Welcome to Hill Spring

Prairie to Peak Perfection

Land Use Bylaw No. 2024-274

November 2023



VILLAGE OF HILLSPRING
IN THE PROVINCE OF ALBERTA

BYLAW NO. 107-277

BEING a bylaw of the Village of Hill Spring in the Province of Alberta, to adopt a Land Use Bylaw pursuant to section 639 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended and provide for its consideration at a public hearing;

AND WHEREAS, the Council of the Village of Hill Spring has determined the existing Land Use Bylaw is dated and wishes to adopt a new Land Use Bylaw for the purposes of:

- updating and establishing standards and procedures regarding the use and development of land within the municipality;
- incorporating new development standards for uses within the Village;
- amending the existing Land Use District Map to reflect land use redesignations and new districts; and
- complying with the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended.

AND WHEREAS the purpose of proposed Bylaw No. XXX is to foster orderly growth and development within the Village;

AND WHEREAS, a public hearing was conducted in accordance with Section 692 of the Act;

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council duly assembled does hereby enact the following:

1. Bylaw No. 107-274, being the former Land Use Bylaw, and any amendments thereto, is hereby rescinded.
2. Bylaw No. 107-277 shall come into effect upon third and final reading thereof.
3. Bylaw No. 107-277 is hereby adopted.

READ a **first** time this 17th day of October, 2023.

Mayor – Dwight Davis | *Chief Administrative Officer – Greg Robinson*

READ a **second** time this 21st day of November, 2023.

Mayor – Dwight Davis | *Chief Administrative Officer – Greg Robinson*

READ a **third** time and finally PASSED this 21st day of November, 2023.

Mayor – Dwight Davis | *Chief Administrative Officer – Greg Robinson*

VILLAGE OF HILL SPRING
IN THE PROVINCE OF ALBERTA

BYLAW NO. 2024-274
Revised Bylaw No. 107-277

BEING a bylaw of the Village of Hill Spring in the Province of Alberta, to revise Bylaw No. 107-277, being the Land Use Bylaw, to correct a typographical error.

WHEREAS Section 63(1) and 692(6) of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, provides that a council may by bylaw authorize the revision of a bylaw to make changes without materially affecting the bylaw in principle or substance, to correct clerical, technical, grammatical or typographical errors in the bylaw; and

WHEREAS a typographical error has been identified in Bylaw No. 107-277, the Land Use Bylaw, being that the bylaw number itself is a number that was previously used for a different bylaw, being a former (repealed) Subdivision and Development Appeal Board Bylaw; and

WHEREAS THE Council of the Village of Hill Spring deems it proper and expedient to correct the error and deems that the correction does not materially affect the bylaw in principle or substance;

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Village of Hill Spring in the Province of Alberta duly assembled does hereby enact the following:

1. The reading page and all other references to Bylaw 107-277 within the Land Use Bylaw are removed and replaced with Bylaw 2024-274.
2. That Bylaw 107-277 the Land Use Bylaw, shall now be known and referenced as Bylaw No. 2024-274, being the Land Use Bylaw.
3. Bylaw No. 2024-274 shall come into effect upon third and final reading thereof.
4. Bylaw No. 107-277 being the Land Use Bylaw, is hereby amended.

READ a **first** time this 19 day of NOV, 2024.

***Mayor** – Dwight Davis*

***Chief Administrative Officer** – Greg Robinson*

READ a **second** time this 19 day of NOV, 2024.

***Mayor** – Dwight Davis*

***Chief Administrative Officer** – Greg Robinson*

READ a **third** time and finally PASSED this 19 day of NOV, 2024.

***Mayor** – Dwight Davis*

***Chief Administrative Officer** – Greg Robinson*

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VILLAGE OF HILL SPRING

LAND USE BYLAW NO. 2024-274

ADMINISTRATION

GENERAL

SECTION 1 TITLE

1.1 This bylaw may be cited as the "Village of Hill Spring Land Use Bylaw."

SECTION 2 PURPOSE

2.1 The purpose of this bylaw is to, amongst other things:

(a) divide the municipality into districts;

(b) prescribe and regulate the use(s) for each district;

(c) establish a method for making decisions on applications for development permits and issuing development permits for a development;

(d) provide the manner in which notice of the issuance of a development permit is to be given; and

(e) implement the Village of Hill Spring Municipal Development Plan and other statutory plans of the municipality, as may be developed.

SECTION 3 EFFECTIVE DATE

3.1 This bylaw shall come into effect upon third and final reading thereof.

SECTION 4 REPEAL OF FORMER BYLAW

4.1 Village of Hill Spring Land Use Bylaw No. 107-274 and amendments thereto are hereby repealed.

SECTION 5 SEVERABILITY

5.1 If any provision of this bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions.

SECTION 6 COMPLIANCE WITH THE LAND USE BYLAW

6.1 No development, other than those designated in Schedule 3 of this bylaw (Development Not Requiring a Development Permit), shall be undertaken within the Village unless a development application has been approved and a development permit has been issued.

6.2 Notwithstanding Section 6.1, while a development permit may not be required pursuant to Schedule 3, development shall comply with all regulations of this bylaw.

SECTION 7 COMPLIANCE WITH OTHER LEGISLATION

7.1 Compliance with the requirements of this bylaw does not exempt any person undertaking a development from complying with all applicable municipal, provincial or federal legislation, and respecting any easements, covenants, agreements or other contracts affecting the land or the development.

SECTION 8 RULES OF INTERPRETATION

8.1 Unless otherwise required by the context, words used in the present tense include the future tense; words used in the singular include the plural; and the word person includes a corporation as well as an individual. The Interpretation Act, Chapter I-8, RSA 2000 as amended, shall be used in the interpretation of this bylaw. Words have the same meaning whether they are capitalized or not.

8.2 The written regulations of this bylaw take precedence over any graphic or diagram if there is a perceived conflict.

8.3 The Land Use Districts Map takes precedence over any graphic or diagram in the district regulations if there is a perceived conflict.

SECTION 9 MEASUREMENTS AND STANDARDS

9.1 All units of measure contained within this bylaw are metric (SI) standards. Imperial measurements and conversions are provided for information only.

SECTION 10 DEFINITIONS

10.1 Refer to Schedule 6 for definitions.

SECTION 11 FEES

11.1 For the purpose of administering the provisions of this bylaw, Council may authorize, by separate resolution or bylaw as may be applicable, the preparation and use of such fee schedules, forms or notices as in its discretion it may deem necessary. Any such fee schedules, forms or notices are deemed to have the full force and effect of this bylaw in execution of the purpose for which they are designed, authorized and issued.

11.2 Refund of application fees requires approval of the Village Council.

SECTION 12 APPENDICES

12.1 Appendix A: Forms is attached hereto is for information purposes only and may be amended from time to time as it does not form part of the Village of Hill Spring Land Use Bylaw.

12.2 Appendix B: Development and Subdivision Authority Bylaws are attached hereto for information purposes only and may be amended from time to time in accordance with Municipal Government Act and as a separate bylaw enacted by the Village, it does not form part of the Village of Hill Spring Land Use Bylaw.

12.2 Appendix C: Subdivision and Development Appeal Board Bylaw is attached hereto for information purposes only and may be amended from time to time in accordance with Municipal Government Act and as a separate bylaw enacted by the Village, it does not form part of the Village of Hill Spring Land Use Bylaw.

APPROVING AUTHORITIES

NOTE TO READER: *The term "Development Authority," where used in this Bylaw, refers to either the Development Officer or the Municipal Planning Commission (as the case may be), depending on the classification of a "use" in a specific land use district or where Council has chosen to specifically authorize one entity or the other, or both. Where the Development Officer or the Municipal Planning Commission are specifically named, the relevant provision is meant to apply specifically to that individual entity.*

SECTION 13 DEVELOPMENT AUTHORITY

13.1 The Development Authority is established in accordance with Bylaw No. 107-275.

13.2 Council shall make the decision on any development permit within any Direct Control district, unless specifically delegated by bylaw to the Municipal Planning Commission or the Development Officer.

13.3 The following are authorized to act in the capacity of Development Authority:

(a) Municipal Planning Commission,

(b) Chief Administrative Officer, or

(c) a designate(s) in accordance with the Municipal Government Act (MGA).

13.4 The Development Authority shall perform such powers and duties as are specified:

(a) in the Village of Hill Spring Municipal Planning Commission Bylaw;

(b) in this bylaw;

(c) in the MGA;

(d) where applicable, by resolution of Council.

SECTION 14 DEVELOPMENT OFFICER – POWERS AND DUTIES

14.1 The office of the Development Officer is hereby established, and such office shall be filled by one or more persons as appointed by resolution of Council.

14.2 The Development Officer:

(a) shall receive and process all applications for a development permit and determine whether a development application is complete in accordance with Section 28;

(b) shall refer to the Municipal Planning Commission all development permit applications for which decision-making authority has not been assigned to the Development Officer;

(c) may refer any development application to the Municipal Planning Commission for a decision and may refer any other planning or development matter to the Municipal Planning Commission for its review, comment or advice;

(d) shall maintain for the inspection of the public during office hours, a copy of this bylaw and all amendments thereto and ensure that copies of the same are available for public purchase;

(e) shall also establish and maintain a register in which shall be recorded the application made for a development permit and the decision made on the application, and contain any such other information as the Municipal Planning Commission considers necessary;

(f) except as provided in subsection (g), shall consider and decide on applications for a development permit for:

(i) permitted uses that comply with this Land Use Bylaw;

(ii) permitted uses that request one variance of a measurable standard not to exceed 10% excluding site coverage;

(iii) permitted uses on existing registered lots where the Municipal Planning Commission granted a variance(s) to the minimum lot width, length and/or area requirements as part of a subdivision approval;

(iv) landscaping;

(v) fences, walls or other types of enclosures; and

(vi) demolition;

(g) shall refer all development applications in a Direct Control district to Council for a decision, unless Council has specifically delegated approval authority to the Development Officer or the Municipal Planning Commission;

(h) shall notify adjacent landowners and any persons who are likely to be affected by a proposed development in accordance with Section 36 of this bylaw;

(i) shall receive, review, and refer any applications to amend this bylaw to Council;

(j) shall issue the written notice of decision and/or development permit on all development permit applications and any other notices, decisions or orders in accordance with this bylaw;

(k) may receive and consider and decide on requests for time extensions for development permits which the Development Officer has approved and shall refer to the Municipal Planning Commission those requests which the Municipal Planning Commission has approved;

(l) shall provide a regular report to the Municipal Planning Commission summarizing the applications made for a development permit and the decision made on the applications, and any other information as the Municipal Planning Commission considers necessary; and

(m) shall perform any other powers and duties as are specified in this bylaw, the Development and Subdivision Authority Bylaws, the MGA or by resolution of Council.

SECTION 15 SUBDIVISION AUTHORITY

15.1 The Subdivision Authority is authorized to make decisions on applications for subdivisions pursuant to the Subdivision Authority Bylaw 107-276, and may exercise only such powers and duties as are specified:

(a) in the municipality's Subdivision Authority Bylaw,

(b) in this bylaw,

(c) in the MGA, or

(d) by resolution of Council.

15.2 The Subdivision Authority may delegate, though any of the methods described in Section 15.1(a), (b) or (d), to any individual, municipal staff, or a regional services commission, any of its required functions or duties in the processing of subdivision applications. In respect of this:

(a) the delegation of duties by the Subdivision Authority may include the authorized entity being responsible for determining the completeness of a submitted subdivision application;

(b) the Subdivision Authority delegate is authorized to carry out the application process with subdivision applicants as described in the Subdivision Application Rules and Procedures section of the bylaw, including the task of sending all required notifications to applicants as stipulated.

SECTION 16 MUNICIPAL PLANNING COMMISSION

16.1 The Municipal Planning Commission may exercise only such powers and duties as are specified in the MGA, the Subdivision Authority and Development Authority Bylaw, this bylaw, or by resolution of Council.

16.2 The Municipal Planning Commission shall perform such powers and duties as are specified:

(a) in the Village of Hill Spring Municipal Planning Commission Bylaw;

(b) in this bylaw;

(c) in the MGA;

(d) where applicable, by resolution of Council.

16.3 The Municipal Planning Commission shall be responsible for:

(a) considering and deciding upon development permit applications referred to it by the Development Officer;

(b) providing recommendations on planning and development matters referred to it by the Development Officer or Council;

(c) considering and deciding upon requests for time extensions on development permit applications referred to it by the Development Officer;

(d) considering and deciding upon applications for subdivision approval;

(e) any other powers and duties as are specified in this bylaw, the Subdivision Authority and Development Authority Bylaw, the MGA or by resolution of Council.

SECTION 17 COUNCIL

17.1 Council shall be responsible for considering and deciding upon development permit applications within any Direct Control district, except where the decision-making authority has been delegated to the Municipal Planning Commission or the Development Officer.

SECTION 18 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

18.1 The Subdivision and Development Appeal Board (SDAB) is established by separate bylaw pursuant to the MGA and may exercise such powers and duties as are specified in this bylaw, the MGA and the Subdivision and Development Appeal Board Bylaw.

DEVELOPMENT AND SUBDIVISION IN GENERAL

SECTION 19 LAND USE DISTRICTS

19.1 The Village of Hill Spring is divided into those land use districts shown in Schedule 1 on the Land Use Districts Map.

19.2 The one or more uses of land or buildings that are:

(a) permitted uses in each district,

(b) discretionary uses in each district,

(c) prohibited uses in each district,

are described in Schedule 2.

19.3 A land use that is not listed as a permitted or discretionary use but which is reasonably similar in character and purpose to a permitted or discretionary use in that district may

be deemed a similar use by the Development Authority in accordance with Section 32 (Similar and Prohibited Uses).

19.4 A land use not listed as a permitted or discretionary use or not deemed a similar use in a district is a prohibited use and shall be refused.

SECTION 20 DEVELOPMENT IN MUNICIPALITY GENERALLY

20.1 A person who develops land or a building in the municipality shall comply with the standards of development specified in Schedules 4 and 5 in addition to complying with the use or uses prescribed in Schedule 2 and any conditions attached to a development permit, if one is required.

20.2 A person who develops land or a building in the municipality is also responsible for ascertaining, obtaining, and complying with the requirements of any federal, provincial, or other municipal legislation.

20.3 A person who develops land or a building in the municipality is responsible for any costs related to the servicing of that parcel or building.

SECTION 21 SUITABILITY OF SITES

21.1 Notwithstanding that a use of land may be permitted or discretionary or considered similar in nature to a permitted or discretionary use in a land use district, the Municipal Planning Commission or Development Officer, as applicable, may refuse to approve a subdivision or issue a development permit if there are aware of, or if in their opinion, the proposed building or use is not safe or suitable if the site:

(a) does not have safe legal and physical access to a maintained road in accordance with the Land Use Bylaw, other municipal requirements, or those of Alberta Transportation if within 300 m (984 ft) of a provincial highway or 800 m (2,625 ft) from the centre point of an intersection of a controlled highway and a public road;

(b) has a high water table, drainage/stormwater issues or soil conditions which make the site unsuitable for development or subdivision;

(c) is situated on an unstable slope;

(d) consists of unconsolidated material unsuitable for building;

(e) does not comply with the requirements of the South Saskatchewan Regional Plan, Matters Relating to Subdivision and Development Regulation or any other applicable Statutory Plans;

(f) is situated over an active or abandoned coal mine or oil or gas well or pipeline;

(g) is unsafe due to contamination by previous land uses;

(h) does not meet the minimum setback requirements from a sour gas well or bulk ammonia storage facility;

(i) does not have adequate water and sewer provisions;

(j) does not meet the lot size and/or setback requirements or any other applicable standards or requirements of the Village of Hill Spring Land Use Bylaw;

(k) is subject to any easement, caveat, restrictive covenant or other registered encumbrance which makes it impossible to build on the site.

21.2 Nothing in this section shall prevent the Development Officer or Municipal Planning Commission, as applicable, from issuing a development permit or approving a subdivision if the Development Officer or Municipal Planning Commission is satisfied that there is no risk to persons or property or that these concerns will be met by appropriate engineering measures or other mitigating measures and approvals from provincial and/or federal agencies have been obtained, as applicable.

SECTION 22 NUMBER OF DWELLING UNITS ON A PARCEL

22.1 No more than one dwelling unit shall be constructed or located or caused to be constructed or located on a parcel except as provided for in the land use district for which the application is made (e.g. accessory dwelling unit, two-unit dwellings, multi-unit dwellings or dwelling group) as permitted in the applicable land use district.

SECTION 23 NON-CONFORMING BUILDINGS AND USES

23.1 If a development permit has been issued on or before the day on which this bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

23.2 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 must conform with the Land Use Bylaw then in effect.

23.3 A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations shall be made to it or in it.

23.4 A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

23.5 A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:

(a) to make it a conforming building; or

(b) as the Development Officer considers necessary for the routine maintenance of the building, in accordance with the variance powers provided for in section 643(5)(c) of the MGA. Routine maintenance of the building may include the replacement of windows and doors, or adding attached uncovered steps.

23.6 If a non-conforming building is damaged or destroyed by more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this bylaw.

23.7 The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

SECTION 24 NON-CONFORMING VARIANCES

24.1 Where a proposed lot contains different dimensions than those prescribed within the land use district in effect, or will result in an existing or future building not conforming with the height or setback requirements prescribed within the district in effect, a variance may be approved where, in the opinion of the Development Officer or Municipal Planning Commission, the noncompliance with the district regulations is:

(a) minor in nature;

(b) consistent with the general character of the area; and

(c) does not interfere with the use, enjoyment or value of the neighbouring properties.

SECTION 25 DEVELOPMENT AGREEMENTS

25.1 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 with the municipality, pursuant to section 650(1) of the MGA, to do any or all of the following:

(a) to construct or pay for the construction of a road required to give access to the development;

(b) to construct or pay for the construction of a pedestrian walkway system to serve the development and/or connect with existing or proposed pedestrian walkway systems that serve adjacent development;

(c) to install or pay for the installation of public utilities, other than telecommunication systems or works, that are necessary to serve the development;

(d) to construct or pay for the construction of off-street, or other parking facilities and/or loading and unloading facilities;

(e) to pay an off-site levy or redevelopment levy;

(f) to give security to ensure that the terms of the agreement under this section are carried out.

25.2 The Subdivision Authority may require, with respect to a subdivision, that as a condition of issuing an approval for a subdivision, the applicant enter into an agreement with the municipality, pursuant to section 655(1)(b) of the MGA.

25.3 An agreement referred to in this section may require the applicant for a development permit or subdivision approval to oversize improvements in accordance with section 651 of the MGA.

25.4 A municipality may register a caveat under the Land Titles Act with respect to an agreement under this section against the Certificate of Title for the land that is the subject of the development, or for the parcel of land that is the subject of the subdivision.

25.5 If a municipality registers a caveat under this section, the municipality must discharge the caveat when the agreement has been complied with.

25.6 As a condition of subdivision approval, all agreements may be registered concurrently by caveat onto individual lots created.

25.7 The Developer shall be responsible for and within 30 days of the presentation of an account, pay to the Village all legal and engineering costs, fees, expenses and disbursements incurred by the Village through its solicitors and engineers for all services rendered in connection with the preparation, fulfilment, execution and enforcement of the agreement.

DEVELOPMENT PERMIT RULES AND PROCEDURES

SECTION 26 DEVELOPMENT PERMIT – WHEN REQUIRED

26.1 Except as otherwise provided for in Schedule 3 (Development Not Requiring a Development Permit), no development shall be commenced unless a development permit application has been approved, a development permit issued, and the development is in accordance with the terms and conditions of a development permit issued pursuant to this bylaw.

26.2 In addition to meeting the requirements of this bylaw, it is the responsibility of the applicant to ascertain, obtain and comply with all other approvals and licenses that may be required by other federal, provincial or municipal regulatory departments or agencies.

SECTION 27 DEVELOPMENT PERMIT APPLICATIONS

27.1 No person shall commence a development unless a development permit has been issued in respect of the proposed development.

27.2 An application for a development permit must be made by the registered owner of the land on which the development is proposed. An application may be made by a person who is not the registered owner of the land only with written consent of the owner or proof of ownership transfer. The Development Officer may request a current title documenting ownership and copies of any registered encumbrance, lien or interest registered on title.

27.3 An application for a development permit shall be made by submitting to the Development Officer the following as determined necessary by the Development Authority, which must be of a quality adequate to properly evaluate the application:

(a) a completed application, signed by the registered owner or authorized by the owner or proof of title transfer prior to registration at the Land Titles Office;

(b) the prescribed fee, as set by Council;

(c) a description of the existing and proposed use of the land, building(s) and/or structures and whether it is a new development, an alteration/addition, relocation or change of use and whether the use is temporary in nature;

(d) a computer-generated site plan or a plan acceptable to the Development Officer indicating:

(i) the location of all existing and proposed buildings and structures (including roof overhangs) and registered easements or rights-of-way, dimensioned to property lines and drawn to a satisfactory scale;

(ii) existing and proposed parking and loading areas, driveways, abutting streets, avenues and lanes, and egress and ingress;

(iii) where applicable, the location of existing and proposed utilities, wells, septic tanks, disposal fields, culverts and surface drainage patterns;

(iv) any additional information as may be stipulated in the standards of development;

(v) any such other information as may be required by the Development Officer or Municipal Planning Commission to evaluate an application including, but not limited to: conceptual design schemes, landscaping plans, building plans, lot grading and drainage plans, servicing and infrastructure plans, soil analysis, geotechnical reports or other reports regarding site suitability, Real Property Report, or a surveyors sketch;

(e) a copy of the approval letter from the appropriate authority stating that the proposal complies with the architectural controls caveat;

(f) computer-generated plans or color renderings acceptable to the Development Authority showing the interior development and exterior elevations including height, horizontal dimensions and finishing materials of all buildings, existing and proposed;

(g) documentation from the Alberta Energy Regulator (AER) identifying the presence or absence of abandoned oil and gas wells as required by the Matters Relating to Subdivision and Development Regulation.

