached dwelling

(C) Development Standards and Regulations

- (i) The Development Authority may require an Area Structure Plan or similar planning scheme before making a decision regarding any proposed subdivision or development.
- (ii) Where a proposed use is listed elsewhere in the Land Use Districts in this Bylaw, the standards governing yards, setbacks, height, etc., applied to that use in that district shall be applied to the proposed use in this district.
- (iii) In all other cases, the design, siting, site coverage, yards, height of buildings etc. shall be to the satisfaction of the Development Authority, who in determining a development permit shall take into account:
 - (a) The existing and prospective uses of land in the vicinity; and
 - (b) The impact the proposed development may have on the future orderly development of the Village, including the future establishment of residential, commercial, industrial, recreational and service uses and buildings.

FORMS

FORM A	APPLICATION FOR A DEVELOPMENT PERMIT
FORM B	APPLICATION FOR A DEVELOPMENT PERMIT (HOME OCCUPATION)
FORM C	STOP ORDER / ORDER OF COMPLIANCE
FORM D	LAND USE BYLAW/ STATUTORY PLAN AMENDMENT APPLICATION FORM
FORM E	APPLICATION FOR SUBDIVISION OR DEVELOPMENT APPEAL
FORM F	NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING
FORM G	NOTICE OF DECISION ON APPLICATION FOR A DEVELOPMENT PERMIT
FORM H	NOTICE OF DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD
FORM I	TIME EXTENSION AGREEMENT FOR DEVELOPMENT PERMIT
FORM J	APPLICATION FOR A DEMOLITION PERMIT

FOR ADMINISTRATIVE USE ONLY

Application # _____

Tax Roll # _____

Date Received _____

Application Fee _____

Village of Halkirk

FORM A

APPLICATION FOR A DEVELOPMENT PERMIT

I / We hereby make application for a development permit under the provisions of the Land Use Bylaw in accordance with the plans and supporting information submitted herewith which form part of this application.

APPLICANT INFORMATION:

NAME: _____ PHONE NO: _____

ADDRESS: _____

REGISTERED OWNER OF LAND (if different from applicant):

NAME: _____ PHONE NO: _____

ADDRESS: _____

LOCATION OF PROPOSED DEVELOPMENT:

CIVIC ADDRESS: _____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Reg. Plan No. _____

All / Part of the _____ 1/4 Section _____ Twp. _____ Range _____ West of 4th Meridian.

EXISTING USE OF PROPERTY: _____ LAND USE DISTRICT: _____

DETAILS OF DEVELOPMENT:

PROPOSED USE: _____

PROPERTY LINE SETBACKS: Front: _____ Rear: _____ Side: _____ Side: _____

HEIGHT: _____ FLOOR AREA: _____ SITE COVERAGE: _____ %

OFF-STREET PARKING PROVIDED: _____

ESTIMATED COMMENCEMENT: _____ COMPLETION: _____

INTEREST OF APPLICANT IF NOT OWNER OF PROPERTY: _____

OTHER SUPPORTING MATERIAL ATTACHED: _____

SIGNATURE OF APPLICANT: _____ DATE: _____

SIGNATURE OF REGISTERED OWNER: _____ DATE: _____

NOTE: THIS IS NOT A BUILDING PERMIT (such permit must be obtained separately).

The applicant is not excused from complying with the requirements of any federal, provincial or other municipal legislation, or the conditions of any easement, covenant, building scheme or agreement affecting the building or land.

IMPORTANT: SEE REVERSE SIDE

IMPORTANT NOTES:

1. A Development Permit issued pursuant to the Land Use Bylaw for a discretionary use or where a relaxation to the Land Use Bylaw requirements was approved shall not be valid until the lapse of fourteen (14) days after the notice of decision to grant a permit has been advertised in accordance with the Land use Bylaw requirements.
2. A Development Permit issued pursuant to the Land Use Bylaw is not a Building Permit and work or construction shall neither commence nor proceed until a Building Permit has been issued pursuant to all applicable bylaws and regulations.
3. If the development authorized by a Development permit is not commenced within twelve (12) months from the date of its issue, and completed within twenty-four (24) months of the date of its issue, the permit is deemed to be void unless an extension to this period shall first have been granted by the Development Authority.
4. When an appeal is made pursuant to the Land Use Bylaw a Development Permit which has been granted shall not be valid. The decision of the Subdivision and Development Appeal Board shall replace the previous decision.
5. Every application for a Development Permit shall be made by submitting to the Development Authority the prescribed form completed in duplicate, signed by the owner or his agent, and accompanied by the following:
 - a) If required by the Development Authority, building plans in duplicate, showing:
 - i) floor plans;
 - ii) elevations;
 - iii) exterior finishing materials.
 - b) site plans, in duplicate, showing:
 - i) the legal description and municipal address;
 - ii) dimensions of the site;
 - iii) if required by the Development Authority, utilities, site drainage, finished lot grades, the grades of the street and the location of proposed sewer and water lines of all proposed and existing buildings and structures including retaining walls, trees, landscaping and other features;
 - iv) a surveyor's certificate if required by the Development Authority.
 - c) an application for multiple family, commercial, industrial, recreational and institutional uses shall show:
 - i) loading and parking provisions;
 - ii) access locations to and from the site;
 - iii) garbage and storage areas and the fencing and screening proposed for same;
 - iv) location and approximate dimensions of existing and proposed culverts and crossings.
 - d) such other information as the Development Authority may require or as required in the Land Use Bylaw requirements.
 - e) Development Permit Fee as determined by Council.

APPEAL PROCEDURE:

6. An appeal of a decision of the Development Authority may be made by an affected person by serving written notice of appeal to the Secretary of the Development Appeal Board of the Village of Halkirk within fourteen (14) days after the notice of decision is given pursuant to the Land Use Bylaw notice requirements (as per Section 1 above).

FOR ADMINISTRATIVE USE ONLY

Application # _____

Tax Roll # _____

Date Received _____

Application Fee _____

Village of Halkirk

FORM B

**APPLICATION FOR A DEVELOPMENT PERMIT
(HOME OCCUPATION)**

I / We hereby make application for a development permit under the provisions of the Land Use Bylaw in accordance with the plans and supporting information submitted herewith which form part of this application.

APPLICANT INFORMATION:

NAME: _____ PHONE NO: _____

ADDRESS: _____

REGISTERED OWNER OF LAND (if different from applicant):

NAME: _____ PHONE NO: _____

ADDRESS: _____

LOCATION OF PROPOSED HOME OCCUPATION:

CIVIC ADDRESS: _____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Reg. Plan No. _____

All / Part of the _____ 1/4 Section _____ Twp. _____ Range _____ West of 4th Meridian.

EXISTING USE OF PROPERTY: _____ LAND USE DISTRICT: _____

DETAILS OF HOME OCCUPATION:

DETAILS OF BUSINESS: _____

DETAILS OF EQUIPMENT AND MATERIALS USED IN BUSINESS: _____

DETAILS REGARDING STORAGE OF EQUIPMENT/ MATERIALS: _____

NUMBER OF EMPLOYEES: _____ SIGNAGE: _____

The business is performed: On- Off-

Is the property used for office and administrative work only? Yes No

What part of the dwelling/ property is to be used for the business? _____ sq. ft. _____ %

Office Accessory Building Rear Yard

Vehicle used in the Business: _____

ADDITIONAL INFORMATION: _____

SIGNATURE OF APPLICANT: _____ DATE: _____

SIGNATURE OF REGISTERED OWNER: _____ DATE: _____

Village of Halkirk

FORM C

STOP ORDER/ ORDER OF COMPLIANCE

ORDER NO. _____

YOU ARE HEREBY NOTIFIED IN RESPECT OF THE DEVELOPMENT INVOLVING:

LOCATION OF DEVELOPMENT:

CIVIC ADDRESS: _____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Reg. Plan No. _____

All / Part of the _____ 1/4 Section _____ Twp. _____ Range _____ West of 4th Meridian.

THAT THIS DEVELOPMENT IS NOT IN ACCORDANCE WITH:

The *Municipal Government Act*, in respect to

The *Land Use Bylaw*, in respect to

Development Permit No. _____, in respect to

THEREFORE, pursuant to the Land Use Bylaw and the *Municipal Government Act*, you are hereby ordered to:

- Stop the Development
- Demolish/ remove/ replace the development
- Take the following measures

THIS ORDER SHALL BE COMPLIED WITH BY _____

Failure or refusal to comply with this Order may result in the Council of the Village of Halkirk or a person or persons appointed by it, entering upon the land or building and taking such action as is necessary to carry out the Order. In such circumstances, the Council shall cause the costs incurred to be placed on the tax roll, as an additional tax against the property concerned.