SECTION 28 DETERMINATION OF COMPLETE DEVELOPMENT PERMIT APPLICATION

28.1 A Development Officer shall, within 20 days after the receipt of an application in accordance with Section 27 for a development permit, determine whether the application is complete for processing purposes.

28.2 An application is complete if, in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application.

28.3 The 20-day time period referred to in Section 28.1 may be extended by an agreement in writing between the applicant and the Development Officer, which would extend the time to determine completeness of the application.

28.4 If the Development Officer does not make a determination referred to in Section 28.1 within the time required under Section 28.1 or 28.3, the application is deemed to be complete for processing purposes.

28.5 If a Development Officer determines that the application is complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.

28.6 If the Development Officer determines that the application is incomplete, the Development Officer shall issue to the applicant a written notice indicating that the application is incomplete and specifying the outstanding documents and information to be provided, including but not limited to those required by Section 27. A submittal deadline for the outstanding documents and information shall be set out in the notice or a later date agreed on between the applicant and the Development Officer in order for the application to be considered complete.

28.7 If the Development Officer determines that the information and documents submitted under Section 28.6 are complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete for processing purposes, delivered by hand, mail or electronic means.

28.8 If the required documents and information under Section 28.6 have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under Section 28.6, the Development Officer shall return the application to the applicant accompanied by a written Notice of Refusal stating the application is deemed refused and the reasons for refusal.

28.9 Despite issuance of a Notice of Completeness under Section 28.5 or 28.7, the Development Officer in the course of reviewing the application may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

SECTION 29 PERMITTED USE APPLICATIONS

29.1 Upon receipt of a complete application for a development permit for a permitted use that conforms with this bylaw, the Development Officer:

(a) shall approve a development permit with or without conditions; or

(b) may refer the application to the Municipal Planning Commission for a decision.

29.2 Upon receipt of a complete application for a permitted use that requests a variance to any measurable standard of this bylaw, the Development Officer:

(a) may grant an 10% variance to any setback and/or a variance of up to but no more than 10 percent of any combination of other measurable standards of this bylaw for **new construction** and approve the development permit with or without conditions if, in the opinion of the Development Officer, the variance would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; or

(b) may grant an unlimited variance to any setback and any other measurable standards of this bylaw for **existing development** and approve the development permit with or without conditions if, in the opinion of the Development Officer, the variance would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; or

(c) will refer any application for a variance or variances which exceeds the percentages outlined in (a) above to the Municipal Planning Commission for a decision; and

(d) may refer the development application involving any request for a variance to any measurable standard of this bylaw to the Municipal Planning Commission for a decision; and

(e) is not required to notify adjacent landowners or persons likely to be affected prior to issuance of a decision on a development permit granting a variance under this section.

29.3 Upon receipt of a complete application for a permitted use for a variance(s) exceeding 10% of any measurable standard of this bylaw, or a variance of any other bylaw provision, the Development Officer shall refer the application to the Municipal Planning Commission for a decision pursuant to Section 34 (Variance of Bylaw Provisions).

29.4 The Development Officer or the Municipal Planning Commission may place any of the following conditions on a development permit for a permitted use:

(a) requirement for the applicant to enter into a development agreement;

(b) payment of any applicable off-site levy or redevelopment levy;

(c) geotechnical investigation to ensure that the site is suitable in terms of topography, soil characteristics, flooding subsidence, and erosion;

(d) alteration of a structure or building size or location to ensure any setback requirements of this Land Use Bylaw or the Subdivision and Development Regulation can be met;

(e) any measures to ensure compliance with the requirements of this Land Use Bylaw or any other statutory plan adopted by the Village of Hill Spring;

(f) easements and/or encroachment agreements;

(g) provision of public utilities, other than telecommunications systems or works, and vehicular and pedestrian access;

(h) repairs or reinstatement to the original condition of any curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise altered by development or building operations upon the site, to the satisfaction of the Development Officer or the Municipal Planning Commission;

(i) to give security to ensure the terms of the permit approval under this section are carried out which will be returned upon completion of the development to the satisfaction of the Village;

(j) time periods stipulating completion of development;

(k) requirement for a lot and/or construction stakeout conducted by an approved surveyor or agent;

(l) any measures to ensure compliance with applicable federal, provincial and/or other municipal legislation and approvals.

SECTION 30 DISCRETIONARY USE APPLICATIONS

30.1 Upon receipt of a complete application for a development permit for a discretionary use or a permitted use that requests a variance(s) exceeding 10% of any measurable standard or a variance of any other bylaw provision, the Development Officer shall:

(a) refer the application to the Municipal Planning Commission for a decision pursuant to Section 34 (Variance of Bylaw Provisions);

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 36 (Notification of Adjacent Landowners and Persons Likely Affected).

30.2 After consideration of any response to the notifications of adjacent landowners and other persons likely to be affected, including Cardston County, government departments and referral agencies as applicable, compatibility and suitability of the proposed use, and any other matters, the Municipal Planning Commission may:

(a) approve a development permit with or without conditions; or

(b) refuse to approve the development permit, stating reasons.

30.3 The Municipal Planning Commission may place any of the conditions stipulated in Section 29.4 (Permitted Use Applications) on a development permit for a discretionary use in any land use district, in addition to any other conditions necessary to ensure the quality, suitability and compatibility of a development with other existing and approved uses in the area.

SECTION 31 DIRECT CONTROL DISTRICTS

31.1 Upon receipt of a complete application for a development permit in a Direct Control district, the Development Officer:

(a) shall refer the application to Council for a decision, except where the decision-making authority has been delegated to the Municipal Planning Commission or the Development Officer; and

(b) may notify adjacent landowners and other persons likely to be affected in accordance with Section 36 (Notification of Adjacent Landowners and Persons Likely Affected).

31.2 After considering any response to notifications issued under Section 36, Council or the delegated decision making authority may:

(a) approve a development permit with or without conditions; or

(b) refuse to approve the development permit, stating reasons.

31.3 In accordance with section 685(4)(a) of the MGA, there is no appeal to the Subdivision and Development Appeal Board for a decision on an application for a development permit in a Direct Control district.

SECTION 32 SIMILAR AND PROHIBITED USES

32.1 Where a use is applied for which is not specifically considered in any land use district or defined elsewhere in the Land Use Bylaw, but is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the following process shall apply:

(a) the matter shall be referred by the Development Officer to the Municipal Planning Commission;

(b) the Development Officer shall notify persons likely to be affected in accordance with Section 39;

(c) the Municipal Planning Commission shall determine and make a ruling on the proposed use as to its similarity to a permitted or discretionary use in the district.

(d) If the use is deemed similar, the proposed use shall be reviewed by the Municipal Planning Commission as a discretionary use for that land use district.

(e) Given the above, if the application is approved by the Municipal Planning Commission, a development permit shall be issued in accordance with Section 30.

32.2 Where a use is not listed in a land use district as either discretionary or permitted and is not deemed similar in nature in accordance with Section 32.1, then that use is prohibited in the land use district.

SECTION 33 TEMPORARY USE

33.1 Where, in the opinion of the Development Authority, a proposed use is of a temporary nature, it may approve a temporary development permit valid for a period of up to one year for a use, provided the use is listed as a permitted use, discretionary use or deemed similar to a permitted or discretionary use in the applicable land use district.

33.2 Temporary use applications shall be subject to the following conditions:

(a) the applicant or developer is liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period;

(b) the Municipal Planning Commission may require the applicant to submit an irrevocable letter of credit, performance bond or other acceptable form of security guaranteeing the cessation or removal of the temporary use; and

(c) any other conditions as deemed necessary.

33.3 A use deemed temporary in nature shall be processed in accordance with Section 30. Notification of adjacent landowners and other persons likely to be affected, including Cardston County, government departments and referral agencies, shall be in accordance with Section 36 of this bylaw.

SECTION 34 VARIANCE TO BYLAW PROVISIONS

34.1 In accordance with section 640(6) of the MGA, the Development Officer or the Municipal Planning Commission may approve, with or without conditions, a development permit even though the proposed development does not comply with this bylaw if, in the opinion of the Development Authority:

(a) the proposed development would not:

(i) unduly interfere with the amenities of the neighbourhood; or

(ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and

(b) the proposed development conforms with the use prescribed for that land or building in this bylaw.

34.2 Upon receipt of a completed application for a development permit for a permitted use that requests a 10 percent variance to any setback and/or a variance of up to 10 percent of any combination of other measurable standards of this bylaw for **new construction**, the Development Officer may grant the variance and issue the development permit with or without conditions if, in the opinion of the Development Officer, the variance would meet the requirements of the MGA as outlined in Section 34.1(a) and (b).

34.3 Upon receipt of a completed application for a development permit for a permitted use that requests an unlimited variance to any setback and any other measurable standards of this bylaw for **existing building**, the Development Officer may grant the variance and issue the development permit with or without conditions if, in the opinion of the Development Officer, the variance would meet the requirements of the MGA as outlined in Section 34.1(a) and (b).

34.4 Upon receipt of a completed application for a permitted use that requests a variance exceeding the provisions of Section 34.2 or 34.3, or a discretionary use that requests a variance, the Development Officer:

(a) shall refer the application to the Municipal Planning Commission for a decision; and

(b) may be directed by the Municipal Planning Commission to notify adjacent landowners and persons likely to be affected in accordance with Administration Section 36 (Notification of Adjacent Landowners and Persons Likely to be Affected).

SECTION 35 LIMITATIONS ON VARIANCE PROVISIONS

35.1 In approving an application for a development permit, the Development Officer or Municipal Planning Commission shall adhere to the general purpose and intent of the appropriate land use district and to the following:

(a) a variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building which are not generally common to other land in the same land use district;

(b) where a variance is considered that will reduce the setback from any road as defined in the MGA, the Development Authority shall consider all future road construction

needs of the municipality as well as the transportation requirements of the parcel(s) or lot(s) affected.

SECTION 36 NOTIFICATION OF ADJACENT LANDOWNERS AND PERSONS LIKELY AFFECTED

36.1 Where notification of adjacent landowners and other persons likely to be affected is required, the Development Officer shall:

(a) mail (postal service or electronic) written notice of the application at least 10 days before the meeting of the Municipal Planning Commission to:

(i) adjacent landowners and other persons likely to be affected by the issuance of a development permit;

ii) Cardston County if, in the opinion of the Development Officer or the Municipal Planning Commission, the proposed development could have an impact upon land uses in the County or is adjacent to the County boundary; and

(iii) any other persons, government departments or referral agency that is deemed to be affected; or

(b) hand deliver written notice of the application at least 5 days before the meeting of the Municipal Planning Commission to the persons and agencies specified in subsection (a); or

(c) publish a notice of the application in a newspaper circulating in the municipality or the Village newsletter or post on the door of the Village Office at least 14 days before the meeting of the Municipal Planning Commission to the persons and agencies specified in subsection (a); or

(d) post a notice of the application in a conspicuous place on the property at least five days before the meeting of the Municipal Planning Commission to the persons and agencies specified in subsection (a); or

(e) any combination of the above.

36.2 In all cases, notification shall:

(a) describe the nature and location of the proposed use or development;

(b) state the place and time where the Municipal Planning Commission will meet to consider the application, and state how and when written or oral submissions on the application will be received and considered;

(c) specify the location at which the application can be inspected.

SECTION 37 NOTICE OF DECISION

37.1 Upon issuance of a development permit for a permitted use that complies with this bylaw, the Development Authority shall:

(a) mail or email a written notice of decision to the applicant; and

(b) notify persons likely to be affected by either:

(i) posting a copy of the decision in a prominent place in the Village Office for at least 21 days; or

(ii) publishing a notice of the decision on the official municipal website or newspaper circulated within the municipality; or

(iii) any combination of the above.

37.2 Upon issuance of a development permit for a discretionary use, similar use, temporary use, or an application involving a waiver, the Development Authority shall:

(a) mail a written notice of decision to the applicant; and

(b) notify persons likely to be affected by either:

(i) mailing a copy of the decision to those persons, departments and agencies; or

(ii) publishing a notice of the decision in a newspaper circulated within the municipality; or

(iii) post a notice of the application in a conspicuous place on the property; or

(iv) any combination of the above.

37.3 The Development Officer will give or send a copy of the written decision, specifying the date on which the written decision was given and containing any other information required by the regulations the same day the written decision is given.

37.4 For the purposes of Section 37.3, the "date on which the decision was made" means:

(a) the date the Development Authority signs the notice of decision or development permit; or

(b) the date the decision is posted in the newspaper;
whichever occurs later.

SECTION 38 COMMENCEMENT OF DEVELOPMENT

38.1 Despite the issuance of a development permit, no development is authorized to commence within 21 days after the date on which the decision was made.

38.2 If an appeal is made, no development is authorized pending the outcome of the appeal.

38.3 Any development occurring prior to the dates determined under Section 38.1 is at the risk of the applicant.

SECTION 39 DEVELOPMENT PERMIT VALIDITY

39.1 Unless a development permit is suspended or cancelled, the development must be commenced and carried out with reasonable diligence in the opinion of the Development Officer or the Municipal Planning Commission within 12 months from the date of issuance of the permit, otherwise the permit is no longer valid.

39.2 An application to extend the validity of a development permit may be made at any time prior to the expiration of the approved permit in accordance with Section 39.3, except for a permit for a temporary use which shall not be extended.

39.3 Upon receipt of a request to extend the validity of a development permit, the validity of a development permit may be extended for up to a period of one year by:

(a) the Development Officer or the Municipal Planning Commission if the permit was issued by the Development Officer;

(b) the Municipal Planning Commission if the permit was issued by the Municipal Planning Commission or approved on appeal by the Subdivision and Development Appeal Board.

39.4 When any use has been discontinued for a period of 6 months or more, any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued. This section does not apply to non-conforming uses which are regulated under section 643 of the MGA.

39.5 The Development Officer or the Municipal Planning Commission may place conditions on a development permit approval that stipulate a timeframe for the completion of a development.

SECTION 40 TRANSFERABILITY OF DEVELOPMENT PERMIT

40.1 A home occupation permit is non-transferable.

40.2 Any other valid development permit is transferable where the use remains unchanged, and the development is affected only by a change of ownership, tenancy, or occupancy.

SECTION 41 FAILURE TO MAKE A DECISION – DEEMED REFUSAL

41.1 In accordance with section 684 of the MGA, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Officer or the Municipal Planning Commission, as the case may be, is not made within 40 days of receipt of the complete application unless the applicant has entered into an agreement with the Development Officer or the Municipal Planning Commission to extend the 40-day decision period.

SECTION 42 REAPPLICATION FOR A DEVELOPMENT PERMIT

42.1 If an application for a development permit is refused by the Development Officer, the Municipal Planning Commission, or on appeal the Subdivision and Development Appeal Board, the submission of another application for a development permit on the same parcel of land for the same or for a similar use of the land may not be accepted by the Development Officer for at least six (6) months after the date of refusal.

42.2 If an application was refused solely because it did not comply with the standards of this bylaw or was refused as an incomplete application under Section 28, the Development Officer may accept another application on the same parcel of land for the same or similar

use before the time period referred to in Section 42.1 has lapsed, provided the application has been modified to comply with this bylaw.

SECTION 43 SUSPENSION OR CANCELLATION OF A PERMIT

43.1 If after a development permit has been issued, the Development Officer or the Municipal Planning Commission determines that:

(a) the application contained a misrepresentation;

(b) facts were not disclosed which should have been at the time of consideration of the application for the development permit;

(c) the development permit was issued in error; or

(d) the applicant withdrew the application by way of written notice;

the Development Officer or the Municipal Planning Commission may suspend or cancel the development permit by notice in writing to the holder of it stating the reasons for any suspension or cancellation.

43.2 Upon receipt of the written notification of suspension or cancellation, the applicant must cease all development and activities to which the development permit relates.

43.3 A person whose development permit is suspended or cancelled under this section may appeal within 21 days of the date the notice of cancellation or suspension is received to the Subdivision and Development Appeal Board.

43.4 If a development permit is suspended or cancelled, the Subdivision and Development Appeal Board shall review the application if an appeal is filed by the applicant and either:

(a) reinstate the development permit; or

(b) cancel the development permit if the Development Officer or the Municipal Planning Commission would not have issued the development permit if the facts subsequently disclosed had been known during the consideration of the application; or

(c) reinstate the development permit and may impose such other conditions as are considered necessary to ensure that this bylaw or any statutory plan is complied with.

SUBDIVISION RULES AND PROCEDURES

SECTION 44 SUBDIVISION APPLICATIONS

44.1 An applicant applying for subdivision shall provide the required material and information as requested by the Subdivision Authority or its designate. A complete application shall consist of:

(a) an official application, in the manner and form prescribed, clearly and legibly completed with all the required information and signatures provided as requested on the form; and

(b) the applicable fees paid; and

(c) an up-to-date and current copy of the Certificate of Title to the subject land; and

(d) a surveyors sketch or tentative subdivision plan with dimensions, structures, location of private sewage disposal system, professionally prepared; and

(e) provincial abandoned gas well information; and

(f) any such other information as may be required at the discretion of the Subdivision Authority in order to accurately evaluate the application and determine compliance with the Land Use Bylaw or other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, soil or slope stability analysis, drainage information, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of a conceptual design scheme or an area structure plan prior to a decision being rendered on a subdivision application to determine the suitability of the land for the proposed use; and

(g) the consent to authorize the Subdivision Authority or its designate to carry out a site inspection on the subject land as authorized in accordance with the MGA must also be provided on the submitted application form unless determined not to be needed by the Subdivision Authority.

44.2 In accordance with the MGA, the Subdivision Authority or those authorized to act on its behalf, shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete, or if it is determined to be deficient what information is required to be submitted by a specified time period, by sending notification in the following manner:

(a) for an application deemed complete, the applicant shall be notified in writing as part of the formal subdivision application circulation referral letter;

(b) for an application determined to be incomplete, written notification shall be given to the applicant which may be in the form of a letter sent by regular mail to the applicant, or sent by electronic means, or both, or by any other method as may be agreed to between the applicant and Subdivision Authority;

(c) in respect of subsection (b) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the Notice of Incompleteness what the outstanding or required information items are that must be submitted by the time specified in the notice.

44.3 Notwithstanding Section 44.2, the applicant and Subdivision Authority may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the MGA to extend the 20-day decision time period to determine whether the subdivision application and support information submitted is complete.

44.4 A determination made by the Subdivision Authority that an application is complete for processing does not preclude the ability for the Subdivision Authority to request other

information or studies to be submitted by the applicant during the review and processing period, prior to a decision being rendered, or as condition of subdivision approval.

SECTION 45 INCOMPLETE SUBDIVISION APPLICATIONS

45.1 The Subdivision Authority may refuse to accept and process a subdivision application where the information required under Section 44 and/or as described in a Notification of Incompleteness has not been submitted, is determined to be deficient, is still incomplete, or in the opinion of the Subdivision Authority the quality of the material supplied is inadequate to properly evaluate the application.

45.2 If the Subdivision Authority makes a determination that the application is refused due to incompleteness, the applicant shall be notified in writing with reasons in the manner as described in Section 44.2.

45.3 The notification provided for in Section 44.2(b) shall include for the applicant the required information on the filing of an appeal and to which appeal board body the appeal lies, either the local appeal board or provincial Municipal Government Board, in accordance with the parameters of the MGA.

ENFORCEMENT AND APPEALS

SECTION 46 SUBDIVISON AND DEVELOPMENT APPEALS

46.1 Any person applying for a development permit or any other person affected by an order, decision or development permit made or issued by the Development Officer or the Municipal Planning Commission may appeal such an order or decision to the Subdivision and Development Appeal Board or the Land and Property Rights Tribunal in accordance with the procedures described in the MGA.

46.2 The applicant may appeal a subdivision decision, and any condition attached to the decision, to the Subdivision and Development Appeal Board or the Land and Property Rights Tribunal in accordance with the procedures described in the MGA.

46.3 An appeal to the local Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal with reasons to the Subdivision and Development Appeal Board and shall be accompanied by the applicable fees.

SECTION 47 GENERAL PROVISIONS

47.1 A Development Officer may enforce the provisions of the MGA and its regulations, the conditions of a permit or subdivision approval, and this bylaw. Enforcement may be by notice of violation, stop orders, or any other authorized action to ensure compliance.

Right of Entry

47.2 After reasonable notice (generally to mean 48 hours' notice) to the owner or occupant in accordance with the MGA, a Development Officer may enter property at reasonable times

(generally to mean 7:30 AM to 10:00 PM) to ascertain if bylaw requirements are being met.

47.3 A person shall not prevent or obstruct the Development Officer from carrying out any official duty under this bylaw. If consent is not given, the Village of Hill Spring may apply for an authorizing order.

Contravention of Bylaw

47.4 Any owner, lessee, tenant or occupant of land, a building, a structure or a sign thereon, who, with respect to such land, building, structure:

(a) contravenes; or

(b) causes, allows or permits a contravention of any provision of this bylaw;

commits an offence.

47.5 It is an offence for any person to:

(a) construct a building or structure,

(b) make an addition or alteration thereto, or

(c) place a sign on land,

for which a development permit is required but has not been issued or is not valid under this bylaw.

Warning Notice

47.6 A Development Officer may issue a warning notice outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures.

SECTION 48 NOTICE OF VIOLATION

48.1 Once the Village has found a violation of this bylaw, the Development Officer may notify either the owner of the land, the building or the structure, the person in possession of the land, building or structure, the person responsible for the violation or any or all of them, of the contravention of this bylaw, by:

(a) delivering a Notice of Violation either in person or by ordinary mail to the owner of the land, building or structure at the address listed on the tax roll for the land in question; or

(b) delivering a Notice of Violation either in person or by ordinary mail to the owner of a sign, at a location where the owner carries on business.

48.2 Such notices shall include the:

(a) nature of the violation,

(b) corrective measures required to comply, and

(c) time period within which such corrective measures must be performed.

48.3 The appearance of the name of an individual, organization, corporation or ownership on a sign is prima facie proof that the individual, organization, corporation or owner named

thereon caused, suffered or permitted the sign to be placed on land, and is responsible for any contravention of the provisions of this bylaw.

48.4 The Village is not required to issue a Violation Notice before commencing any other enforcement action under the MGA, or this bylaw, or at all.

SECTION 49 STOP ORDERS

49.1 As set forth in the MGA, the Development Authority is authorized to issue an order under section 645 of the MGA if a development, land use or use of a building is not in accordance with the MGA, the Subdivision and Development Regulation, a development permit or subdivision approval, or this bylaw.

49.2 A person who receives notice pursuant to Section 49.1 may appeal the order to the Subdivision and Development Appeal Board in accordance with the MGA.

49.3 Pursuant to section 646 of the MGA, if a person fails or refuses to comply with an order directed to the person under section 645 or an order of a Subdivision And Development Appeal Board under section 687, the Development Officer may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

49.4 The Village may register a caveat under the Land Titles Act in respect of an order referred to in Section 49.1 against the Certificate of Title for the land that is the subject of an order.

49.5 If a caveat is registered under Section 49.4, the Village must discharge the caveat when the order has been complied with.

49.6 If compliance with a stop order is not voluntarily effected, the Village may undertake legal action, including but not limited to, seeking injunctive relief from the Alberta Court of Queen's Bench pursuant to section 554 of the MGA. In accordance with section 553 of the MGA, the expenses and costs of carrying out an order under section 646 of the MGA may be added to the tax roll of the parcel of land.

SECTION 50 PENALTIES AND RIGHT OF ENTRY

50.1 Any person who contravenes any provision of this bylaw is guilty of an offence in accordance with Part 13, Division 5, Offences and Penalties of the MGA and is liable to a fine of not more than $10,000 or to imprisonment for not more than one year or to both fine and imprisonment.

50.2 In accordance with section 542 of the MGA, a Development Officer may, after giving reasonable notice to and obtaining consent from the owner or occupier of land upon which this bylaw or MGA authorizes anything to be inspected, remedied or enforced or done by a municipality:

(a) enter on that land at a reasonable time and carry out inspection, enforcement, or action authorized or required by the enactment or bylaw;

(b) request anything to be produced to assist in the inspection, remedy, enforcement or action; and

(c) make copies of anything related to the inspection, remedy, enforcement or action.

50.3 If a person refuses to grant consent or refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in section 542 of the MGA, the municipality under the authority of section 543 of the MGA may obtain a court order.

AMENDMENTS TO THE LAND USE BYLAW

SECTION 51 PROCESS TO AMEND THE LAND USE BYLAW

51.1 Any person or the Village may initiate amendments to the Village of Hill Spring Land Use Bylaw by submitting an application to the Development Officer.

51.2 All applications for amendment shall be submitted using the applicable form in Appendix A, and be accompanied by any additional information, as deemed necessary by the Development Officer to process the application.

51.3 The Development Officer may refuse to accept an application if, in his/her opinion, the information supplied is not sufficient to make a proper evaluation of the proposed amendment.

51.4 Council or the Development Officer may refer the application to the Municipal Planning Commission for their recommendation.

51.5 The Development Officer shall forward the application to Council for consideration if he/she is satisfied sufficient information has been provided with the application.

51.6 Public hearing and notification requirements shall be in accordance with section 692 of the MGA.

51.7 Where an application for an amendment to the Village of Hill Spring Land Use Bylaw has been refused by Council, another application that is the same or similar in nature shall not be accepted until at least 12 months after the date of refusal.

51.8 Where an application has been significantly changed, Village Council may accept an application prior to the end of the 12-month period specified in Section 51.7.

SECTION 52 LAND USE REDESIGNATION APPLICATION REQUIREMENTS

52.1 A request for redesignation from one land use district to another shall be accompanied by:

(a) a completed application form and the applicable fee;

(b) a copy of the Certificate of Title for the lands, dated not more than 60 days prior to the date on which the application was made;

(c) a narrative describing the:

(i) proposed designation and future uses(s);

(ii) consistency with the applicable statutory plans;

(iii) compatibility of the proposal with surrounding uses and zoning;

(iv) development potential/suitability of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, floodplain, steep slopes, etc.);

(v) availability of facilities and services (sewage disposal, domestic water, gas, electricity, fire and police protection, schools, etc.) to serve the subject property while maintaining adequate levels of service to existing development;

(vi) any potential impacts on public roads; and

(vii) any other information deemed necessary by the Development Officer or Council to properly evaluate the proposal.

(d) conceptual lot design, if applicable;

(e) a geotechnical report prepared by an engineer registered with the Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA), addressing the following but not limited to:

(i) slope stability,

(ii) groundwater,

(iii) sewage,

(iv) water table, and

(v) flood plain analysis,

if deemed necessary by the Development Officer, or Council;

(f) an evaluation of surface drainage which may include adjacent properties if deemed necessary by the Development Officer, or Council; and

(g) any other information deemed necessary by the Development Officer, or Council to properly evaluate the application.

52.2 An Area Structure Plan or Conceptual Design Scheme shall be required in conjunction with a redesignation application, or unless determined otherwise by Council, when:

(a) multi-lot residential development resulting in the creation of more than three lots or which has the potential to trigger capacity upgrades or expansion of infrastructure; or

(b) as required by Council.

SECTION 53 REDESIGNATION CRITERIA

53.1 When redesignating land from one land use district to another, Council considerations shall include the following:

(a) compliance with applicable standards and provisions of the Village of Hills Spring Land Use Bylaw;

(b) consistency with the Municipal Development Plan and any other adopted statutory plans;

(c) compatibility with adjacent uses;

(d) development potential/suitability of the site;

(e) availability of facilities and services (sewage disposal, domestic water, gas, electricity, police and fire protection, schools, etc.) to serve the subject property and any potential impacts to levels of service to existing and future developments;

(f) cumulative impact to the Village;

(g) potential impacts on public roads;

(h) setback distances contained in the Matters Relating to Subdivision and Development Regulation;

(i) supply of suitably developable land;

(j) public comment and any applicable review agency comments; and

(k) any other matters deemed pertinent.

ADMINISTRATION DEFINITIONS

SECTION 54 DEFINITIONS

The following definitions shall apply to the entire bylaw.

A

APPROVED USE means a use of land and/or building for which a development permit has been issued by the Development Authority or the Subdivision and Development Appeal Board.

AREA STRUCTURE PLAN means a statutory plan prepared for the purpose of providing a framework for subsequent subdivision and development of an area of land (*MGA*, section 633) and that may be adopted by a Council by bylaw.

B

BUILDING PERMIT means a certificate or document issued by the Safety Codes Officer pursuant to provincial legislation authorizing commencement of construction.

BYLAW means the Land Use Bylaw of the Village of Hill Spring.

C

CERTIFICATE OF COMPLIANCE means a document signed by the Development Authority, certifying that a development complies with this bylaw with respect to yard requirements and insofar as represented on an Alberta Land Surveyor's Real Property Report.

CHANGE OF USE means the conversion of land or building, or portion thereof from one land use activity to another in accordance with the Permitted or Discretionary Uses as listed in each land use district.

CONCEPTUAL DESIGN SCHEME means a detailed site layout plan for a parcel of land which typically addresses the same requirements of an Area Structure Plan but which is not adopted by bylaw which:

(a) shows the location of any existing or proposed buildings; and

(b) describes the potential effect and/or relationship of the proposed development on the surrounding area and the municipality as a whole; and

(c) provides for access roads, water, sewer, power and other services to the satisfaction of the Subdivision Authority or Council.

CONDOMINIUM means a building or structure where there exists a type of ownership of individual units, generally in a multi-unit development or project where the owner possesses an interest as a tenant in common with other owners in accordance with the provisions of the *Condominium Property Act*.

CONDOMINIUM PLAN means a plan of survey registered at a Land Titles Office prepared in accordance with the provisions of the *Condominium Property Act, Revised Statutes of Alberta 2000, Chapter C-22, as amended*.

COUNCIL means Council of the Village of Hill Spring.

D

DEVELOPER means a person or an owner of land in accordance with the Statutes of the Province of Alberta who wishes to alter the title to the property and change the use of the property from its existing use.

DEVELOPMENT in accordance with the *Municipal Government Act* means:

(a) an excavation or stockpile and the creation of either of them;

(b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land;

(c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or

(d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

DEVELOPMENT AGREEMENT means a contractual agreement completed between the municipality and an applicant for a development permit or subdivision approval which specifies the roadways, walkways, public

utilities, and other services to be provided by the applicant as a condition of a development permit or subdivision approval, in accordance with the *Municipal Government Act*.

DEVELOPMENT AUTHORITY means the body established by bylaw to act as the Development Authority in accordance with sections 623(b) or (c) and 624 of the *Municipal Government Act*.

DEVELOPMENT OFFICER means a person(s) authorized by Council to act as a development authority pursuant to section 624 of the *Municipal Government Act* and in accordance with the Municipal Subdivision and Development Authority Bylaw.

DEVELOPMENT PERMIT means a permit issued with or without conditions pursuant to this bylaw authorizing a development. A development permit does not constitute a building permit.

DISCRETIONARY USE means the use of land or building(s) provided for in the Land Use Bylaw for which a development permit may be issued, following receipt by the Development Officer of a competed application with appropriate details and fees.

DISTRICT – see **LAND USE DISTRICT**

G

GEOTECHNICAL REPORT means a comprehensive site analysis and report prepared by a qualified and registered professional with the Association of Professional Engineers and Geoscientists of Alberta (APEGA).

L

LANDOWNER – see **REGISTERED OWNER**

LAND USE DISTRICT means a specifically delineated area or zone within which the development standards of this bylaw govern the use, placement, spacing, and size of land and buildings.

LANE or LANEWAY means a public thoroughfare, which provides a secondary means of access to a lot or lots.

LOT means a lot as defined in the *Municipal Government Act* and shall include a bare land condominium unit.

M

MAINTENANCE means the upkeep of a building or property that does not involve structural change, the change of use, or the change of intensity of use.

MATTERS RELATING TO SUBDIVISION AND DEVELOPMENT REGULATION means regulations established by order of the Lieutenant Governor in Council pursuant to section 694 of the *Municipal Government Act*.

MUNICIPAL DEVELOPMENT PLAN means a statutory plan, formerly known as a General Municipal Plan, adopted by bylaw in accordance with section 632 of the *Municipal Government Act*.

MUNICIPAL GOVERNMENT ACT (MGA) means the *Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26, as amended*.

MUNICIPAL SUBDIVISION AND DEVELOPMENT AUTHORITY means the committee authorized by Council to act as the Subdivision Authority pursuant to section 623 of the *Municipal Government Act* and Development Authority pursuant to section 624 of the *Municipal Government Act*, and in accordance with the Municipal Subdivision and Development Authority Bylaw.

MUNICIPAL/SCHOOL RESERVE means the land specified to be municipal and school reserve by a subdivision approving authority pursuant to section 666 of the *Municipal Government Act*.

N

NON-COMPLIANCE means a development constructed, or use undertaken after the adoption of the current Land Use Bylaw and does not comply with the current Land Use Bylaw.

NON-CONFORMING BUILDING means a building:

(a) that is lawfully constructed or lawfully under construction at the date of a Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective; and

(b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw.

NON-CONFORMING USE means a lawful specific use:

(a) being made of land or a building or intended to be made of a building lawfully under construction, at the date of 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 any amendment thereof becomes effective does not, or in the case of a building under construction, will not comply with the Land Use Bylaw.

NON-SERVICED means, in respect to a lot or parcel, that neither a municipal water system nor a municipal sewage system service it.

NUISANCE means any use, prevailing condition or activity which has a detrimental effect on living or working conditions.

O

OFF-SITE LEVY means the rate established by the municipal Council that will be imposed upon owners and/or developers who are increasing the use of utility services, traffic services, and other services directly attributable to the changes that are proposed to the personal property. The revenues from the off-site

levies will be collected by the municipality and used to offset the future capital costs for expanding utility services, transportation network, and other services that have to be expanded in order to service the needs that are proposed for the change in use of the property.

ORIENTATION means the arranging or facing of a building or other structure with respect to the points of the compass.

P

PARCEL means an area of land described in a Certificate of Title either directly or by reference to a plan and registered with the Alberta Land Titles Office.

PARTIALLY SERVICED LOT means a lot that is provided water or sewer serviced by either:

(a) a municipal water line or a municipal sewer line; or

(b) an incorporated organization or co-operative, recognized by the municipality, that is operating a provincially approved water or sewer system.

PERMITTED USE means the use of land or building(s) which is permitted in a district for which a development permit shall be issued, following receipt by the Development Officer of a completed application with appropriate details and fees.

PLAN OF SUBDIVISION means a plan of survey prepared in accordance with the relevant provisions of the *Land Titles Act* for the purpose of effecting subdivision.

PRINCIPAL BUILDING means a building which:

(a) occupies the major or central portion of a lot;

(b) is the chief or main building on a lot; or

(c) constitutes, by reason of its use, the primary purpose for which the lot is used.

PRINCIPAL USE means the main purpose, in the opinion of the Development Officer or Municipal Subdivision and Development Authority, for which a lot is used.

PROHIBITED USE means a development that is not listed as permitted or discretionary or is not considered similar within a land use district.

R

REAL PROPERTY REPORT (RPR) means a legal document that illustrates in detail the location of all relevant, visible public and private improvements relative to property boundaries prepared by a registered Alberta Land Surveyor.

REGISTERED OWNER means:

(a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or

(b) in the case of any other land:

(i) the purchase of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the Certificate of Title in the land, and any assignee of the purchaser's interest that is the subject of a caveat registered against the Certificate of Title; or

(ii) in the absence of a person described in paragraph (i), the person registered under the *Land Titles Act* as the owner of the fee simple estate in the land.

RIGHT-OF-WAY means an area of land not on a lot that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines).

S

SAFETY CODES means a code, regulations, standard, or body of rules regulating things such as building, electrical systems, elevating devices, gas systems, plumbing or private sewage disposal systems, pressure equipment, fire protection systems and equipment, barrier free design and access in accordance with the *Safety Codes Act, RSA 2000, Chapter S-1, as amended.*

SIMILAR USE means a use of land or building(s) for a purpose that is not provided in any district Development in this bylaw but is deemed by the Development Officer or Municipal Subdivision and Development Authority to be similar in character and purpose to another use of land or buildings that is included within the list of uses prescribed for that district.

SITE means that part of a parcel or a group of parcels on which a development exists or which an application for a development permit is being made.

STOP ORDER means an order issued by the Development Officer or Municipal Subdivision and Development Authority pursuant to section 645 of the *Municipal Government Act*.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB) means the committee established, by bylaw, to act as the municipal appeal body for subdivision and development applications.

SUBDIVISION AUTHORITY means the body established by bylaw to act as the subdivision authority in accordance with section 623 of the *Municipal Government Act*.

SUBDIVISION OR SUBDIVIDE means the division of a parcel by an instrument.

SUBSIDENCE means a localized downward settling or sinking of a land surface.

SUCH AS means includes but is not limited to the list of items provided.

T

TEMPORARY DEVELOPMENT means a development for which a development permit has been issued for a limited time period.

U

USE means the purposes for which land or a building is arranged or intended, or for which either land, a building or a structure is, or may be, occupied and maintained.

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 or electricity;

(c) facilities for the collection, treatment, movement or disposal of sanitary sewage;

(d) storm water drainage facilities;

(e) any other things prescribed by the Lieutenant Governor in Council by regulation;

but does not include those systems or facilities referred to in subclauses (a) to (d) that are exempted by the Lieutenant Governor in Council by regulation.

V

VILLAGE means the Village of Hill Spring

W

WAIVER means the relaxation or variance of a development standard as established in this bylaw.

All other words and expressions not otherwise defined in this Land Use Bylaw have the meaning assigned to them in the *Municipal Government Act.*

Schedule 1

LAND USE DISTRICTS AND MAP

Schedule 1

LAND USE DISTRICTS

SECTION 1 LAND USE DISTRICTS

1.1 The municipality is divided into those districts shown on the Land Use Districts Map of this schedule.

1.2 Each district shown on the map referred to in section 1 of this schedule shall be known by the following identifying names and symbols:

RESIDENTIAL	– R1
COMMERCIAL / RESIDENTIAL	– C1
PUBLIC AND RECREATION	– PR
URBAN AGRICULTURAL	– UA
DIRECT CONTROL	– DC

SECTION 2 LAND USE DISTRICTS MAP

2.1 Land Use Districts Map (following this page)

Schedule 2

LAND USE DISTRICT REGULATIONS

RESIDENTIAL – R1

SECTION 1 PURPOSE

1.1 To provide for a high quality residential environment with an appropriate range of housing types that comply with standards outlined in the Residential land use district.

SECTION 2 USES

2.1 **Permitted Uses**

Accessory building less than 83.6 m^2 (900 ft^2) (See Sec. 5)
Accessory structure
Accessory use
Addition to dwelling
Alternative energy, roof mounted solar system (See Sch. 5, Sec. 2)
Dwelling, Single unit
Home occupation, minor (See Sch. 5, Sec. 6)
Shipping container, temporary (See Sch. 5, Sec. 9.10)

2.2 **Discretionary Uses**

Accessory building greater than 83.6 m^2 (900 ft^2) (See Sec. 5)
Accessory dwelling unit (See Sch. 5, Sec. 1)
Alternative energy, freestanding solar system (See Sch. 5, Sec. 2)
Childcare facility (See Sch. 5, Sec. 4)
Dwelling group
Dwelling, Moved-in: (See Sch. 5, Sec. 7)

- Manufactured home
- Modular home
- Previously occupied dwelling
- Ready-to-move home

Home occupation, major (See Sch. 5, Sec. 6)
Moved-in building (See Sch. 5, Sec. 8)
Multi-unit dwelling:

- Two, three or four-unit
- Row house
- Apartment

Parks and playgrounds
Tourist home (See Sch. 5, Sec. 11)

SECTION 3 MINIMUM LOT SIZE

3.1 Minimum lot sizes for subdivision and development purposes are as follows:

	Width		Length		Area	
Use	m	ft	m	ft	m^2	ft^2
Dwelling: Single Dwelling Moved-in Dwelling	38.1	125	36.6	120	1394.0	15,000
Multi-unit Dwelling ** or greater as required by the MUNICIPAL PLANNING COMMISSION*	38.1*	125*	36.6*	120*	1394.0*	15,000*
All other uses	As required by the Municipal Planning Commission					

SECTION 4 MINIMUM SETBACKS

4.1 Minimum setbacks are as follows:

	Front Yard		Secondary Front (Corner Lots)		Side Yard		Rear Yard	
Use	m	ft	m	ft	m	ft	m	ft
All Dwellings:	7.6	25	3.8	12.5	3.8	12.5	7.6	25
Accessory building, exempt shed	7.6	25	3.8	12.5	0.9	3	0.6	2
Subsequent accessory buildings	7.6	25	3.8	12.5	0.9	3	0.6	2
Accessory building, detached garage	7.6	25	3.8	12.5	0.9	3	0.6	2
All other uses	As required by the Municipal Planning Commission							

4.2 The Development Officer or Municipal Planning Commission may require increased building setbacks if such setbacks would:

(a) help avoid land use conflict; or

(b) enhance the appearance of the area; or

(c) avoid existing registered easements.

4.3 The Development Officer or Municipal Planning Commission may waive the building setback requirement in a well-established residential area if, in his or their opinion, the setback is in accordance with the prevailing yard pattern within the parameters of the authorized waiver limits.

4.4 The following features may, subject to the relevant provisions of Safety Codes, project into the required setbacks under this bylaw:

(a) eaves, fireplaces, belt courses, bay windows, cornices, sills or other similar architectural features attached to the principal dwelling may project over a side setback as permitted under the relevant provisions of Safety Codes and over a front or rear setback a distance not to exceed 1.2 m (4 ft);

(b) unenclosed steps or unenclosed fire escapes, wheelchair ramp, fences or walls to the property line, driveways, curbs and sidewalks, off-street parking, cooling units not to exceed 0.9 m (3 ft), mailboxes, landscaping, fish ponds, ornaments, flagpoles (less than 4.6 m (15 ft) in height), temporary swimming pools and signs may project over a side, front or rear setback at the discretion of the Development Officer or the Municipal Subdivision and Development Authority.

4.5 Where a laneway or roadway has reduced the size of a lot by cutting off a corner of the lot, the minimum setback requirements shall apply to the portions of the lot that have not been cut-off by the laneway or roadway.

SECTION 5 MAXIMUM SITE COVERAGE

5.1 Total lot coverage – 40%

(Inclusive of dwelling and attached garage)

5.2 Accessory buildings – The combined total of all accessory buildings (shed, garages, accessory buildings) shall cover not more than 15% of the surface area of a lot.

5.3 Other developments shall be at the discretion of the Municipal Planning Commission

SECTION 6 MINIMUM FLOOR AREA

6.1 Minimum main floor area:

(a) One-unit dwelling – 74.3 m^2 (800 ft^2)

(b) Two-unit dwelling – 148.6 m^2 (1600 ft^2 - minimum of 800 ft^2 per unit)

(c) Manufactured home – 74.3 m^2 (800 ft^2)

(d) All other uses – As required by the Municipal Planning Commission or Development Officer

6.2 The total floor area of any accessory building and/or attached garage should be less than the main floor area of the principal building.