You may appeal this Order to the Subdivision and Development Appeal Board in accordance with the provisions of the Land Use Bylaw. Such an appeal shall be made in writing and shall be delivered personally or mailed so as to reach the secretary of the Subdivision and Development Appeal Board at the Village Office within 14 days following the date of issue of this notice.

DATE OF ISSUE OF ORDER: _____

SIGNATURE OF THE DEVELOPMENT AUTHORITY: _____

FOR OFFICE USE ONLY			
Date received:		File Number:	
Date accepted as complete:		Receipt Number:	Fee Paid:

OWNER AND APPLICANT INFORMATION

Name of Registered Owner : _____	
Phone: Home /Cell: _____	Address: _____
Work / Fax: _____	City: _____ Province _____
Email Address: _____	Postal Code _____
Name of Agent Authorized to Act On Behalf of Registered Owner : _____	
Phone: Home /Cell: _____	Address: _____
Work / Fax: _____	City: _____ Province _____
Email Address: _____	Postal Code _____

LEGAL LAND DESCRIPTION

Qtr / LSD	Sec.	Twp.	Rge.	Meridian	Lot:		
				W 4 th M	Block:		Plan:
MUNICIPALITY							

LAND USE

Existing Use of Land	<input type="checkbox"/> Agriculture Other:	<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Recreational
Proposed Use of Land	<input type="checkbox"/> Agriculture Other:	<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Recreational
TO THE COUNCIL AND PALLISER REGIONAL MUNICIPAL SERVICES, PLEASE ACCEPT THIS APPLICATION TO:					
Amend from _____ to _____					

SIZE OF THE EXISTING PARCEL (S) _____
PROPOSAL: _____ _____ _____
I / WE SUBMIT THE FOLLOWING IN SUPPORT OF MY/OUR APPLICATION: _____ _____ _____
(Attach any additional information.)

I / We certify that the information given on this form and attachments hereto are full and complete and are to the best of my/our knowledge a true statement of the facts concerning this application, and I / we are the registered owner(s).

REGISTERED OWNER OR PERSON ACTING ON THE REGISTERED OWNER'S BEHALF

I _____ hereby certify that I am the registered owner, or
(Print Full Name) I am the agent authorized to act on behalf of the
registered owner
and that the information given on this form is full and complete and is, to the best of my knowledge, a true
statement of the facts relating to this application for subdivision.

Address _____ (Signed) _____

Phone No. _____ Date _____

RIGHT OF ENTRY

I hereby authorize representatives of Palliser Regional Municipal Services and referral agencies to enter my land for the purpose of conducting a site inspection with respect to my subdivision application.

This right is granted pursuant to Section 653(2) of the Municipal Government Act.

Registered Owner's Signature

Further information may be provided by the Applicant on the reverse of this form.

PURPOSE OF THE PROPOSED AMENDMENT (Attach a detailed sketch if related to a specific parcel of land)

In the space below please provide a detailed summary of the purpose of your amendment application. Then attach a detailed sketch that **must show the location, dimensions, and boundaries of the proposed amendment** in relation to the existing title. The sketch should also **show all buildings, structures and other improvements on the land**, and indicate if they are to remain or to be demolished; the location of any existing sewage disposal systems on the land, the location of any wells, and the location of other features such as shelter belts, railways, creeks or other waterbodies, low land, other significant natural features, and any rights of way.

THE FOLLOWING SHOULD ACCOMPANY THIS APPLICATION

1. A photocopy of the title for the property.
2. A non-refundable application fee made payable to Palliser Regional Municipal Services

THIS SECTION FOR OFFICIAL USE:

DECISION: Circulated (date) _____

Public Hearing (date) _____

1st Reading of Bylaw No. _____ (date) _____

2nd Reading of Bylaw No. _____ (date) _____

The reasons for this decision are stated in the attached memorandum

Signed: _____ Date: _____
(Authorized Officer of Approving Authority)

FOR ADMINISTRATIVE USE ONLY

Application # _____

Tax Roll # _____

Date Received _____

Application Fee _____

FORM E

Village of Halkirk

APPLICATION FOR SUBDIVISION OR DEVELOPMENT APPEAL

APPLICANT INFORMATION:

NAME: _____ PHONE NO: _____

ADDRESS: _____

I/We hereby appeal the decision, order or permit issued by the Subdivision/
Development Authority with regard to:

APPLICATION NO. _____

Proposed Subdivision/ Development: _____

Reasons for Appeal: _____

Fee Submitted: _____

Signature _____

Date _____

Village of Halkirk

NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING

DEVELOPMENT PERMIT/ SUBDIVISION APPLICATION NO. _____

This is to notify you that an appeal has been made to the SUBDIVISION AND DEVELOPMENT APPEAL BOARD against a decision in respect of Development Permit/ Subdivision Application No. _____ which involves a development/ subdivision described as follows:

The decision of the Development Officer/Subdivision Authority was to:

- APPROVE
- APPROVE (with conditions)
- REFUSE

the development permit/subdivision application, with the following conditions/for the following reasons:

A Public Hearing of the Subdivision and Development Appeal Board has been scheduled, at which point the Board will hear arguments both for and against the above noted appeal.

PLACE OF HEARING: _____

TIME OF HEARING: _____

DATE OF HEARING: _____

Any person affected by the proposed development/subdivision has the right to present a written brief prior to the hearing and to be present and be heard at the hearing. Persons submitting the written briefs to the Secretary of the Subdivision and Development Appeal Board shall do so not later than _____

Village of Halkirk

For Office Use

NOTICE OF DECISION ON APPLICATION FOR A DEVELOPMENT PERMIT

APPLICATION NO.: _____

APPLICANT INFORMATION:

NAME: _____ PHONE NO: _____

ADDRESS: _____

LOCATION OF PROPOSED DEVELOPMENT:

CIVIC ADDRESS: _____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Reg. Plan No. _____

All / Part of the _____ 1/4 Section _____ Twp. _____ Range _____ West of 4th Meridian.

The Development as specified in Application No. _____ has been:

APPROVED

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

Applicant to obtain Building Permit & Inspections from Palliser Regional Municipal Services

- Municipal setback to be maintained as follows:**
 _____ Feet from the boundary of the municipal road
 _____ Feet from the front boundaries
 _____ Feet from the side lot boundaries
 _____ Feet from the rear boundaries

Application to obtain Approved Plumbing and/or Sewage Disposal Permit from Palliser Regional Municipal Services

Application to obtain Approved Electrical Permit & Inspection from Palliser Regional Municipal Services.

Application to obtain Approved Gas or Propane hook-up Permit & Inspection from Palliser Regional Municipal Services.

Other: _____

REFUSED FOR THE FOLLOWING REASON(S):

Date of Decision

Development Officer

Notice of Decision issued on the _____ day of _____, _____.

NOTE: A Development Permit issued pursuant to the Land Use Bylaw for a discretionary use or where a relaxation to the Land Use Bylaw requirements was approved shall not be valid until the lapse of fourteen (14) days after the notice of decision to grant a permit has been advertised in accordance with the Land use Bylaw requirements. If an appeal is lodged pursuant to the Municipal Government Act, a permit does not take effect until the Subdivision and Development Appeal Board has determined the appeal.

APPEAL PROCEDURE:

An appeal of a decision of the Development Authority may be made by an affected person by serving written notice of appeal to the Secretary of the Development Appeal Board of the Village of Halkirk Subdivision and Development Appeal Board within fourteen (14) days after the notice of decision is given pursuant to the Land Use Bylaw notice requirements.

Village of Halkirk

NOTICE OF DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

APPLICATION/SUBDIVISION NO.: _____

This is to notify you that an appeal against the

- APPROVAL
- APPROVAL WITH CONDITIONS
- REFUSAL

of a development permit/subdivision application with regard to the following:

was considered by the Subdivision and Development Appeal Board on _____, and the decision of the Subdivision and Development Appeal Board with regard to the appeal is as follows:

FINDINGS OF FACT:

DECISION:

REASONS:

Date

Signature of Secretary of Subdivision
and Development Appeal Board

NOTE: A decision of the Subdivision and Development Appeal Board is final and binding on all parties and persons and is subject only to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the Municipal Government Act. An application for leave to appeal the Appellate Division of the Supreme Court of Alberta shall be made:

- (a) to a Judge of the Court of Appeal, and
- (b) within 30 days after the issue of the order, decision, permit or approval sought to be appealed.