SECTION 7 MAXIMUM BUILDING HEIGHT

7.1 Maximum building height:

(a) Principal building – 8.5 m (28 ft)

(b) Accessory structures – 4.9 m (16 ft)

(c) Accessory buildings

- 16 feet (4.9 m) on lands of 0.5 acres (0.2 ha) or less in size
- 22 feet (6.7 m) on lands between 0.5 and 10 acres (0.2 and 4.0 ha)
- at the discretion of the Municipal Planning Commission on lands of 10 acres (4.0 ha) or greater in size

SECTION 8 ACCESSORY BUILDINGS AND STRUCTURES

8.1 Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

8.2 No accessory building, structure or use shall be allowed:

(a) on a lot without an approved principal dwelling or use,

(b) to be located in the front yard of the principal structure.

8.3 The height of an accessory building in a residential land use district shall:

(a) not exceed 16 feet (4.9 m) on lands of 0.5 acres (0.2 ha) or less in size,

(b) not exceed 22 feet (6.7 m) on lands between 0.5 and 10 acres (0.2 and 4.0 ha),

(c) be at the discretion of the Municipal Planning Commission on lands of 10 acres (4.0 ha) or greater in size.

8.4 The first accessory building, which is 9.3 m^2 (100 ft^2) or less in area, placed on a lot does not require a development permit if there is an established principal use, but any second or subsequent accessory building shall require a development permit and the Development Authority may limit the number of accessory buildings on a lot.

8.5 Accessory buildings, structures and uses that are not specifically included within a development permit require a separate development permit application.

8.6 Detached garages shall have a minimum separation of 1.2 m (4 ft) from the foundation of any dwellings or buildings and a minimum of 0.6 m (2 ft) from the roof overhang of a dwelling or structure.

8.7 Accessory buildings and structures shall be set back from a side lot line or rear lot line and all drainage is conducted to the appropriate storm drain via the applicant's own property.

8.8 As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

SECTION 9 OFF-STREET PARKING REQUIREMENTS

9.1 Maximum building height:

(a) Dwellings – Two spaces per dwelling unit

(b) All other uses – as required by the Municipal Planning Commission

SECTION 10 DESIGN APPROVAL

10.1 Before approving any application for development in this land use district, due consideration shall be given to any design guidelines or policies that may have been adopted by Council.

SECTION 11 STANDARDS OF DEVELOPMENT – See Schedule 4

SECTION 12 USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 5

SECTION 13 DEFINITIONS – See Schedule 6

COMMERCIAL / RESIDENTIAL– C1

SECTION 1 PURPOSE

1.1 The intent of this land use district is to encourage the development, redevelopment, conservation and rehabilitation of the central commercial area.

SECTION 2 USES

2.1 **Permitted Uses**

Accessory use
Accessory building in conjunction with an existing residential use
Addition to building
Business
Offices
Personal service
Roof-mounted solar system (See Sch. 5, Sec. 2)
Retail

2.2 **Discretionary Uses**

Accessory building
Accessory structure
Alternative energy (See Sch. 5, Sec. 2)
Animal care service
Automotive, machinery and equipment sales, service and rental
Contractor
Dwelling, single unit
Garden Centre / Market Garden
Hotel
Institutional
Light industrial /manufacturing
Outdoor storage
Mixed use development
Restaurant
Service station
Shipping container (See Sch. 5, Sec. 9)
Signs (See Sch. 5, Sec. 10)
Utility

SECTION 3 MINIMUM LOT SIZE

3.1 Minimum lot sizes for subdivision and development purposes are as follows:

	Width		Length		Area	
Use	m	ft	m	ft	m^2	ft^2
All Residential Uses	38.1	125	36.6	120	1394.0	15,000
All Commercial	38.1	125	36.6	120	1397.0	15,000

SECTION 4 MINIMUM SETBACKS

4.1 Minimum setbacks are as follows:

	Front Yard		Secondary Front (Corner Lots)		Side Yard		Rear Yard	
Use	m	ft	m	ft	m	ft	m	ft
All Dwellings:	7.6	25	3.8	12.5	3.8	12.5	7.6	25
Accessory building, exempt shed	7.6	25	3.8	12.5	0.9	3	0.6	2
Subsequent accessory buildings	7.6	25	3.8	12.5	0.9	3	0.6	2
Accessory building, detached garage	7.6	25	3.8	12.5	0.9	3	0.6	2
All commercial uses	As required by the Development Officer or Municipal Planning Commission							

4.2 The Development Officer or Municipal Planning Commission may require increased building setbacks if such setbacks would:

(a) help avoid land use conflict; or

(b) enhance the appearance of the area; or

(c) avoid existing registered easements.

SECTION 5 MAXIMUM SITE COVERAGE

5.1 Residential uses

(a) Total lot coverage – 40% (Inclusive of dwelling and attached garage)

(b) Accessory buildings – The combined total of all accessory buildings (shed, garages, accessory buildings) shall cover not more than 15% of the surface area of a lot.

(c) Other developments shall be at the discretion of the Municipal Planning Commission

5.2 Commercial uses

(a) Total lot coverage – 80% (Inclusive of all buildings and structures)

SECTION 6 MINIMUM FLOOR AREA

6.1 Minimum main floor area for residential uses:

(a) One-unit dwelling – 74.3 m^2 (800 ft^2)

(b) All other uses – As required by the Municipal Planning Commission or Development Officer

6.2 The total floor area of any accessory building and/or attached garage should be less than the main floor area of the principal building.

SECTION 7 MAXIMUM BUILDING HEIGHT

7.1 Maximum building height:

(a) Principal building – 8.5 m (28 ft)

(b) Accessory buildings – At the discretion of the Municipal Planning Commission

SECTION 8 ACCESSORY BUILDINGS AND STRUCTURES

8.1 Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

8.2 No accessory building, structure or use shall be allowed:

(a) on a lot without an approved use,

(b) to be located in the front yard of the principal structure.

8.3 The first accessory building, which is 9.3 m^2 (100 ft^2) or less in area, placed on a lot does not require a development permit if there is an established principal use, but any second or subsequent accessory building shall require a development permit and the Development Authority may limit the number of accessory buildings on a lot.

8.4 Accessory buildings, structures and uses that are not specifically included within a development permit require a separate development permit application.

8.5 Accessory buildings and structures shall be set back from a side lot line or rear lot line and all drainage is conducted to the appropriate storm drain via the applicant's own property.

8.6 As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

SECTION 9 COMMERICAL USE STANDARDS

9.1 The Development Officer or the Municipal Planning Commission may set conditions to improve the compatibility with nearby land uses of any commercial use or development including, but not limited to:

(a) measures to control noise, smoke, dust, ash, smell, glare, heat and/or industrial waste;

(b) design, exterior building finish, landscaping, siting, setbacks, paving of parking areas, and other details, as appropriate.

SECTION 10 STANDARDS OF DEVELOPMENT – See Schedule 4

SECTION 11 USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 5

SECTION 12 DEFINITIONS – See Schedule 6

PUBLIC AND RECREATION - PR

SECTION 1 PURPOSE

1.1 The intent of this land use district is to ensure that the development of institutional uses and facilities within the Village of Hill Spring is compatible with other land uses.

SECTION 2 USES

2.1 **Permitted Uses**

Accessory building
Accessory structure
Accessory use
Addition to building
Church
Government office
Medical/health facility
Museum
Recreation, public
School
Playground and sportsfield
Public use or assembly
Roof mounted solar system (See Sch. 5, Sec. 2)

2.2 **Discretionary Uses**

Alternative energy
Community hall
Exhibition centre
Childcare facility (See Sch. 5, Sec. 4)
Institutional
Recreation, private
Shipping container (See Sch. 5, Sec. 9)
Sign
Utilities

SECTION 3 MINIMUM LOT SIZE

3.1 Minimum lot sizes for subdivision and development purposes are as follows:

	Width		Length		Area	
Use	m	ft	m	ft	m^2	ft^2
All Uses	As required by the Development Officer or Municipal Planning Commission					

SECTION 4 MINIMUM SETBACKS

4.1 Minimum setbacks are as follows:

	Front Yard		Secondary Front (Corner Lots)		Side Yard		Rear Yard	
Use	m	ft	m	ft	m	ft	m	Ft
All uses	7.6	25	3.8	12.5	3.0	10	7.6	25

4.2 The Development Officer or Municipal Planning Commission may require increased building setbacks if such setbacks would:

(a) help avoid land use conflict; or

(b) enhance the appearance of the area; or

(c) avoid existing registered easements.

SECTION 5 MAXIMUM SITE COVERAGE

5.1 Total lot coverage – 50%

(Inclusive of all buildings and structures)

SECTION 6 ACCESSORY BUILDINGS AND STRUCTURES

6.1 Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

6.2 No accessory building, structure or use shall be allowed:

(a) on a lot without an approved use,

(b) to be located in the front yard of the principal structure.

6.3 The first accessory building, which is 9.3 m^2 (100 ft^2) or less in area, placed on a lot does not require a development permit if there is an established principal use, but any second or subsequent accessory building shall require a development permit and the Development Authority may limit the number of accessory buildings on a lot.

6.4 Accessory buildings, structures and uses that are not specifically included within a development permit require a separate development permit application.

6.6 Accessory buildings and structures shall be set back from a side lot line or rear lot line and all drainage is conducted to the appropriate storm drain via the applicant's own property.

6.7 As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

SECTION 7 STANDARDS OF DEVELOPMENT – See Schedule 4

SECTION 8 USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 5

SECTION 9 DEFINITIONS – See Schedule 6

URBAN AGRICULTURAL - UA

SECTION 1 PURPOSE

1.1 The intent of this land use district is to ensure the planned and orderly development of larger parcels of land on the fringes of the Village in order that these areas may be suitable for intensive future development.

SECTION 2 USES

2.1 **Permitted Uses**
Cultivation of land
Pasture

2.2 **Discretionary Uses**
Alternative energy
Accessory building and structures
Sign (See Sch. 5, Sec. 10)
Dwelling, single unit
Shipping container (See Sch. 5, Sec. 9)
Utility

SECTION 3 MINIMUM LOT SIZE

3.1 Minimum lot sizes for subdivision and development purposes are as follows:

	Width		Length		Area	
Use	m	ft	m	ft	m^2	ft^2
All Uses	5 acres or existing titles					

SECTION 4 MINIMUM SETBACKS

4.1 Minimum setbacks are as follows:

	Front Yard		Secondary Front (Corner Lots)		Side Yard		Rear Yard	
Use	m	ft	m	ft	m	ft	m	Ft
All uses	As required by the Development Officer or Municipal Planning Commission							

4.2 The Development Officer or Municipal Planning Commission may require increased building setbacks if such setbacks would:

(a) help avoid land use conflict; or

(b) enhance the appearance of the area; or

(c) avoid existing registered easements.

SECTION 5 ACCESSORY BUILDINGS AND STRUCTURES

5.1 Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

5.2 No accessory building, structure or use shall be allowed:

(a) on a lot without an approved principal dwelling or use,

(b) to be located in the front yard of the principal structure,

5.3 The first accessory building, which is 9.3 m^2 (100 ft^2) or less in area, placed on a lot does not require a development permit if there is an established principal use, but any second or subsequent accessory building shall require a development permit and the Development Authority may limit the number of accessory buildings on a lot.

5.4 Accessory buildings, structures and uses that are not specifically included within a development permit require a separate development permit application.

5.5 Detached garages shall have a minimum separation of 3.0 m (10 ft) from the foundation of any dwellings or buildings and a minimum of 0.6 m (2 ft) from the roof overhang of a dwelling or structure.

5.6 Accessory buildings and structures shall be set back from a side lot line or rear lot line and all drainage is conducted to the appropriate storm drain via the applicant's own property.

5.7 As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

SECTION 6 STANDARDS OF DEVELOPMENT – See Schedule 4

SECTION 7 USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 5

SECTION 8 DEFINITIONS – See Schedule 6

DIRECT CONTROL – DC

SECTION 1 PURPOSE

1.1 The intent of a Direct Control District is to allow Council considerable flexibility for approval of uses on suitable sites that have potential for a number of different land uses while considering impacts on adjacent uses.

SECTION 2 PERMITTED USES

2.1 Any use Council considers suitable.

SECTION 3 MINIMUM LOT SIZE

3.1 As Council determines necessary, but not less than the requirements of the Matters Relating to Subdivision and Development Regulation.

SECTION 4 STANDARDS OF DEVELOPMENT

4.1 As Council considers necessary having regard to Schedule 4.

SECTION 5 SIGNS

5.1 As Council considers necessary having regard to Schedule 5.

SECTION 6 OTHER STANDARDS

6.1 Council may require additional standards having regard to statutory plans, and comments from referral agencies contacted under Section 7.3 of this district.

SECTION 7 APPROVAL PROCEDURE

7.1 Before Council considers an application for a use in the Direct Control district, they shall cause notice to be issued by the Development Officer in accordance with Section 36 of this bylaw and hear any persons that claim to be affected by the decision on the application.

7.2 Council may then approve the application with or without conditions or refuse the application.

7.3 When applicable, Council should seek comments from other government agencies, such as Alberta Health Services, Planning Advisor, Alberta Transportation, Alberta Environment, and any other agency Council considers necessary.

Schedule 3

DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

Schedule 3

DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

NOTE TO READER: *The term "Development", where used in this Bylaw, means (a) an excavation or stockpile and the creation of either of them; (b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land; (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.*

1. No development permit is required for any development that is specifically exempt by the Lieutenant Governor in Council pursuant to section 618(4) of the Act.

2. No development permit is required for development of the following kind:

   (a) the completion of a building which was lawfully under construction at the date of the first publication of the public notice, required by the Act, stating Council's intent to pass this bylaw, provided that:

      (i) the building is completed in accordance with the terms of any permit granted by the development officer or the Municipal Planning Commission in respect of it and subject to the conditions under which that permit was granted; and

      (ii) the building, whether or not a permit was granted in respect of it, is completed within a period of 12 months from the date of the first publication of the public notice;

   (b) the use of any building referred to in subsection (a) of this schedule for the purpose for which construction was commenced;

   (c) the carrying out of works of maintenance or repair, if such works do not include structural alterations and interior building renovations that do not affect the existing use, appearance or exterior dimensions of a building;

   (d) the erection or construction of buildings, works, plants or machinery needed in connection with operations for which a development permit has been issued for the period of those operations;

   (e) 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;

   (f) concrete or asphalt parking surfaces (excluding carports);

   (g) patios and related accessories (excluding roofs);

   (h) sidewalks or concrete surfaces;

   (i) fences of 3 feet 3 inches (1.0 m) or less in front yards and 6 feet (1.8 m) or less in height in side or rear yards;

   (j) utility and garden sheds or greenhouses that are not on a permanent foundation and do not exceed 100 sq. ft. (9.2 m^2);

(k) any landscaping or other outdoor improvements including driveways, patios, sidewalks, retaining walls under 2 ft. (0.6 m) in height and enclosures which do not involve a roof, providing the improvements comply with al other provisions of this bylaw;

(l) interior building renovations that do not affect the existing use, structural integrity, appearance or exterior dimensions of the dwelling;

(m) the construction or maintenance of gates, fences, walls, or other means of enclosure, subject to any limitations in height or other features detailed in Schedule 4 hereof;

(n) a temporary sign or notice not exceeding 4 sq. ft. (0.4 m^2) in area and relating to:

(i) the sale or lease of land or building; or

(ii) the carrying out of any construction; or

(iii) the announcement of any local event of a religious, educational, cultural, political or governmental nature;

limited in display to period of completion of the sale, lease, construction or event or to a maximum of 90 days, whichever is less;

(o) a satellite dish less than 0.9 m (3ft);

(p) moved-in buildings of less than 100 sq. feet (9.3 m^2);

(q) any use which requires approval at either a provincial or federal level, including but not limited to commercial wind turbines, sour gas facilities, telecommunications towers, heliports and airports.

3. Any question as to whether a proposed development requires a development permit shall be referred to the development officer who may make a decision or may refer the question to the Municipal Planning Commission.

Schedule 4

STANDARDS OF DEVELOPMENT

Schedule 4

STANDARDS OF DEVELOPMENT

Except for more specific, alternative, or contradictory standards as may be set forth within an individual land use district, the following standards apply to all uses in all districts.

SECTION 1 STREET CORNER VISIBILITY

1.1 On a corner lot, nothing shall be erected, placed, planted or allowed to grow in a manner which may restrict traffic visibility at street intersections, between 0.9 m (3 ft) and 3.0 m (10 ft) above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property line 6.1 m (20 ft) from the point of intersection. (see Figures 4.1 and 4.2)

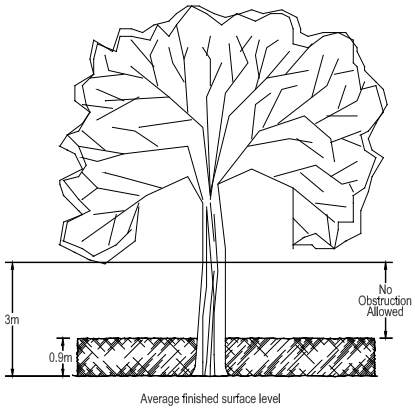


Figure 4.1

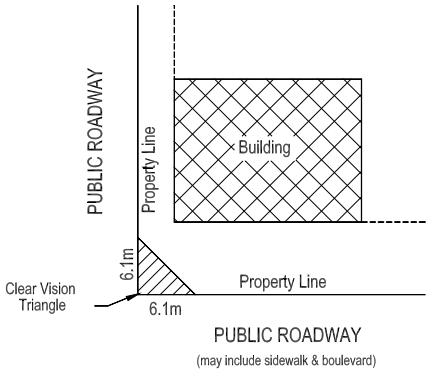


Figure 4.2

SECTION 2 ROAD ACCESS

2.1 All newly created lots shall have frontage on a public roadway which enables direct physical and legal access onto that public road. Frontage on a laneway alone will not be permitted. The minimum frontage requirements shall be as defined by the minimum lot dimensions in the applicable land use district.

2.2 Vehicular access to a corner lot shall generally be limited to locations along the minor residential street and access will be determined by the Development Authority at the time of development approval.

2.3 The Development Authority may require access to be located so that it can be shared with an adjoining lot or development.

SECTION 3 DRIVEWAYS

3.1 No driveways or other vehicular access shall be located less than:

(a) 20 feet (6.1 m) from the intersection of any two streets,

(b) 10 feet (3.0 m) from the entrance to a lane,

or such greater distance as may be required by the Municipal Planning Commission.

3.2 The Municipal Planning Commission may require a minimum separation distance between vehicular access points in a non-residential land use district.

3.3 Vehicular access to corner lots shall be limited to the minor street wherever practical.

SECTION 4 RETAINING WALLS, GRADING AND DRAINAGE

4.1 The Municipal Planning Commission may require:

(a) the construction of a retaining wall, including submittal of a certified engineered design as a condition of development if significant differences in grade exist or will exist between the lot to be developed and adjacent parcels;

(b) the provision of engineered grading and drainage plans for the development;

(c) special grading and/or paving to prevent drainage problems with neighbouring lots as a condition of a development permit.

4.2 Roof and surface drainage shall be directed either to the public roadway fronting the property, or as approved by the Development Officer, to a rear or side property boundary or as approved in an engineered stormwater management plan.

4.3 Storm water connections or sump hoses must discharge a minimum of 1.8 m (6 ft) from the front property line of the subject parcel.

SECTION 5 FENCES

5.1 The Development Authority may regulate the material types and colour used for a fence. Regardless of fence height, barbed wire fencing or unconventional fencing materials, as determined by the Development Authority, are prohibited in the Residential – R1 land use district.

5.2 The following fence heights that apply:

(a) **Fences, residential:** in any residential land use district no fence, wall or other enclosure shall extend more than 3 feet, 3 inches (1.0 m) above grade in any front yard and no more than 6 feet (1.8 m) above grade in any rear or side yard.

(b) **Fences, commercial:** in any commercial land use district no fence, wall or other enclosure shall extend 6 feet (1.8 m) above grade in any side or rear yard unless a development permit has been approved by the Municipal Planning Commission.

(c) **Fences, industrial:** in any industrial land use district no fence, wall or other enclosure shall extend 6 feet (1.8 m) above grade in any side, rear or front yard unless a development permit has approved by the Municipal Planning Commission.

5.3 All fences shall be constructed of materials and colours that are conducive to the principal residence/building and/or the surrounding neighbourhood.

SECTION 6 DESIGN AND ORIENTATION OF BUILDINGS, STRUCTURES AND SIGNS

6.1 The design, character and appearance of buildings, structures or signs shall be consistent with the intent of the land use district in which the building is located and compatible with other buildings in the vicinity.

6.2 The Development Authority may regulate the exterior finish of buildings, structures or signs to improve the quality of any proposed development within any land use district.

6.3 The maximum allowable height above the average finished surface level of the surrounding ground of the exposed portion of a concrete or block foundation may be limited by the Development Authority.

6.4 Subject to the requirements of the Safety Codes, the Development Authority may require that buildings be physically accessible to disabled persons.

6.5 If a building is to be located on a lot with more than one street frontage or on a lot with potential for further subdivision, the Development Authority may regulate the orientation and location of the building as a condition of development approval.

6.6 The Municipal Planning Commission may require increased building setbacks if, in their opinion, such setbacks would:

(a) help avoid land use conflict;

(b) enhance the appearance of the area.

SECTION 7 EASEMENTS

7.1 All buildings shall be located a minimum of 3.0 m (10 ft) from an easement unless otherwise permitted.

SECTION 8 PERMITTED PROJECTIONS INTO SETBACKS

8.1 The following features may, subject to the relevant provisions of Safety Codes, project into the required setbacks under this Bylaw:

(a) unenclosed steps or unenclosed fire escapes;

(b) a wheelchair ramp at the discretion of the Development Authority;

(c) fences or walls to the property line in accordance with the applicable land use district;

(d) driveways, curbs and sidewalks;

(e) off-street parking;

(f) cooling units not to exceed 0.9 m (3 ft);

(g) mailboxes;

(h) landscaping, fish ponds, ornaments, flagpoles [less than 4.6 m (15 ft) in height], or other similar landscaping features;

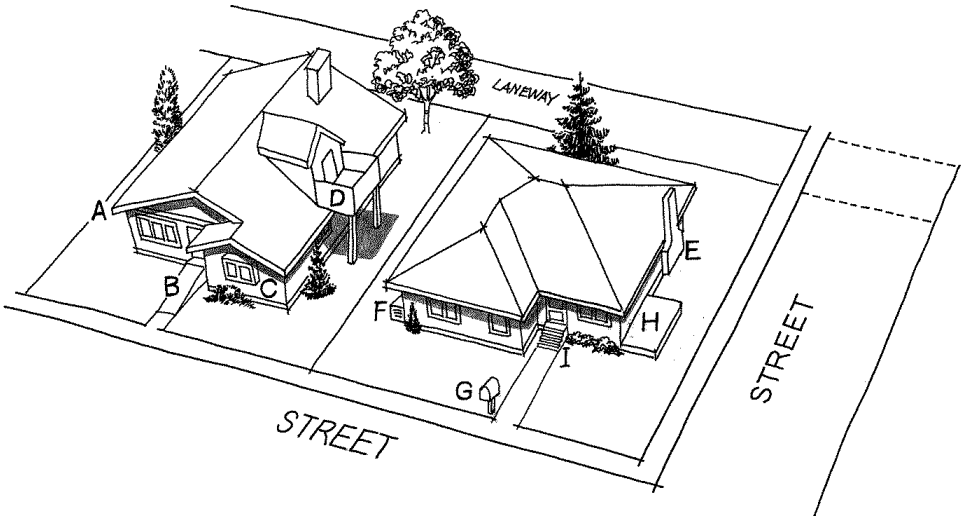
(i) temporary swimming pools in accordance with the applicable land use district; and

8.2 The portions of and attachments to a principal building which may project over a setback are as follows:

(a) eaves, fireplaces, belt courses, bay windows, cornices, sills or other similar architectural features may project over a side setback as permitted under the relevant provisions of Safety Codes and over a front or rear setback a distance not to exceed 1.2 m (4 ft);

(b) an uncovered balcony, cantilever, or other similar feature may project over a side or rear setback a distance not to exceed one-half of the width of the smallest setback required for the site;

(c) a chimney which is not more than 1.2 m (4 ft) wide and projects not more than 0.3 m (1 ft) into a rear or side setback.



A – Eaves
B – Wheel chair ramp
C – Bay window
D – Balcony
E – Chimney
F – Cooling unit
G – Mailbox
H – Deck
I – Steps

Figure 4.3

SECTION 9 LANDSCAPING STANDARDS AND SCREENING

9.1 The Municipal Planning Commission may impose landscaping or screening requirements on a development approval for a permitted or discretionary use if these would serve to improve the quality or compatibility of the proposed development.

9.2 The front yard and corner side yard on corner lots shall be comprehensively landscaped, except for those areas occupied by sidewalks or driveways, to the satisfaction of the Municipal Planning Commission.

9.3 Where any parcel or part of a parcel adjacent to a road is used for outdoor storage of goods, machinery, vehicles, buildings or waste materials, the Municipal Planning Commission may require

satisfactory screening by buildings, fences, hedges, trees, berming or other landscaping features. (see Figure 4.4)

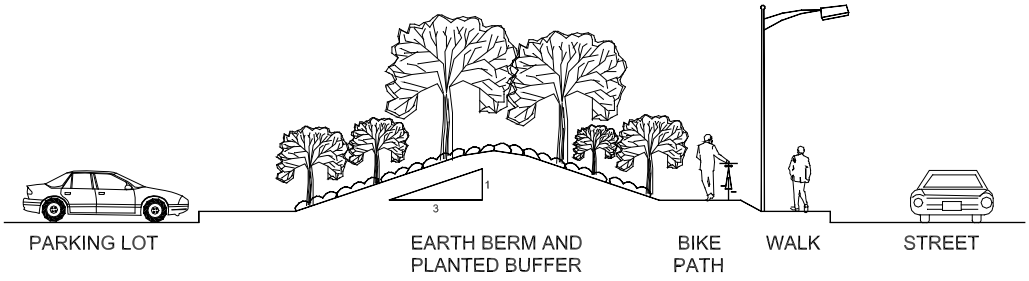


Figure 4.4

9.4 Parking lots shall be landscaped and/or screened as required by the Municipal Planning Commission.

SECTION 10 EXTERIOR BUILDING FINISHES AND EXPOSED FOUNDATIONS

10.1 The Municipal Planning Commission may require that specific finishing materials and colour tones be utilized to maintain the compatibility of any:

(a) proposed development with surrounding or adjacent developments;

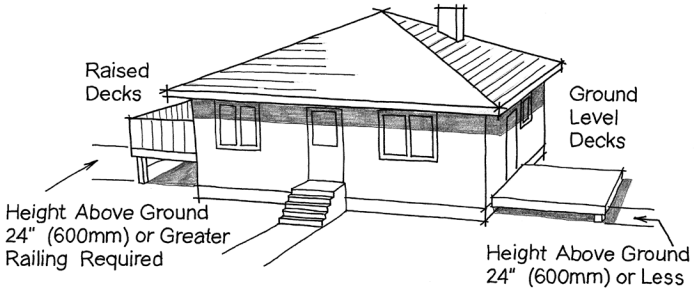
(b) proposed additions or ancillary structures with existing buildings on the same lot.

10.2 The maximum allowable height above the average finished surface level of the surrounding ground of the exposed portion of a concrete or block foundation may be regulated by the Development Officer or the Municipal Planning Commission.

SECTION 11 DECKS AND AMENITY SPACES

11.1 A development permit is required for the construction of a deck if it will be attached to a principal building.

11.2 Decks not attached to a building that do not exceed 0.6 m (2 ft) in height, do not require a development permit provided they meet the minimum setback requirements for accessory buildings.



11.3 Decks must be located in a manner such as to preserve the privacy of adjacent properties.

11.4 For the purposes of calculating site coverage requirements, where a structure is attached to the principal building by an open or closed roof structure, it shall be deemed part of the principal building and subject to principal building requirements.

SECTION 12 SITE LIGHTING

12.1 Site lighting may be required as a condition of development and any such lighting shall be located, oriented and shielded so as not to adversely affect adjacent properties.

SECTION 13 REFUSE COLLECTION AND STORAGE

13.1 Refuse and garbage shall be kept in a suitably-sized enclosure for each use within each land use district.

13.2 Refuse and garbage areas shall be effectively screened until such time as disposal is possible.

13.3 All refuse on any construction site shall be properly screened or placed in an approved enclosure until removed for disposal.

SECTION 14 SERVICING

14.1 All development shall be required to connect to both the municipal water supply and sewerage system where the municipal services are, in the opinion of the Municipal Planning Commission, reasonably available.

14.2 Where no municipal servicing is reasonably available, development approval shall be subject to compliance with Alberta Health Services and Municipal Affairs standards for unserviced parcels. Prior to development approval, the applicant shall be required to submit a soils analysis/ percolation tests and report to demonstrate the suitability of the site for on-site private disposal.

SECTION 15 DEMOLITION

15.1 No person shall commence or cause to be commenced the removal, relocation, or demolition of any building or structure, or portion thereof, unless a removal, relocation or demolition permit has first been obtained from the municipality.

SECTION 16 OFF-STREET PARKING AREA REQUIREMENTS

16.1. Minimum Parking Space Size: 9 feet (2.7 m) wide
20 feet (6.1 m) long

16.2 Parking areas shall be accessible and laid out and delineated in a manner which will provide for orderly parking.

16.3 Parking areas shall be constructed in a manner which will permit adequate drainage, snow removal, and maintenance.

16.4 The Municipal Planning Commission will require that parking areas or portions thereof be paved.

16.5 All parking spaces provided shall be on the same lot as the building or use, except that the Municipal Planning Commission if determined impractical to provide parking on the same lot with the building or use.

16.6 The following shall be used to calculate the off-street parking spaces required for a proposed development. Calculation of parking requirements resulting in a fractional number shall be rounded to the next highest number.

Use	No. of Stalls Required
Dwelling	2 per dwelling unit
All other residential uses	As required by the MUNICIPAL PLANNING COMMISSION
Retail stores and personal service shops	1 per 55.7 m^2 (600 ft^2) of gross floor area
Banks and offices	1 per 65.0 m^2 (700 ft^2) of gross floor area
Service stations	1 per employee and 2 per service bay
Motels	1 per guest room
Restaurants and cafes	1 per 4 seating spaces
All other uses	As required by the MUNICIPAL PLANNING COMMISSION

SECTION 17 PARKING AND LOADING AREA REQUIREMENTS

17.1 Minimum Loading Space Size: 3.0 m (10 feet) wide
9.1 m (30 feet) long
27.9 m^2 (300 sq. ft.) area
4.3 m (14 feet) overhead clearance

17.2 The Development Officer or Municipal Planning Commission may require that off-street loading areas be provided in the General Commercial / Residential – C1 Land Use District.

17.3 All loading areas shall provide a doorway into a building sufficient to meet the needs of the use within the building. Each loading area shall be designed in such a manner that it will not interfere with convenient and safe pedestrian movement, traffic flow, or parking.

Schedule 5

USE SPECIFIC STANDARDS OF DEVELOPMENT

Schedule 5

USE SPECIFIC STANDARDS OF DEVELOPMENT

The standards in this schedule establish additional requirements for specific uses or structures. The General Standards of Development in Schedule 4 and the requirements of the applicable land use district also apply unless otherwise stated.

SECTION 1 ACCESSORY DWELLING UNITS

1.1 Only one (1) secondary suite or backyard suite may be developed per parcel.

1.2 Backyard suites and secondary suites shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

1..3 The minimum floor area for a backyard suite or secondary suite shall not be less than 30.2 m^2 (325 ft^2).

1.4 Backyard suites and secondary suites shall provide parking stalls 2 parking stalls. Access to the parking area shall be to the satisfaction of the Development Authority.

1.5 Backyard suites and secondary suites shall have full utility services through service connections from the principal dwelling unit at the cost of the property owner.

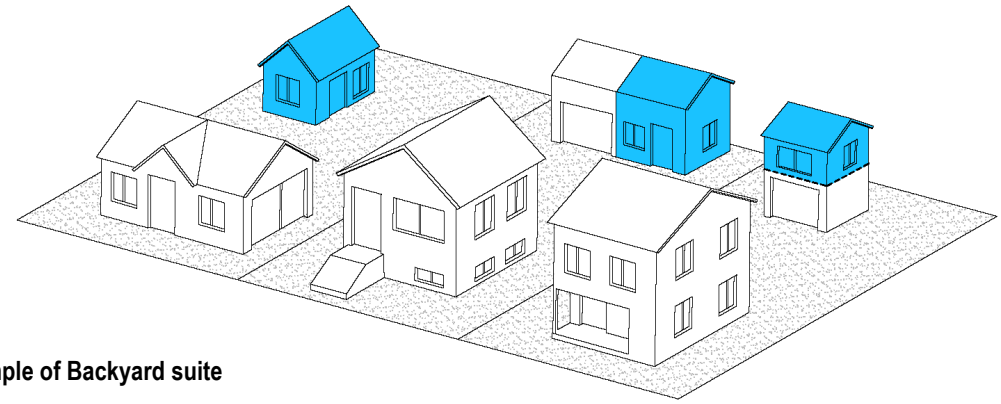
1.6 Development of a backyard suite or secondary suite shall adhere to the Alberta Building Code and Alberta Fire Code as a condition of approval.

Backyard Suite Requirements

1.7 A backyard suite shall be situated no closer than 3.1 m (10 ft) from the principal dwelling and shall not be located in the front yard.

1.8 If a backyard suite is part of a garage, the entrance to the suite shall be separate from the entrance to the garage, either from a common indoor landing or from the exterior of the structure.

1.9 A servicing plan shall be submitted with a development permit application for a backyard suite showing how the services are connected to the principal dwelling to the satisfaction of the Development Authority.



Example of Backyard suite

Secondary Suite Requirements

1.10 A secondary suite shall have cooking facilities, food preparation area, sleeping and sanitary facilities, which are physically separate from those of the principal dwelling within the structure. A secondary suite shall also have an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure.

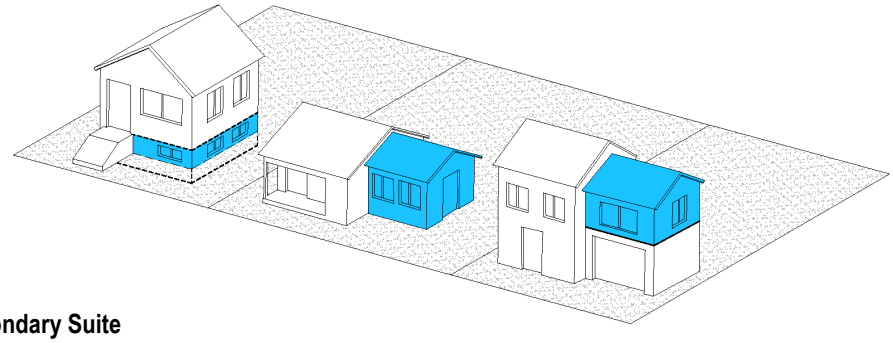
1.11 The maximum floor area of the secondary suite shall be as follows:

(a) in the case of a secondary suite located completely below the first storey of a single-unit, dwelling (other than stairways or a common landing), the floor area (excluding the area covered by stairways) shall not exceed the floor area of the first storey of the associated principal dwelling;

(b) in the case of a secondary suite developed completely or partially above grade, the floor area (excluding the area covered by stairways) shall not exceed 40 percent of the total floor area above grade of the building containing the associated principal dwelling, or 70.0 m² (753.5 ft2), whichever is the lesser.

1.12 A secondary suite shall not be developed within the same principal dwelling containing a home occupation, unless it is proven to the satisfaction of the Municipal Planning Commission that the amount of traffic generated is limited and adequate parking is available without adversely affecting the neighborhood.

1.13 A secondary suite shall be developed in such a manner that the exterior of the principal building containing the secondary suite shall appear as a single dwelling.



Example of Secondary Suite

SECTION 2 ALTERNATIVE ENERGY – SOLAR

2.1 A solar collector system attached a roof of a building in any land use district may be permitted subject to the following:

(a) may project a maximum of 0.5 m (20 inches) from the surface of the roof and shall not exceed the maximum height requirements of the applicable land use district; and

(b) must not extend beyond the outermost edge of the roof.

2.2 A free-standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building shall be classified as an accessory use and processed subject to the applicable land use district and the following additional standards:

(a) must be located such that it does not create undue glare on neighbouring property or public roadways; and

(b) must not exceed 2.4 m (8 ft) in height above existing grade.

SECTION 3 CANNABIS RETAIL STORE

3.1 A cannabis retail store shall not be approved if any portion of an exterior wall of the store is located within 400 m (1312 ft) of:

(a) the boundary of a parcel of land on which a provincial health care facility is located;

(b) the boundary of a parcel of land containing a school and school grounds/sports fields (public or private);

(c) the boundary of a parcel of land that is Development as school reserve (SR) or municipal and school reserve (MSR) under the *Municipal Government Act; or*

(d) the boundary of a parcel of land developed for a playground on lands not developed as municipal reserve but owned by the municipality.

3.2 A cannabis retail store shall not be approved if any portion of the exterior wall of the store is located within 400 m (1312 ft) of another cannabis retail store (measured to the exterior wall).

SECTION 4 CHILD CARE FACILITY

4.1 If determined by the Development Officer, prior to the Municipal Planning Commission meeting, the applicant for a child care facility may be required to meet and consult with all adjacent land owners in the vicinity of where the use is proposed.

4.2 In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.

4.3 Signage for childcare facilities must comply with the following:

(a) a maximum of one sign;

(b) sign must be no greater than 0.7 m^2 (8 ft^2) in size; and

(c) sign must be located in the structure window.

Request for more than one sign or a sign greater than 0.7 m^2 (8 ft^2) requires a separate development permit application.

4.4 The use shall not generate traffic problems within the district.

4.5 The use requires a minimum of one on-site parking space per employee at any given time and a minimum of one on-site pick-up and drop-off space for every 10 children. The location of passenger loading zones for childcare facilities may be specified by condition of a development permit.

4.6 Any outdoor play areas must have screening to the satisfaction of the Municipal Planning Commission.

4.7 All applications for childcare facilities shall, as a condition of approval, obtain the necessary approvals required from regulatory agencies.

SECTION 5 DWELLING GROUP

5.1 Design of the dwelling group shall consider the height, building design and nature of surrounding residential development.

5.2 The arrangement of the structures in a dwelling group is subject to the approval of the Municipal Planning Commission and the requirements of the Alberta Building Code, as amended.

5.3 A minimum 1.5 m (5 ft) wide landscaped buffer strip is required between the parking lot and an adjacent residential lot. The Development Authority, depending on the intensity of the development, may increase the minimum required width of the landscaped buffer strip.

5.4 The Development Authority may regulate the maximum density of apartments and multi-unit dwellings within a block or subdivision based on the policies of the Municipal Development Plan and consideration of:

(a) density of existing development within the block;

(b) adequacy and proximity of community facilities such as schools, shopping, recreational facilities and open space;

(c) adequacy of utilities to accommodate the proposed use;

(d) impacts on future land uses and the street system; and

(e) any other matters deemed pertinent by the Development Authority.

SECTION 6 HOME OCCUPATIONS

6.1 For the purpose of this bylaw, the following classes shall be used to distinguish various home occupations:

(a) **Home Occupation, minor** involves the establishment of an in-home office, phone and no more than one commercial vehicle, and may include one or more of the following:

(i) an exterior identification sign,

(ii) an in-home retail sales area,

(iii) a maximum of 3 clients visits per day.

(b) **Home Occupation, major** involves any non-residential activities which originate from a dwelling, an attached or unattached accessory building which include the manufacturing, processing, assembly, packaging, storage, warehousing, shipping, wholesale distribution and/or retail sales of goods or services which provided from the residential property.

(c) Where any doubt arises in determining the home occupation classification, the matter may be referred to the Municipal Planning Commission for clarification and whose decision shall prevail.

6.2 The following standards apply to both Home Occupation Minor and Major:

(a) The business operator must be a full-time resident of the home.

(b) No variation in the residential character and appearance of the dwelling, accessory building, or land shall be permitted.

(c) The use shall not generate more vehicular or pedestrian traffic and vehicular parking than normal within the district.

(d) No commercial vehicle of a capacity greater than 907 kg (1 ton) shall be parked or maintained on a public road right-of-way or lane.

(e) No offensive noise, vibration, electrical interference, smoke, dust, odours, heat or glare shall be produced by the use.

(f) No use shall cause an increase in the demand placed on any one or more utilities (water, sewer, garbage, etc.) such that the combined total consumption for a dwelling and its home occupation exceed the normal demand for residences in the area.

(g) No use requiring electrical or mechanical equipment shall cause a fire rating change in the structure or the district in which the home occupation is located.

(h) The approved use shall be valid only for the period of time the property is occupied by the applicant for such approved use.

(i) All permits issued for home occupations shall be subject to the conditions that the permit may be revoked at any time, if, in the opinion of the Municipal Planning Commission, the use is or has become detrimental to the residential character or the amenities of the neighbourhood.

(j) Home occupations shall not include:

  (i) activities that use or store hazardous materials;

  (ii) any use that would, in the opinion of the Municipal Planning Commission, materially interfere with or affect the use, enjoyment or value of neighbouring properties;

  (iii) any use declared by resolution of Council to be undesirable as a home occupation.

(k) Only one home occupation shall be permitted per parcel.

(l) Signage advertising a Home Occupation is limited to one sign located in the structure window up to a maximum of 0.4 m^2 (4 ft^2) in size.

6.3 In addition to the general standards, the following standards shall apply to Home Occupation Major permits:

(a) A maximum of one non-resident employee is allowed. For the purposes of this provision, a non-resident employee is someone who does not live at the home.

(b) Outdoor storage shall be screened from adjacent properties and the public view.

(c) Customer and employee parking, in addition to the parking requirements for residential use, may be required.

(d) The number of customer visits and hours of operation may be limited by the Municipal Planning Commission to minimize impacts on surrounding residential uses.

(e) The home occupation shall not be permitted if, in the opinion of the Municipal Planning Commission, the use would be more appropriately located within a commercial or industrial district.

SECTION 7 MOVED IN DWELLINGS

7.1 For the purpose of this bylaw, the following classes shall be used to distinguish various dwelling types that are not constructed on site.

Manufactured Homes Standards

7.2 The following criteria applies to eligible manufactured homes:

(a) New factory-built units.

(b) Used factory-built units in a good state of repair (to the satisfaction of the Municipal Planning Commission). Any application for a development permit to locate a used manufactured home shall include recent colour photographs of all elevations including additions; and may require a personal inspection by the Development Officer to determine the unit's suitability.

(c) Canadian Standards Association (CSA) certified units or units bearing the Alberta Building Label (CSA A-277 or Z-240 building labels).

7.3 The Development Officer or Subdivision and Development Authority may require a bond or irrevocable letter of credit of a minimum $5000.00 to a maximum value of up to 50 percent of the assessed value of the building to ensure the conditions of the development permit for a principal building are met.

7.4 All single-wide manufactured homes shall be skirted with compatible materials and satisfactorily enclosed to the satisfaction of the Development Officer.

7.5 All manufactured home additions shall be of a design and finish which will complement the unit.

7.6 The wheels, hitches and other running gear shall be removed from a manufactured home immediately after the placement of the home.