Village of Halkirk

TIME EXTENSION AGREEMENT FOR DEVELOPMENT PERMIT

Memorandum of AGREEMENT made in duplicate this _____ day of _____, 20__.

BETWEEN:

The Village of Halkirk

(hereinafter referred to as "the Village")

OF THE FIRST PART

-- and --

(hereinafter referred to as "the Developer")

OF THE SECOND PART

WHEREAS, the Developer wishes to develop those lands shown on the Application for a Development Permit Form A, Number _____, and dated _____ day of _____, 20__.

AND WHEREAS, the developer wishes to extend the time period for processing the development application beyond the normal 40 day period.

AND WHEREAS, the Village has received Form A and agrees to extend the time period for processing the development application as stipulated in the Municipal Government Act.

NOW THEREFORE THIS AGREEMENT WITNESSES AND THE PARTIES AGREE AS FOLLOWS:

The time period to process the development permit application is extended up to and including the _____ day of _____, 20__.

IN WITNESS WHEREOF, the Developer and the Village have caused to be hereto affixed their respective Corporate Seals or signatures, the day and year first written above.

Village of Halkirk

Development Officer

Applicant for Development Permit



Village of Halkirk
APPLICATION FOR DEMOLITION PERMIT

FORM J

1. REGISTERED LANDOWNER INFORMATION

Name(s): _____ (Please Print)
Address: _____ Postal Code: _____
Telephone: (Res.): _____ Work: _____ Cell: _____

APPLICANT OR PERSON AUTHORIZED TO ACT ON BEHALF OF THE REGISTERED OWNER
(If different than Registered Owner):

Name: _____ (Please Print)
Address: _____ Postal Code: _____
Telephone: (Res.) _____ Work: _____ Cell: _____

I hereby certify that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for development approval.

Signature of Registered Owner(s) (Required)

Signature of Person acting on Behalf of
Registered Owner(s)

Date of Application

2. LEGAL LAND DESCRIPTION

Plan: _____ Block _____ Lot _____
Civic Address of Proposed Demolition: _____
Existing Use: _____ Land Use District (Zoning): _____
Parcel Type (Check one) Interior Lot Corner Lot Parcel Area: _____

3. GENERAL DETAILS

a) Description of structure(s) to be demolished _____
b) Demolition materials removed to Transfer Station Other (Please specify) _____
c) Estimated Cost of Project or Contract Price _____
d) Estimated Commencement Date: _____ Completion on or before: _____
f) Contractor Address: _____ Postal Code: _____

4. ALBERTA BUILDING CODE GENERAL REQUIREMENTS FOR DEMOLITION:

1. Article 8.2.2.9: Services shall be shut off and gas and fuel lines shall be capped in a building being demolished.
2. Article 8.2.3.4: Portable fire extinguishers shall be installed and maintained in conformance with the requirements of NFPA 10 'Standard for Portable Fire Extinguishers'. The minimum rating for this site is a 2A: 10-B:C on the truck.
3. Article 8.2.72: Waste material shall be removed as quickly as possible from the site by means of an appropriate container.
4. Article 8.1.2.2: Where a building is undergoing demotion, precautions shall be taken to ensure that no person is exposed to undue risk. If basement is not in -filled excavation must be protected with a six foot chain link enclosure

I agree to carry out this demolition work in conformance to all Village of Halkirk By-Laws and the Alberta Building Code. Permission to do this work shall not relieve owners or agents from full responsibility for carrying out the work in strict accordance with the Village of Halkirk By-Laws, the Alberta Building Code and other conditions of this permit.

Authorized Signature: _____

- Please see reverse -

PLEASE NOTE: It is the responsibility of the **APPLICANT/CONTRACTOR** to ensure that all meters and services connected have been removed before demolition begins. Failure to do so could result in penalties being levied as per the Village of Halkirk Land Use Bylaw.





A final inspection must be completed upon completion of the demolition. Please contact Palliser Regional Municipal Services to arrange for an inspection.

Village of Halkirk



Appendix 'A' Land Use District Map

Legend

-  R - Residential
-  I - Industrial
-  G - General
-  C - Commercial



Areas are approximate and subject to change
Not Responsible for Errors or Omissions

Date: February 2012