7.7 The yard area of each lot shall be developed and landscaped.

Modular Homes Standards

7.8 The approval authority shall issue a development permit for a modular or ready-to-move (RTM) home provided that:

(a) the dwelling is a factory-built unit that meets the manufactured housing industry and CSA standards and the building code;

(b) the dwelling is securely fastened and placed on a basement/slab or other acceptable foundation;

(c) the minimum roof pitch shall not be less than a 4/12 pitch;

(d) the minimum floor area of the principal dwelling not including attached garage shall not be less than 92.9 m^2 (1000 ft^2);

(e) the dwelling shall be a minimum 7.3 m (24 ft) in width and not greater than 20.0 m (66 ft) in length;

(f) the unit is CSA certified (meets CSA A-277 Standards) and will meet all safety code requirements;

(g) the design, character, and appearance (including roof lines/material and exterior finish) of modular homes shall be consistent with the purpose of the district in which the building is located and shall take into account any other buildings existing in the vicinity;

(h) at the discretion of the Development Officer or the Municipal Planning Commission, the exterior finish, colour and roofing material may be stipulated as a condition of approval;

(i) the dwelling shall conform to any architectural controls that may apply.

7.9 As a condition of approval, the Municipal Planning Commission, at their discretion, may place other conditions on a development permit including the requirement that the developer provide landscaping, fencing, address drainage issues, or other such matters it considers necessary if, in his or its opinion, they would serve to improve the quality or compatibility of any proposed development.

7.10 The Municipal Planning Commission may require a bond or irrevocable letter of credit of a minimum $5000.00 to a maximum value of up to 50 percent of the assessed value of the building to ensure the conditions of the development permit for a principal building are met.

Previously Occupied Dwellings

7.11 The building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular land use district set out in the Land Use Bylaw.

7.12 The quality of the completed building shall be at least equal to or better than the quality of the other buildings in the area.

7.13 The requirements of the building shall be established by the Municipal Planning Commission at the time of approval of the application and shall form a part of the conditions of the development permit.

7.14 A report by a certified building inspector regarding each application may be required to be filed before any such application shall be considered.

7.15 A limit of the time of completion and full compliance with all stipulated requirements shall be established by the Municipal Planning Commission at the time of the approval of the application.

7.16 The application should be accompanied by recent colour photographs of all elevations of the previously occupied dwelling to be moved.

7.17 The Municipal Planning Commission may require a minimum of $5,000 in cash to ensure the conditions of the development permit are met. If the cost to complete the work in the conditions of approval is greater than the cash deposit, construction may be completed by the Village and additional costs may be charged against the property taxes.

Ready-to-Move Homes Standards

7.8 The approval authority shall issue a development permit for a ready-to-move (RTM) home provided that:

(a) the dwelling is securely fastened and placed on a basement/slab or other acceptable foundation;

(b) the minimum roof pitch shall not be less than a 4/12 pitch;

(c) the minimum floor area of the principal dwelling not including attached garage shall not be less than 92.9 m^2 (1000 ft^2).

SECTION 8 MOVED IN BUILDINGS

8.1 The building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular land use district set out in the Land Use Bylaw.

8.2 The building shall comply with all provincial and municipal health and fire regulations prior to occupancy and release of cash deposit.

8.3 The quality of the completed building shall be at least equal to or better than the quality of the other buildings in the area.

8.4 A report by a certified building inspector regarding each application may be required to be filed before any such application shall be considered.

8.5 The application should be accompanied by recent colour photographs of all elevations of the moved-in building.

8.6 The Development Officer or Municipal Planning Commission may require a minimum of $5,000 in cash to ensure the conditions of the development permit are met. If the cost to complete the work in the conditions of approval is greater than the cash deposit, construction may be completed by the Village and additional costs may be charged against the property taxes.

8.7 Return of the posted bond is contingent on the Development Officer verifying the completion of all the conditions of this schedule and the development permit.

SECTION 9 SHIPPING CONTAINERS

9.1 An application for a development permit for all permanent shipping container(s) must be completed and submitted to the Development Officer along with the appropriate application fee. At least two recent colour photographs of the container(s) (one end view and one side view) must accompany the application.

9.2 There shall be a primary use on the property where the shipping container is proposed.

9.3 The front, rear and side setback requirements shall be regulated by the Development Authority as per the accessory building requirements in the applicable land use district.

9.4 The maximum number of shipping containers permitted on a lot may be regulated by the Development Authority.

9.5 The Development Authority may require as a condition of approval that any shipping container be sandblasted and/or painted to the satisfaction of the Development Authority.

9.6 The Development Authority may require as a condition of approval that any shipping container be screened from view or landscaped to make it aesthetically pleasing.

9.7 The exterior of all shipping containers must be kept clean and regularly painted.

9.8 Shipping containers shall not display advertising, company logos, names or other marketing without an approved sign permit.

9.9 The Development Authority may require as a condition of approval the posting of a bond or a security guaranteeing compliance with the conditions of the permit.

Shipping Container Placed on a Parcel for Construction Purposes

9.10 A shipping container may be placed temporarily for a period of up to 6 months within a residential land use district and must obtain a development permit subject to the following provisions:

(a) the shipping container is needed in connection with construction of a development for which a development permit has been issued or for the purposes of temporary storage due to a natural disaster;

(b) the construction site is active (i.e. construction has commenced and is on-going or is about to commence within one week); placement of a shipping container on an inactive construction site is not permitted;

(c) no more than one shipping container is placed on the construction site (a development permit is required for additional shipping containers on a construction site);

(d) the exterior of the shipping container is kept clean and does not display any advertising other than the company owner's logo or trademark;

(e) the shipping container shall be removed immediately upon completion of construction or sooner as may be required by the Development Authority;

(f) the shipping container shall be placed a minimum of 3 m (10 ft) from the front property line and 1.5 m (5 ft) from the side property line.

SECTION 10 SIGNS

10.1 Sign and billboards shall be prohibited except for signs advertising the principal use of the premises or the principal products offered for sale on the premises, unless otherwise approved or exempted by the Municipal Planning Commission.

10.2 Lawn, fascia and freestanding signs only shall be permitted subject to the following limitations:

(a) Not more than two signs shall be permitted on the premises of a conforming use.

(b) No sign shall be in excess of 1.8 m^2 (20 ft^2) in area, but the areas of the two permitted signs may be combined and the total area shall not exceed 1.8 m^2 (20 ft^2). Each sign may be double-faced.

(c) No sign shall be illuminated unless the source of light is steady and suitably shielded.

(d) No advertisement or commercial sign shall be attached to fences, poles or trees or allowed to stand in a public place or on public property.

(e) The maximum height of any freestanding sign shall be 6.1 m (20 ft).

(f) The maximum height of any lawn sign shall be 1.5 m (5 ft).

(g) The location of any sign shall be such that it does not become a visual obstruction to traffic (see Schedule 4) or interfere with any authorized traffic control device.

10.3 Directional and informational signs may be permitted if warranted by the merits of each case.

10.4 Variances may be considered by the Municipal Planning Commission in exceptional circumstances if warranted by the merits of each case.

10.5 All signs shall be maintained in a safe and tidy manner to the satisfaction of the Municipal Planning Commission.

10.6 Portable signs only shall be permitted subject to the following limitations:

(a) All portable signs require a development permit but may be allowed without a permit for the announcement of special events, sales, or circumstances where a sign is needed for short specified time periods at the discretion of the Development Authority.

(b) Portable signs projected using animation, digital or electronic changeable copy shall be at the discretion of the Municipal Planning Commission.

(c) A development permit for a portable sign will be valid for a period of no longer than 60 days.

(d) Once the permit has expired for a portable sign at a location address, application for another portable sign on the same site shall not occur until 30 days has elapsed from the expiration of the previously approved permit or 30 days from the date at which the portable sign is removed, whichever is the later of the two dates.

(e) Portable signs shall not be allowed in any residential land use district unless placed on Village boulevards and permission has been obtained from the Development Authority.

(f) No more than one portable sign per business frontage or where there are two (2) or more frontages, a total of two (2) portable signs may be located on a single lot or premises, except in a Development tourism signage area where more than two (2) portable signs may be located at the discretion of the Municipal Planning Commission.

(g) No portable sign (including electrical cords) shall be placed on or extend over or project into any municipal property or beyond the boundaries of the private lot or premises upon which it is sited without the written authorization of the Development Authority.

(h) All portable signs shall be located within the property lines of the location address shown on the development permit application.

(i) The proposed advertising copy and/or business shall be indicated at the time of the development permit application.

(j) The Development Authority may require the posting of a security with the Village to ensure compliance with any and all conditions of approval and the removal of the sign on or before the date of expiry of the permit.

(k) A portable sign shall not be allowed to locate or remain on a site without a development permit, whether the sign displays any advertising or not.

(l) The Development Authority must only approve the location of the portable sign on the premises after having given due consideration for the location of power supply, sight lines visibility, parking pattern on the site and/or any other site specific development constraints that the Development Authority considers relevant.

SECTION 11 TOURIST HOMES

A tourist home means a dwelling unit operated as an accommodation unit, occupied by a guest or guests for a period of less than 28 days.

11.1 Tourist homes are prohibited in residential districts except where they are expressly listed as a discretionary use.

11.2 Where approved, tourist homes shall be developed and operated in accordance with the following regulations in order to ensure that the impacts of this commercial use do not unduly affect the amenities of the residential neighbourhood in which they are located:

(a) The maximum number of bedrooms in a dwelling unit used for a tourist home shall be four, with maximum of eight 'pillows' (guests).

(b) Tourist homes require a development permit. A permit may be revoked at any time if, in the opinion of a designated officer, the operator has violated any provision of this bylaw or the conditions of a permit.

(c) Tourist homes shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.

11.3 The operator of the tourist home shall:

(a) keep and maintain, or have kept and maintained by a company or individual identified in the development permit application, a guest register that shall be reasonably available for inspection by designated officer;

(b) provide one hard surfaced, on-site parking stall per bedroom. Parking stalls shall not be tandem;

(c) not display any form of advertising related to the tourist home except as provided for in this bylaw and until after a development permit is issued;

(d) ensure that all parts of the dwelling conforms to the Alberta Safety Code.

Schedule 6

DEFINITIONS

DEFINITIONS

In this bylaw, words importing the singular number of the masculine gender may include the plural number of the masculine gender, the singular number or plural number of the feminine gender, or may also refer to corporate bodies, and the context requires.

A

ACCESSORY BUILDING means any building that is physically separate from the principal building on the lot on which both are located and which is subordinate and incidental to that of the principal building. The use is subordinate and incidental to that of the principal use of the site on which it is located, and examples of a typical accessory building is a private garage or shed. No accessory building shall be used for human habitation.

ACCESSORY DWELLING UNIT means a dwelling unit that is secondary to a principal single-detached dwelling located on the same lot. For the purposes of this bylaw, accessory dwelling units are represented by two (2) separate uses: secondary suites and backyard suites.

ACCESSORY STRUCTURE means a structure that is detached from the principal building. It is ancillary, incidental, and subordinate to the principal building or use. Typical accessory structures include flagpoles, swimming pools, and storage tanks. When a structure is attached to the principal building by a roof, a floor, a wall, or a foundation, either above or below grade, it is considered part of the principal building. No accessory structure shall be used for human habitation.

ACCESSORY USE means a use or development customarily incidental and subordinate to the principal use or building and is located on the same parcel as such principal use or building. A principal use must be legally established or approved before an accessory use can be approved.

ADDITION means construction that increases the footprint of an existing building or structure on the parcel of land. Typically there will be a common connection from the existing building to the addition that includes a foundation of some type beneath the addition.

AGRICULTURAL BUILDING means a structure associated with and generally essential to an agricultural operation. Such structures or facilities may include, but are not limited to, the following: machine sheds, storage sheds, granaries, grain bins, silos, animal housing and/or feeding facilities, repair shops, corrals, pens, and other ancillary farm structures.

ALTERNATIVE ENERGY means energy that is renewable or sustainable that is generally derived from natural sources (for example, the earth, sun, wind, water) and is energy produced is primarily for consumption by the landowner, resident or occupant.

AMUSEMENT FACILITY means development for amusement pastimes, and may incorporate eating facilities as an accessory use. Such uses may include, but are not limited to, amusement arcades, billiard and bingo halls, bowling alleys and indoor mini-golf.

ANIMAL CARE SERVICE, SMALL means development for the on-site treatment and/or grooming of small animals such as household pets, where on-site accommodation may be provided and where all care and confinement

facilities are enclosed within one particular building. This use may also include the supplementary sale of associated animal products. Typically, this use will include pet grooming salons, pet clinics and veterinary offices.

AUCTIONEERING FACILITY means any facility where animals or goods are regularly bought, sold, or traded to the highest bidder. The facility may also include holding pens and viewing areas, transport facilities, spectator seating, and administrative offices. This definition does not apply to individual sales of animals or goods by private owners.

AUTO BODY AND PAINT SHOP means a building where motor vehicles are repaired and also where motor vehicle bodies and parts, and other metal machines, components, or objects may be painted. Painting of this type shall not be done outdoors, but must be set up in a properly ventilated building. This use may also include an outdoor storage area and an office component. Also see **SANDBLASTING FACILITIES**.

AUTO SALES AND SERVICE means the retail sale, lease, or rental of new or used automobiles and/or recreational vehicles and/or a facility for the repair and servicing of automobiles and/or recreational vehicles including, but not limited to, mufflers, oil changes, transmissions, engine replacement, glass repair and auto detailing. Such facilities do not include the sale of gas but may include towing services as an accessory use.

AUTO WRECKAGE AND SALVAGE YARD means a facility or operation specifically intended for the dismantling of automotive vehicles and the sale of those parts to the general public. Such a facility may include an administrative office, work areas, and outdoor storage. The parcel of land on which the facility exists must be completely fenced according to Village standards.

B

BED AND BREAKFAST means an accessory use carried out in an owner-occupied dwelling where temporary accommodation is provided to non-residents of the dwelling for remuneration, and where meals, if provided for guests, are prepared in the common kitchen of the principal residence.

BUILDING AND TRADE CONTRACTORS means a facility for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with such contractor services where all materials are kept within an enclosed building, and where there are no associated manufacturing activities.

BULK FUEL STATION means a use of land or buildings for storing and distributing petroleum products in bulk quantities. This use includes supplementary tanker vehicle storage and card lock or key lock fuel distribution facilities.

BUSINESS means a commercial, merchandising, or industrial activity or undertaking, a profession, trade, occupation, calling or employment or an activity providing goods or services, whether or not for profit and however organized or formed, including a cooperative or association of persons.

C

CAMPGROUND means a use where Recreational Vehicles, tents or similar short-term accommodations, are used for recreation, and is not normally used as year-round vehicle storage or as permanent dwellings.

CARPORT means a roofed, partially enclosed structure intended for the shelter of one or more motor vehicles.

CAR WASH means the use of a structure or area providing for the cleaning of motor vehicles but does not include SERVICE STATIONS.

CHILDCARE FACILITY means a building or portion thereof used for the provision of care, maintenance and supervision of seven or more children, by persons unrelated to the children by blood or marriage, for periods not exceeding 24 consecutive hours and includes all child-care centres, day cares, day homes, nurseries and after-school or baby-sitting programs which meet the conditions of this definition.

CHURCH means a building or facility whose primary purpose is to facilitate meetings of a group of people for public worship or religious services.

CLUB OR FRATERNAL ORGANIZATION means a development for the assembly of members of non-profit clubs or organizations, including charitable, social service, ethnic, athletic, business or fraternal organizations. This use may include eating, drinking, entertainment, sports, recreation and amusement facilities as accessory uses but "campground" is a separate use.

COMMERCIAL ESTABLISHMENT means the use of land and/or building for the purpose of display, storage, and sale of goods and/or services to the general public. Any on-site manufacturing, processing or refining of goods shall be incidental to the sales operation. If outdoor storage or display is required for the operation, the parcel shall be completely fenced according to Village standards.

COMMERCIAL VEHICLE means a motor vehicle used in the operation of a commercial business or home occupation operation for the transport of goods and/or equipment incidental to the operation of the business. Typically the vehicle will have a commercial license plate and an identifiable logo design on it.

COMMUNITY HALL means a facility or building whose primary purpose is to accommodate use by community group(s). The structure may include such features as meeting rooms, kitchen, stage and open floor area, bar/liquor area, multi-purpose rooms, washrooms, coat room, storage room(s) and administrative offices. Exterior uses may include parking, playground areas, outdoor shelters, and sitting areas.

CONTRACTOR, GENERAL means development used for industrial service support and construction. Typical uses include cleaning and maintenance contractors, building construction, landscaping, concrete, electrical, excavation, drilling heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor use.

CONTRACTOR, LIMITED means a development used for the provision of electrical, plumbing, heating, painting, catering and similar contractor services primarily to individual household and the accessory sales of goods normally associated with the contractor services where all material are kept within an enclosed building, and there are no accessory manufacture activities or fleet storage of more than four vehicles.

CONVENIENCE STORE means a retail store that sells a limited line of groceries and household goods for the convenience of the neighbourhood.

CRYPTOCURRENCY MINING OPERATION means a heavy industrial facility consisting of a building or group of buildings housing powerful, highly specialized computers that are used to verify digital transactions and require 24/7 climate control. This use may include an on-site power plant.

CULTIVATION OF LAND means the commercial agricultural production of field crops and the associated crop preparation and harvesting activities including mechanical soil preparation, irrigation system operation, and spraying.

D

DAY HOME means a private residence where care, development and supervision are provided for a maximum of six children between the ages of 0-12 years, by persons unrelated to the children by blood or marriage, including children under the age of 12 who reside in the home, for periods not exceeding 24 consecutive hours.

DECK means a paved, wooden, or other hard-surfaced area generally adjoining a principal building intended for outdoor living space that is 0.6 m (2 ft) or greater above grade.

DETACHED GARAGE means an accessory building designed and used primarily for the storage of motor vehicles that is not attached or is separate from the principal building.

DWELLING, SINGLE UNIT means a building or portion thereof designed for human habitation and which is intended to be used as a residence for one or more individuals containing only one dwelling unit built on site but does not include travel trailers, motor homes, recreational vehicles, or other mobile living units, hotel, motel, dormitory, boarding house, or other similar accommodation.

DWELLING, MULTI-UNIT means a building or portion thereof designed for human habitation and which is intended to be used as a residence for one or more individuals but does not include travel trailers, motor homes, recreational vehicles, or other mobile living units, hotel, motel, dormitory, boarding house, or other similar accommodation. Dwelling, multi-unit includes:

> **Two-unit dwelling** means a residential building that contains two separate dwelling units connected either by a common floor/ceiling, or by a common wall (party wall) between units.
>
> **Three-unit dwelling** means a residential building comprised of three dwelling units, each unit having a separate, direct entrance from grade or a landscaped area. Each dwelling unit will be connected either by a common floor/ceiling, or by a common wall (party wall) between units.
>
> **Four-unit dwelling** means a residential building comprised of four dwelling units, each unit having a separate, direct entrance from grade or a landscaped area. Each dwelling unit will be connected either by a common floor/ceiling, or by a common wall (party wall) between units.
>
> **Apartment building** means a structure with several self-contained dwellings, each of which occupies a portion of the same building. Such a building will typically consist of five or more apartments for rent including an area for tenant and visitor parking and have a common entrance.
>
> **Row dwelling** means development consisting of a building containing a row of four or more dwelling units each sharing a common wall extending from the first floor to the roof, at the side only with no dwelling being place over another in whole or in part. Each dwelling unit shall have separate, individual, and direct access to the building at grade.

DWELLING, MOVED-IN means any new or used dwelling that is constructed off-site and moved from one parcel and transported to another parcel and which is intended to be used as a residence for one or more individuals but does

not include travel trailers, motor homes, recreational vehicles, or other mobile living units, hotel, motel, dormitory, boarding house, or other similar accommodation. Dwelling, moved-in includes:

Modular home means a dwelling unit built at an off-site manufacturing facility in conformance with CSA standards designed in two or more modules or sections. The dwelling is transported by transport trailer in sections and delivered to the site where it is assembled and placed on an approved foundation.

Moved-In dwelling means a previously existing, established and occupied dwelling, which is removed from one site and then transported and re-established on another site.

Manufactured home means a completely self-contained dwelling unit, designed and constructed entirely within a factory setting. Typically it is transported to a site in not more than one piece on its own chassis and wheel system or on a flatbed truck.

Ready-to-move (RTM) means a dwelling unit that would normally be constructed on the site intended for occupancy, but for various reasons, is constructed at an off-site manufacturing facility, construction site, plant site or building yard. It is then loaded and transported as a single unit onto the proper moving equipment and delivered to the site intended for occupancy and placed on a concrete slab or basement or other approved foundation.

E

ENTERTAINMENT ESTABLISHMENT means an establishment such as a theatre, auditorium, lounge or cabaret providing dramatic, musical or other entertainment indoors or outdoors and may include facilities for supplementary food and beverage consumption.

EQUIPMENT SALES, RENTAL AND SERVICE means the use of land or buildings for the retail sale, wholesale distribution, rental and/or service of: hand tools, small construction, farming, gardening and automotive equipment, small machinery parts and office machinery and equipment.

EXHIBITION CENTRE means the use of land or building, public or private, for temporary events including seasonal shows, conventions, conferences, seminars, product displays or sale of goods, recreation activities, and entertainment functions. This use may include accessory functions including food and beverage preparation and service for on-premise consumption.

F

FARMER'S MARKET means the use of land or buildings where fresh farm or garden produce is sold in retail or wholesale setting and where goods are typically displayed in bulk bins or stalls for customer selection. This use includes vendors of fruit, vegetables, meat products, baked goods, dry goods, spices and non-food products such as handicrafts, provided that the sale of fresh food products remains the primary function.

FENCE means a structure usually made of wood, rails, bricks or wire intended to mark parcel boundaries and provide yard privacy.

FITNESS FACILITY means a development where space, equipment or instruction is provided for people to pursue physical fitness or skills relating to physical activities and may include the incidental sale of products relating to the service provided.

FUNERAL FACILITY means a commercial operation for the preparation of the deceased for burial or cremation, and for holding funeral services and may incorporate a crematorium and/or a columbarium within the building.

G

GARAGE means an accessory private residential building or part of the principal residence, designed and used primarily for the storage of motor vehicles.

GARDEN CENTRE OR GREENHOUSE means a building specially designed and used for the commercial growing of vegetables, flowers or other plants for transplanting or sale. The use may include accessory retail uses on the premises.

GARDEN SHED means an accessory structure to store household and garden equipment and supplies that is not more than 9.29 m^2 (100 ft^2) in size.

GENERAL WAREHOUSING AND STORAGE means a building used for the storage of goods and merchandise. The building may include administrative offices, loading areas, parking areas, storage rooms and the retail sale of goods stored in the warehouse. No outside storage is permitted with this use.

GOVERNMENT SERVICES means development providing municipal, provincial, or federal government services directly to the public or the community at large, and includes development required for the public protection of persons or property.

H

HOLIDAY TRAILER – see **RECREATIONAL VEHICLE**

HOME OCCUPATION means an occupation, trade, profession or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the lot, and which does not change the character thereof or have any exterior evidence of such secondary use.

HOTEL means the use of a building for sleeping accommodations provided for a fee on a daily basis, accessible only through a central lobby with onsite parking; the building may also contain accessory commercial, and food and beverage service uses.

I

INSTITUTIONAL means a use by or for an organization or society for public or social purposes and, without restricting the generality of the term, includes senior citizen housing, nursing homes, day care centres, places of worship, museums, libraries, schools, service and fraternal organizations, and government buildings.

K

KENNEL means a facility where dogs or cats or other domestic pets are maintained, boarded, bred, trained or cared for or kept for the purposes of sale but excludes an “animal care service”.

L

LIGHT INDUSTRIAL/MANUFACTURING means development used for manufacturing, fabricating, processing, assembly, production or packaging of goods or products, as well as administrative offices and warehousing and wholesale distribution uses which are accessory uses to the above, provided that the use does not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the developed portion of the site or lot upon which it is situated.

LIQUOR STORE means a retail establishment licensed under provincial authority for the sale of any or all of beer, wine, or spirits for consumption off premises. Full walls must physically separate the premises from any other business.

LUMBER YARD means a commercial operation where lumber, building materials and supplies, and other building-related goods are stored, displayed and sold.

M

MACHINERY AND EQUIPMENT SALES, RENTAL, AND SERVICE means a commercial operation where the land and buildings are used for the sale, service and rental of machinery, vehicles and heavy machinery used in the operation, construction or maintenance of buildings, roadways, pipelines, oil fields, mining or forestry operations, and in freight hauling operations. Cleaning, repairing and sale of parts and accessories may be allowed as part of the principal use. Such a facility may include an administrative office, ancillary structures, outdoor work areas, parking, and outdoor storage areas.

MARKET GARDEN means the growing of vegetables or fruit for commercial purposes. This use includes an area for the display and sale of goods or produce grown or raised on site.

MEDICAL/HEALTH FACILITY means a facility for the provision of human health services without overnight accommodation for patients and may include associated office space. Typical uses include physiotherapy, registered massage therapy, doctor, dentist, optometrist, and chiropractic offices.

MINI STORAGE means the use of land with compartmentalized buildings or a Development site set up for the storage of equipment, household or business materials, or vehicles, but excludes storage of hazardous goods or materials. Accessory to this use is the exterior screened storage of recreational vehicles, boats, trailers and similar items.

MIXED USE BUILDING means a building used partly for residential and partly for commercial use.

MIXED USE DEVELOPMENT means a parcel of land or building or structures developed for two or more different uses that may include uses such as residential, office, manufacturing, retail, public or entertainment.

MOTEL means a building or group of buildings on a site designed and operated to provide temporary accommodation for transient motorists and contains separate sleeping units, each of which is provided with an adjoining conveniently located parking stall. The building may also include accessory eating and drinking establishments and personal service shops.

MOVED-IN BUILDING means a previously used or existing, established and working building, which is removed from a site, and then transported and re-established on another site.

MUSEUM means a building or site used for the preservation, collection, restoration, display and/or demonstration of articles of historical significance and may include archival records of a geographic area or of a time period.

N

NOXIOUS OR HAZARDOUS USES are those land uses which may be detrimental to public health, safety and welfare because of toxic gases, noxious smells, wastes, noise, dust, vibration or smoke emissions which are incompatible with residential or other development.

O

OFFICE means development primarily for the provision of professional, management, administrative, consulting, or financial services in an office setting. Typical uses include but are not limited to the offices of lawyers, accountants, travel agents, real estate and insurance firms, planners, clerical and secretarial agencies. This excludes government services, the servicing and repair of goods, the sale of goods to the customer on the site, and the manufacturing or handling of a product.

OUTDOOR STORAGE means the use of land with or without attendant buildings for the open, outdoor storage of equipment, materials or vehicles, or processed or unprocessed resources or materials. For the purposes of this bylaw, this definition is limited to those uses that require minimal on-site improvements, service and public amenities or facilities and does not include those goods or materials which are hazardous.

P

PARKING STALL means a clearly marked and identifiable stall which is accessible on a continuous basis for the parking of one motor vehicle, either by the general public or employees, and shall not be used for any other purpose which detracts from the intended use or the accessibility of the stall.

PARK MODEL TRAILER means a recreational vehicle that is either:

(a) built on a single chassis mounted on wheels designed for infrequent towing by a heavy-duty tow vehicle but is restricted in size and weight so that it does not require a special highway movement permit and conforms to the CSA-Z-240 standard for recreational vehicles; or

(b) a recreational vehicle intended for temporary residence or seasonal use built on a single chassis mounted on wheels, which may be removed and returned to the factory, requiring a special tow vehicle and highway permit to move on the road and conforms to the CSA Z-241 standard for recreational vehicles.

PARKS AND PLAYGROUNDS means land developed for public recreational activities that do not require major buildings or facilities, and includes picnic areas, playgrounds, pedestrian and bicycle paths, landscaped areas and associated public washrooms. This may include public open space, which is not in private ownership and is open to use by the public.

PASTURE means land that is primarily used for the production of adapted, domesticated forage plants for livestock grazing.

PERSONAL SERVICES means uses that provide personal services to an individual that are related to the care and appearance of the body or the cleaning and repair of personal effects. Typical uses include but are not limited to barber shops, beauty salons, hairdressers, manicurists, aestheticians, fitness facility, tailors, dress makers, shoe repair shops, dry cleaning establishments, and laundries but does not include health services.

PRIVACY WALL AND/OR SCREEN means a structure that provides a screen or visual barrier between a window of a habitable room or an outdoor area on a lot and an adjoining lot.

Q

QUONSET means a structure made from metal having a semicircular roof and/or cross section and end walls.

R

RECREATIONAL VEHICLE / HOLIDAY TRAILER means a transportable living unit, designed to be moved on its own wheels or by other means (including units permanently mounted on trucks), designed or constructed to be used for sleeping or living purposes on a short-term, temporary basis. Such living units are subject to highway safety standards rather than housing standards. Typical units include, but are not limited to motor homes, campers, holiday trailers, travel trailers, fifth wheel trailers, tent trailers and **PARK MODEL TRAILERS**. These units are not permitted as either temporary or permanent **DWELLINGS**.

RECREATIONAL VEHICLE STORAGE – see **OUTDOOR STORAGE**

RECREATION, PRIVATE means sports or recreational or retreat activities, use, facilities including associated eating and retail areas, provided by commercial for-profit and non-profit businesses where the public is admitted for a fee or where admission is limited to members of an organization or limited group.

RECREATION, PUBLIC means sports or recreational or retreat activities, uses or facilities, including associated eating and retail areas, for public use which are public-owned or operated.

RECYCLING FACILITY means the use of land or buildings for the purchasing, receiving and/or temporary storage of discarded and recyclable articles, provided that the use does not generate a detrimental effect or nuisance beyond the boundaries of the lot or site on which it is situated. Such a facility may include supplementary production of by-products or materials and includes bottle, can and paper recycling depots.

RESTAURANT means a commercial development where food and beverages are prepared and served. The development may include supplementary alcoholic beverage service and catering services. This term will include restaurants, cafes, diners, lunch and tea rooms, ice cream parlors, banquet facilities, and take-out restaurants.

RETAIL means a commercial premise where goods, merchandise, substances, articles, and other materials, are offered for sale to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical uses include but are not limited to grocery, bakery, hardware, pharmaceutical, appliance, clothing, and sporting goods stores. These uses exclude warehouse sales and the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, or retail stores requiring outdoor storage.

S

SALES AND/OR RENTALS means the sale or rental of various goods including but not limited to vehicles, construction equipment, farm equipment or machinery, or recreational vehicles.

SATELLITE DISH means a structure designed specifically to receive television signals.

SCREENING means a fence, wall, berm or hedge used to visually separate areas or functions that detract from the street or neighbouring land uses.

SENIOR HOUSING means a dwelling unit or accommodation sponsored and administered by any public agency or any non-profit organization, either of which obtains its financial assistance from federal, provincial, or municipal governments or agencies or public subscriptions or donation or any combinations thereof. Senior citizen accommodation may include lounge, dining, health care, and recreation facilities.

SERVICE STATION means any lot or building used for the retail sale of motor accessories, gasoline or other fuels and the supply of washing, greasing, cleaning and minor repair services for motor vehicles. This use also includes Electric Vehicle charging stations.

SHIPPING CONTAINER means any container that is or was used for transport of goods by means of rail, truck or by sea. These are generally referred to as a C-Container, sea cargo container, sea can or cargo container. Such containers are typically rectangular in shape and are generally made of metal. For the purposes of this bylaw, when such a container is used for any purpose other than transporting freight, it will be considered as a structure, must conform to these regulations and may require a permit.

SIGN means any development:

(a) constructed and permanently affixed directly or indirectly to any building, structure, window or a parcel of land; and/or

(b) which is used to advertise, identify or display a commercial or non-commercial activity, product, place, organization, institution, person, service, event or location, by any means, including words, letters, figures, design, symbols, fixtures, colours, illumination or projected images and in such a manner as to be visible from any public place, but does not include any real estate sign, window display, political poster, flags, graffiti, athletic scoreboards or any traffic or directional and information signage erected by the Village, the provincial or federal governments and their agencies.

T

TELECOMMUNICATION ANTENNA means a structure and any associated system, including all masts, towers and other antenna supporting structures that is used for the transmission, emission or reception of television, radio or telecommunications.

TEMPORARY DEVELOPMENT means a development for which a development permit has been issued for a limited time period.

TOURIST HOME means a dwelling unit that is managed, advertised and leased by an individual or professional property manager, who uses a system of reservations, deposits and confirmations, collects G.S.T., and accepts credit cards. The accommodation unit is not leased for more than 28 days at a time.

TRANSPORTATION/DELIVERY SERVICE means development involving the use of one or more vehicles to transport people, mail, currency, documents, packages and articles for compensation such as a mobile catering service, the rental or lease of vans and trucks, taxi service, limousine or bus service and may include limited storage and repair of the vehicles used. This use does not include towing operations.

TRAVEL TRAILER – see **RECREATIONAL VEHICLE**

TRUCK TRANSPORTATION DISPATCH/DEPOT means a facility for the purpose of storing and/or dispatching trucks, buses, fleet vehicles, and transport vehicles and may include towing operations. The use may also involve the transfer of goods primarily involving the loading and unloading of freight-carrying trucks.

U

UTILITY 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 sewage drainage facilities;
(e) telecommunications systems;
(f) systems for the distribution of artificial light or electric power;
(g) facilities used for the storage of telephone, cable, remote weather stations or internet infrastructure;
(h) any other things prescribed by the Lieutenant Governor in Council by regulation.

V

VARIANCE – see **WAIVER**

VETERINARY CLINIC – see **ANIMAL CARE SERVICE**

W

WAREHOUSE means a facility for the storage of goods, materials or equipment for use by a company.

WASTE MANAGEMENT SITES means a development for the commercial receiving of spent materials, provided that no detrimental effects or nuisances are generated beyond the parcel upon which it is situated. This use includes a dry waste site, a hazardous waste management facility and a waste sorting station. This use does not include a **RECYCLING FACILITY**.

WASTE MANAGEMENT TRANSFER STATION means a facility for the collection and temporary holding of solid waste in a transferable storage container.

WASTEWATER TREATMENT PLANT has the same meaning as referred to in the Subdivision and Development Regulation and as in the *Environmental Protection and Enhancement Act*. This definition also includes a wastewater treatment stabilization plant.

WATER TREATMENT PLANT means a facility that treats raw water so that it is safe for human consumption and then distributes it for human use.

All other words and expressions not otherwise defined in this Land Use Bylaw have the meaning assigned to them in the *MGA.*

Schedule 7

TELECOMMUNICATION SITING PROTOCOL

Schedule 7

TELECOMMUNICATION ANTENNA SITING PROTOCOL

The purpose of this Appendix serves as the protocol for the installation and modification of telecommunication, radiocommunication and broadcasting antenna systems and supporting structures (antenna systems) in the Village of Hill Spring. The protocol establishes the procedural standard for public participation and consultation that applies to proponents of antennas systems and identifies the Village of Hill Spring's preferred development and design standards.

SECTION 1 APPLICABILITY

The federal Minister of Industry is the approval authority for the development and operation of antenna systems, pursuant to the Radiocommunication Act. Industry Canada recognizes the importance of considering input from local Land Use Authorities and the public regarding the installation and modification of antenna systems and encourages Land Use Authorities to establish a local protocol to manage the process of identifying and conveying concerns, questions and preferences to the proponent of an antenna system and Industry Canada.

The local protocol established in this Appendix applies to any proposal to install or modify a telecommunication, radiocommunication or broadcast antenna system and supporting structures within the Village of Hill Spring which is not excluded from the consultation requirements established by Industry Canada in Client Procedures Circular CPC-2-0-03 [or subsequent/amended publications]. Proponents of excluded antenna systems are nevertheless encouraged to contact the Municipality to discuss the proposal and identify any potential issues or concerns and give consideration to the development and design standards in section 4 of this Appendix.

Antenna Systems Siting Protocol Exclusion List

1.1 Industry Canada has determined that certain antenna structures are considered to have minimal impact on the local surroundings and do not require consultation with the local Land Use Authority or the public. Industry Canada's publication, Radiocommunication and Broadcast Antenna Systems CPC-2-0-03 lists the types of antenna installations exempted from the requirement to consult with the local Land Use Authority and the public. The installations listed in CPC-2-0-03 are therefore excluded from the municipal Land Use Bylaw, Appendix A, Telecommunication, Radiocommunication and Broadcast Antenna Systems and Supporting Structures Siting Protocol, which currently include:

(a) **New Antenna Systems**: where the height is less than 15 metres above ground level. This exclusion does not apply to antenna systems proposed by telecommunications carriers, broadcasting undertakings or third party tower owners;

(b) **Existing Antenna Systems**: where modifications are made, antennas added or the tower replaced*, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial antenna system installation.** No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to antenna systems using purpose built antenna supporting structures with a height of less than 15 metres above

ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners;

(c) Non-Tower Structures: antennas on buildings, water towers, lamp posts, etc. may be excluded from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%,

and

(d) Temporary Antenna Systems: used for special events or emergency operations and must be removed within three months of the start of the emergency or special event. No consultation is required prior to performing maintenance on an existing antenna system. Proponents, who are not certain if their proposed structure is excluded, or whether consultation may still be prudent, are advised to contact the Industry Canada for guidance.

* *The exclusion for the replacement of existing antenna systems applies to replacements that are similar to the original design and location.*

** *Initial antenna system installation refers to the system as it was first consulted on, or installed.*

[Note: Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.]

SECTION 2 MUNICIPAL REVIEW AND ISSUANCE OF DECISION

2.1 The Village Council shall be responsible for reviewing and issuing municipal concurrence or non-concurrence for all antenna system proposals within the municipality which are not excluded under section 1 of this Schedule.

2.2 Concurrence with a proposal will be measured against the requirements of the applicable land use district within which the antenna system is proposed, the development and design standards in section 4, applicable policies of the Village of Hill Spring Municipal Development Plan, and consideration of comment received during the public consultation process and any other matter deemed relevant by Council:

(a) when a proposal is given a concurrence decision, the proponent will receive a letter of concurrence from Council documenting its decision and any conditions;

(b) when a proposal is given a non-concurrence decision, the proponent will receive a Letter of non-concurrence from Council describing the reasons for the decision.

2.3 Municipal concurrence does not constitute approval of uses, buildings and structures which require issuance of a development permit under the land use bylaw. A proposal which includes uses, buildings or structures in addition to the antenna system, is required to obtain development permit approval for such uses, buildings and structures in accordance with the provisions of the land use bylaw.

SECTION 3 MUNICIPAL REVIEW PROCESSING PERIOD

3.1 Except as provided in subsection 3.2, the Village Council will issue a decision of either concurrence or non-concurrence within 60 days of receiving a complete application package.

3.2 The 60-day processing time period may be extended by the proponent or the Village, through mutual consent.

SECTION 4 DEVELOPMENT AND DESIGN STANDARDS

4.1 Co-utilization of existing antenna systems is the preferred option within Municipality. However, if co-utilization is not possible, the Village requests that the following development and design standards be adhered to:

(a) An antenna system (including any support structures) proposed should be placed no closer than 40.0 metres (134 ft.) of the right-of-way of any developed or undeveloped municipal public roadway outside of hamlets. A lesser setback may be considered at the discretion of the Development Authority on a site-specific basis.

(b) Proponents for antenna structures which are visible from higher density residential areas may be requested to employ innovative design measures to mitigate the visual impact of these structures. The proponent shall provide stealth structure options when requested by the Municipality. Stealth structure options will be based on an evaluation of the massing, form, colour, material, and other decorative elements, that will blend the appearance of the facility into and with the surrounding lands.

(c) The placement of signage on antenna systems is not permitted, except where required by applicable federal agencies.

SECTION 5 APPLICATION SUBMITTAL REQUIREMENTS

5.1 Proponents are encouraged to contact the Municipality in advance of making their submission to obtain information about the Antenna Systems Siting Protocol and identify any preliminary issues or concerns.

5.2 The following application package shall be submitted to the Municipality for consideration of a proposed antenna system:

(a) a completed Telecommunication Antenna Siting Protocol application, including site plan;

(b) the prescribed fee;

(c) a description of the type and height of the proposed antenna system and any supporting structures;

(d) the proposed lighting and aeronautical identification markings for the antenna and any supporting structures;

(e) documentation regarding potential co-utilization of existing towers within 1600 metres (1.0 miles) of the subject proposal; and

(f) any other additional information or material the Development Authority determines to be necessary and appropriate to properly evaluate the proposed submission.

5.3 Proposals for freestanding telecommunication antennas shall not be required to obtain a development permit unless buildings or structures are also proposed in addition to the antenna system and supporting structures. For such proposals, the following shall be submitted in addition to the requirements of 5.2:

(a) a completed development permit application;

(b) the prescribed fee.

SECTION 6 NOTIFICATION AND PUBLIC CONSULTATION PROCESS

6.1 Upon receipt of an application package, the municipality shall review the application for completeness and, if deemed complete, will:

(a) if necessary, the proponent shall be required to host an open house for the community;

(b) notify the proponent and/or representative of the antenna system of the development open house date;

(c) may be required to post a notice of the proposed development in a local newspaper circulating within the municipality or on the municipal social media sites, if deemed necessary; and

(d) notify by mail persons likely to be affected by the proposal of the development hearing date in accordance with section 24 of the land use bylaw, including:

(i) landowners within 3.2 km (2 miles) of the proposed antenna system;

(ii) any review agencies deemed affected, as determined by the municipality;

(iii) any other persons deemed affected, as determined by municipality.

(iv) The notifications must be sent 19 days prior to the public meeting date.

6.2 The proponent or a representative of the antenna system(s) proposal should attend the open house and be prepared to explain all aspects of the proposal including the siting, technology, and appearance of the proposed antenna system.

APPENDIX A

FORMS AND APPLICATIONS

Village of Hill Spring
11 East 2nd Avenue South
Box 40, Hill Spring, AB T0L 1E0
PH: (403) 626-3876
EMAIL: office@hillspring.ca

FORM A: RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 2024-274

OFFICE USE			
Application No:	Roll No:	Use: ☐ Permitted ☐ Discretionary ☐ Waiver ☐ Prohibited	
Application Received:	Application Fee:	Land Use District:	Site Inspection Date:
Application Deemed: Date Incomplete:	Date Complete:	Expiry of 40-Day Decision Timeframe:	Deadline for Missing Documentation:
Date Reviewed by D.O.:	MPC Meeting Date:	Date of Decision:	Effective Date:

PREFERRED METHOD OF DELIVERY (SELECT ONE)

☐ **Email:** I wish to receive all official written documentation for my application by email.

☐ **Letter Mail**: I wish to receive all official written documentation for my application by letter mail.

☐ **In-person Pickup**: I wish to pickup all official written documentation for my application from the Village Office myself (applicant will be notified by phone when documents are available for pick-up).

APPLICANT INFORMATION

Applicant's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Registered Landowner's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Applicant's interest in the proposed development if not the registered owner:

☐ Agent ☐ Contractor ☐ Tenant ☐ Other:_____

PROPERTY INFORMATION

Municipal Address:_____

Legal Description: Plan _____ Block _____ Lot(s)/Unit _____

Parcel Size: _____ ☐ m^2 ☐ sq. ft. Land Use District: _____

Existing use/development on the property: _____

_____

DEVELOPMENT INFORMATION

This application is to: (Check all that apply)

☐ Construct a new dwelling:
- ☐ Single-unit dwelling
- ☐ Multi-unit dwelling
- ☐ Moved-in dwelling
- ☐ Accessory dwelling

☐ Alter/renovate the existing building:
- ☐ Addition (incl. attached garage)
- ☐ Deck(s)
- ☐ Roof-mounted Solar
- ☐ Other _____

☐ Construct a new accessory structure:
- ☐ Detached garage/shop
- ☐ Shed/greenhouse/gazebo/pool
- ☐ Fence exceeding max. height
- ☐ Other _____

Describe the proposed use, any changes from existing use, and any work to be done.

_____

_____

_____

BUILDING DETAILS

Size/Dimensions	Principal Building or Addition	Accessory Building/ Structure	**Office Use**
Building Size	☐ m^2 ☐ sq. ft	☐ m^2 ☐ sq. ft	
Height of Building (grade to peak)	☐ m ☐ ft	☐ m ☐ ft	
Attached Garage Size	☐ m^2 ☐ sq. ft	N/A	
Proposed Setbacks from Property Lines			
Front	☐ m ☐ ft	☐ m ☐ ft	
Rear	☐ m ☐ ft	☐ m ☐ ft	
Side	☐ m ☐ ft	☐ m ☐ ft	
Side	☐ m ☐ ft	☐ m ☐ ft	
Parcel Type: ☐ Interior Lot ☐ Corner Lot			

ACCESSORY DWELLING DETAILS

Is a secondary suite/backyard suite being requested? ☐ No ☐ Yes

Will the accessory dwelling be located in: ☐ An Existing Home ☐ A separate building

Will the secondary suite contain a separate entrance on the exterior of the home? ☐ No ☐ Yes

If yes, please indicate the location of the separate entrance: _____

PROJECT DETAILS

Cost of Development: _____ Start Date: _____ Completion Date: _____

Proposed Fencing and Height:_____

Proposed Landscaping: _____

Off-street Parking Spaces (number and size, not including garage): _____

WAIVERS

Is a waiver (variance) to one or more standards in the Land Use Bylaw being requested? ☐ No ☐ Yes

If yes, please specify: _____

ABANDONED WELL INFORMATION

The applicant acknowledges that there are no abandoned wells within the limits of the Village of Hill Spring and as such there are no abandoned wells in the proposed project area pertaining to this Development Permit application.

Applicant's Initials: _____

DECLARATION OF APPLICANT

I/We have read and understand the terms noted below and hereby apply for a Development Permit to carry out the development described within this application including any attached plans, and supplementary forms and documents. The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. **I/We hereby certify that the registered owner of the land is aware of, and in agreement with this application.**

I also consent to an authorized person designated by the municipality to enter upon the subject land and building(s) for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Date: _____ **Applicant's Signature:**_____

Registered Owner's Signature:_____
(Required, if different from applicant)

1. The Development Authority may deem a Development Permit application incomplete if any of the application requirements are incomplete or the quality of the information is deemed inadequate to properly evaluate the application.

2. Plans, drawings, and any additional documentation deemed to be required to enable adequate consideration of the application, must be submitted with this application.

3. Although the Development Officer is in a position to advise applicants of the process and requirements of the development application, such advice must not be taken as official consent, and is without prejudice to the decision in connection with the formal application.

4. Any development started before the issuance of a Development Permit and expiration of the appeal period is at the applicant's own risk.

5. If a decision is not made within 40 days from the date the application is deemed complete, or within such longer period as the applicant may approve in writing, the applicant may deem the application to be refused. The applicant may exercise his/her right of appeal as though s/he had been mailed a refusal at the end of the 40-day period.

6. A Development Permit does not constitute a building permit or approval from any provincial or federal department. Construction undertaken subsequent to approval of this Development Permit application may be regulated by the Alberta Safety Codes**.** The applicant/owner/developer assumes all responsibilities pertaining to construction plan submissions, approval and inspections as may be required by the appropriate provincial body. The applicant is responsible for determining and obtaining any other applicable provincial and federal approvals prior to commencement.

Village of Hill Spring
11 East 2nd Avenue South
Box 40, Hill Spring, AB T0L 1E0
PH: (403) 626-3876
EMAIL: office@hillspring.ca

FORM B: NON-RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 2024-274

OFFICE USE			
Application No:	Roll No:	Use: ☐ Permitted ☐ Discretionary ☐ Waiver ☐ Prohibited	
Application Received:	Application Fee:	Land Use District:	Site Inspection Date:
Application Deemed: Date Incomplete:	Date Complete:	Expiry of 40-Day Decision Timeframe:	Deadline for Missing Documentation:
Date Reviewed by D.O.:	MPC Meeting Date:	Date of Decision:	Effective Date:

PREFERRED METHOD OF DELIVERY (SELECT ONE)

☐ **Email:** I wish to receive all official written documentation for my application by email.

☐ **Letter Mail**: I wish to receive all official written documentation for my application by letter mail.

☐ **In-person Pickup**: I wish to pickup all official written documentation for my application from the Village Office myself (applicant will be notified by phone when documents are available for pick-up).

APPLICANT INFORMATION

Applicant's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Registered Landowner's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Applicant's interest in the proposed development if not the registered owner:

☐ Agent ☐ Contractor ☐ Tenant ☐ Other:_____

PROPERTY INFORMATION

Municipal Address:_____

Legal Description: Plan _____ Block _____ Lot(s)/Unit _____

Parcel Size: _____ ☐ m^2 ☐ sq. ft. Land Use District: _____

Existing use/development on the property: _____

_____

DEVELOPMENT INFORMATION

This application is to: (Check all that apply)

☐ Construct a new building for:
- ☐ Commercial Use
- ☐ Industrial Use
- ☐ Institutional/Recreational Use

☐ Alter an existing building:
- ☐ Addition
- ☐ Interior Renovation
- ☐ Mixed-use development

☐ Change in or Intensification of use

Describe the proposed use, any changes from existing use, and any work to be done.

_____

_____

_____

BUILDING DETAILS

Size/Dimensions	Principal Building or Addition	Accessory Building/ Structure	**Office Use**
Building Size	☐ m^2 ☐ sq. ft	☐ m^2 ☐ sq. ft	
Height of Building (grade to peak)	☐ m ☐ ft	☐ m ☐ ft	
Proposed Setbacks from Property Lines			
Front	☐ m ☐ ft	☐ m ☐ ft	
Rear	☐ m ☐ ft	☐ m ☐ ft	
Side	☐ m ☐ ft	☐ m ☐ ft	
Side	☐ m ☐ ft	☐ m ☐ ft	
Parcel Type: ☐ Interior Lot ☐ Corner Lot			

Please indicate the water and sewer requirements for the proposed development (check all that may apply):

- ☐ Washroom/kitchen type facilities for staff
- ☐ Washroom/food service facilities for public
- ☐ Car/truck wash
- ☐ No water/sewer services required
- ☐ Processing/manufacturing process
- ☐ Food processing
- ☐ Other: _____

SITE LAYOUT

Is outdoor storage or a display area required or proposed? ☐ No ☐ Yes

Is a dedicated loading space/area proposed? ☐ No ☐ Yes

Is a drive-through component proposed which required a dedicated vehicle-stacking lane? ☐ No ☐ Yes

Off-street Parking Spaces (number and size): _____

Proposed Fencing and Height: _____

Proposed Landscaping: _____

WAIVERS

Is a waiver (variance) to one or more standards in the Land Use Bylaw being requested? ☐ No ☐ Yes

If yes, please specify: _____

PROJECT DETAILS

Construction Costs: _____ Start Date: _____ Estimated Completion Date: _____

ABANDONED WELL INFORMATION

The applicant acknowledges that there are no abandoned wells within the limits of the Village of Hill Spring and as such there are no abandoned wells in the proposed project area pertaining to this Development Permit application.

Applicant's Initials: _____

DECLARATION OF APPLICANT

I/We have read and understand the terms noted below and hereby apply for a Development Permit to carry out the development described within this application including any attached plans, and supplementary forms and documents. The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. **I/We hereby certify that the registered owner of the land is aware of, and in agreement with this application.**

I also consent to an authorized person designated by the municipality to enter upon the subject land and building(s) for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Date: _____ **Applicant's Signature:**_____

Registered Owner's Signature:_____
(Required, if different from applicant)

1. The Development Authority may deem a Development Permit application incomplete if any of the application requirements are incomplete or the quality of the information is deemed inadequate to properly evaluate the application.

2. Plans, drawings, and any additional documentation deemed to be required to enable adequate consideration of the application, must be submitted with this application.

3. Although the Development Officer is in a position to advise applicants of the process and requirements of the development application, such advice must not be taken as official consent, and is without prejudice to the decision in connection with the formal application.

4. Any development started before the issuance of a Development Permit and expiration of the appeal period is at the applicant's own risk.

5. If a decision is not made within 40 days from the date the application is deemed complete, or within such longer period as the applicant may approve in writing, the applicant may deem the application to be refused. The applicant may exercise his/her right of appeal as though s/he had been mailed a refusal at the end of the 40-day period.

6. A Development Permit does not constitute a building permit or approval from any provincial or federal department. Construction undertaken subsequent to approval of this Development Permit application may be regulated by the Alberta Safety Codes**.** The applicant/owner/developer assumes all responsibilities pertaining to construction plan submissions, approval and inspections as may be required by the appropriate provincial body. The applicant is responsible for determining and obtaining any other applicable provincial and federal approvals prior to commencement.

Village of Hill Spring
11 East 2nd Avenue South
Box 40, Hill Spring, AB T0L 1E0
PH: (403) 626-3876
EMAIL: office@hillspring.ca

FORM C: HOME OCCUPATION DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 2024-274

OFFICE USE			
Application No:	Roll No:	Use: ☐ Permitted ☐ Discretionary ☐ Waiver ☐ Prohibited	
Application Received:	Application Fee:	Land Use District:	Site Inspection Date:
Application Deemed:		Expiry of 40-Day Decision Timeframe:	Deadline for Missing Documentation:
Date Incomplete:	Date Complete:		
Date Reviewed by D.O.:	MPC Meeting Date:	Date of Decision:	Effective Date:

PREFERRED METHOD OF DELIVERY (SELECT ONE)

☐ **Email:** I wish to receive all official written documentation for my application by email.

☐ **Letter Mail**: I wish to receive all official written documentation for my application by letter mail.

☐ **In-person Pickup**: I wish to pickup all official written documentation for my application from the Village Office myself (applicant will be notified by phone when documents are available for pick-up).

APPLICANT INFORMATION

Applicant's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Registered Landowner's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Applicant's interest in the proposed development if not the registered owner:

☐ Agent ☐ Contractor ☐ Tenant ☐ Other:_____

PROPERTY INFORMATION

Municipal Address:_____

Legal Description: Plan _____ Block _____ Lot(s)/Unit _____

Parcel Size: _____ ☐ m^2 ☐ sq. ft. Land Use District: _____

Existing use/development on the property: _____

_____

BUSINESS DESCRIPTION

(1) Describe the primary function of your business. What goods and/or services are provided?
Attach an additional sheet outlining the business.

(2) Is there another home occupation already operating out of the residence? ☐ No ☐ Yes

(3) Is there a secondary suite on the parcel? ☐ No ☐ Yes

If yes, please provide details:_____

(4) Where will the business operate from? ☐ In-home ☐ Accessory building ☐ Off-site/Mobile

(5) How will you interact or do business with your clients or customers?

☐ **In person**. Clients/customers will come to the residence. On average, how many clients will come to the residence?

☐ Less than 1 per day ☐ 1-5 per day ☐ More than 5 per day

☐ **Remotely**. Clients/customers will not be coming to the residence but will only be in contact by:

☐ Phone/Fax ☐ Mail ☐ Courier ☐ Email/Internet

(6) How many parking spaces for any client visits, deliveries, etc. will be available? _____

(7) Days and hours of operation:_____

(8) Will there be any employees that are not residents of the dwelling? ☐ No ☐ Yes

If YES: **How many employees will come to the residence? _____**

Will more than 1 employee come to the residence at a time? ☐ No ☐ Yes

(9) Will there be any equipment or materials stored outside the dwelling that will be used in conjunction with the business? ☐ No ☐ Yes

If yes, please list materials & quantities:_____

(10) Will any vehicles/machinery/trailers/tools be used to operate the business? Please list.

_____

(11) Will there be any flammable/hazardous materials on the premises as a result of the business?

☐ No ☐ Yes (please list materials & quantities):_____

(12) Will any goods be displayed at the residence? ☐ No ☐ Yes

(13) Will there be a sign for the business? ☐ No ☐ Yes

If yes, please describe size, type, and location:_____

(14) Does the business require additional government approvals? ☐ No ☐ Yes

If yes, please describe (AHS, AMVIC, etc.):_____

ABANDONED WELL INFORMATION

The applicant acknowledges that there are no abandoned wells within the limits of the Village of Hill Spring and as such there are no abandoned wells in the proposed project area pertaining to this Development Permit application.

Applicant's Initials: _____

DECLARATION OF APPLICANT

I/We have read and understand the terms noted below and hereby apply for a Development Permit to carry out the development described within this application including any attached plans, and supplementary forms and documents. The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. **I/We hereby certify that the registered owner of the land is aware of, and in agreement with this application.**

I also consent to an authorized person designated by the municipality to enter upon the subject land and building(s) for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Date: _____ **Applicant's Signature:**_____

Registered Owner's Signature:_____
(Required, if different from applicant)

1. The Development Authority may deem a Development Permit application incomplete if any of the application requirements are incomplete or the quality of the information is deemed inadequate to properly evaluate the application.

2. Plans, drawings, and any additional documentation deemed to be required to enable adequate consideration of the application, must be submitted with this application.

3. Although the Development Officer is in a position to advise applicants of the process and requirements of the development application, such advice must not be taken as official consent, and is without prejudice to the decision in connection with the formal application.

4. Any development started before the issuance of a Development Permit and expiration of the appeal period is at the applicant's own risk.

5. If a decision is not made within 40 days from the date the application is deemed complete, or within such longer period as the applicant may approve in writing, the applicant may deem the application to be refused. The applicant may exercise his/her right of appeal as though s/he had been mailed a refusal at the end of the 40-day period.

6. A Development Permit does not constitute a building permit or approval from any provincial or federal department. Construction undertaken subsequent to approval of this Development Permit application may be regulated by the Alberta Safety Codes**.** The applicant/owner/developer assumes all responsibilities pertaining to construction plan submissions, approval and inspections as may be required by the appropriate provincial body. The applicant is responsible for determining and obtaining any other applicable provincial and federal approvals prior to commencement.

Village of Hill Spring
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EMAIL: office@hillspring.ca

FORM D: BUILDING REMOVAL APPLICATION

Pursuant to Land Use Bylaw No. 2024-274

OFFICE USE			
Application No:	Roll No:	Land Use District:	Site Inspection Date:
Application Received:	Application Fee:	Date Reviewed by D.O.:	Date of Decision:
Application Deemed:		Utilities Signed Off: ☐ Yes ☐ No	
Date Incomplete:	Date Complete:	Accompanying DP Application: ☐ Yes ☐ No DP Application no:	

PREFERRED METHOD OF DELIVERY (SELECT ONE)

- ☐ **Email:** I wish to receive all official written documentation for my application by email.
- ☐ **Letter Mail**: I wish to receive all official written documentation for my application by letter mail.
- ☐ **In-person Pickup**: I wish to pickup all official written documentation for my application from the Village Office myself (applicant will be notified by phone when documents are available for pick-up).

APPLICANT INFORMATION

Applicant's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Registered Landowner's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Applicant's interest in the proposed building removal if not the registered owner:

☐ Agent ☐ Contractor ☐ Tenant ☐ Other:_____

PROPERTY INFORMATION

Municipal Address:_____

Legal Description: Plan _____ Block _____ Lot(s)/Unit _____

Parcel Size: _____ ☐ m^2 ☐ sq. ft. Land Use District: _____

Existing use/development on the property: _____

_____

STRUCTURES TO BE REMOVED

Description of Buildings/Structure(s): _____

_____

Type of Work: ☐ Removal to another site (no demolition) ☐ Demolition of building/structure

Building Size: _____ ☐ m^2 ☐ sq. ft

Height of Building: _____ ☐ m^2 ☐ sq. ft Number of storeys: _____

DEMOLITION INFORMATION

Method of Demolition: ☐ Manual (no heavy equipment) ☐ Using heavy equipment

☐ Other – please explain: _____

Dump Site Location: _____

Note: Construction debris should be dumped in an approved certified site whenever possible. If that is not possible, approval must be obtained from Alberta Environment prior to demolition.

Location where building(s) are being moved to (if not being demolished):_____

_____

Contractor responsible for removal/demolition (if different from applicant): _____

Post building removal plan for property: ☐ Rebuild (separate Development Permit application required)

☐ To be left vacant (drainage plan & weed management plan required)

PROJECT DETAILS

Cost of Development: _____ Start Date: _____ Completion Date: _____

DISCONNECTION OF ALL SERVICES

Acquire signature (or written verification) from all applicable agencies verifying services are disconnected:

☐ Electrical power _____

☐ Natural gas _____

☐ Oil lines _____

☐ Telephone cables _____

☐ Communication lines (tv, internet) _____

☐ Water lines _____

☐ Storm & sanitary sewer _____

☐ Private Septic _____

ABANDONED WELL INFORMATION

The applicant acknowledges that there are no abandoned wells within the limits of the Village of Hill Spring and as such there are no abandoned wells in the proposed project area pertaining to this Development Permit application.

Applicant's Initials: _____

DECLARATION OF APPLICANT

I/We have read and understand the terms noted below and hereby apply for a Development Permit to carry out the development described within this application including any attached plans, and supplementary forms and documents. The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. **I/We hereby certify that the registered owner of the land is aware of, and in agreement with this application.**

I also consent to an authorized person designated by the municipality to enter upon the subject land and building(s) for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Date: _____ **Applicant's Signature:**_____

Registered Owner's Signature:_____
(Required, if different from applicant)

1. The Development Authority may deem a Development Permit application incomplete if any of the application requirements are incomplete or the quality of the information is deemed inadequate to properly evaluate the application.

2. Plans, drawings, and any additional documentation deemed to be required to enable adequate consideration of the application, must be submitted with this application.

3. Although the Development Officer is in a position to advise applicants of the process and requirements of the development application, such advice must not be taken as official consent, and is without prejudice to the decision in connection with the formal application.

4. Any development started before the issuance of a Development Permit and expiration of the appeal period is at the applicant's own risk.

5. If a decision is not made within 40 days from the date the application is deemed complete, or within such longer period as the applicant may approve in writing, the applicant may deem the application to be refused. The applicant may exercise his/her right of appeal as though s/he had been mailed a refusal at the end of the 40-day period.

6. A Development Permit does not constitute a building permit or approval from any provincial or federal department. Construction undertaken subsequent to approval of this Development Permit application may be regulated by the Alberta Safety Codes**.** The applicant/owner/developer assumes all responsibilities pertaining to construction plan submissions, approval and inspections as may be required by the appropriate provincial body. The applicant is responsible for determining and obtaining any other applicable provincial and federal approvals prior to commencement.

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FORM E: SIGNAGE DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 2024-274

OFFICE USE			
Application No:	Roll No:	Use: ☐ Permitted ☐ Discretionary ☐ Waiver ☐ Prohibited	
Application Received:	Application Fee:	Land Use District:	Site Inspection Date:
Application Deemed: Date Incomplete:	Date Complete:	Expiry of 40-Day Decision Timeframe:	Deadline for Missing Documentation:
Date Reviewed by D.O.:	MPC Meeting Date:	Date of Decision:	Effective Date:

PREFERRED METHOD OF DELIVERY (SELECT ONE)

☐ **Email:** I wish to receive all official written documentation for my application by email.

☐ **Letter Mail**: I wish to receive all official written documentation for my application by letter mail.

☐ **In-person Pickup**: I wish to pickup all official written documentation for my application from the Village Office myself (applicant will be notified by phone when documents are available for pick-up).

APPLICANT INFORMATION

Applicant's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Registered Landowner's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Applicant's interest in the proposed development if not the registered owner:

☐ Agent ☐ Contractor ☐ Tenant ☐ Other:_____

PROPERTY INFORMATION

Municipal Address:_____

Legal Description: Plan _____ Block _____ Lot(s)/Unit _____

Parcel Size: _____ ☐ m^2 ☐ sq. ft. Land Use District: _____

Existing use/development on the property: _____

_____

SIGN INFORMATION

Type of work (select all that apply):

☐ New Permanent Sign ☐ Changes to Existing Sign ☐ Temporary Sign

☐ Wall (fascia)
☐ Freestanding
☐ Canopy/Roof mounted
☐ Sandwich Board
☐ Banding Sign

☐ Electrified
☐ Non-electrified
☐ Indirect Illumination
☐ Internal Illumination
☐ Direct Illumination
☐ Flashing/LED

☐ Animated
☐ Rotating
☐ Awning
☐ Portable
☐ Electronic Variable Messages
☐ Lettering

Size/Dimensions	Proposed Sign	**Office Use**
Length of Sign:	☐ m ☐ ft	
Height of Sign:	☐ m ☐ ft	
Sign Face Area:	☐ m^2 ☐ sq. ft	
Top of Sign Height from Grade:	☐ m ☐ ft	
Top of Sign Height from Roof:	☐ m ☐ ft	
Bottom of Sign Height from Grade:	☐ m ☐ ft	

Distance from Property Lines		**Office Use**
Front	☐ m ☐ ft	
Rear	☐ m ☐ ft	
Side	☐ m ☐ ft	
Side	☐ m ☐ ft	

Sign materials: _____

Are there any other signs on this property? ☐ No ☐ Yes

If yes, please specify: _____

_____

_____

If the sign is only for **temporary** use:

For how many days is the sign proposed to be displayed: _____ days

Will the sign be used to advertise **off-premises** business, products or services? ☐ No ☐ Yes

WAIVERS

Is a waiver (variance) to one or more standards in the Land Use Bylaw being requested? ☐ No ☐ Yes

If yes, please specify: _____

PROJECT DETAILS

Cost of Development: _____ Start Date: _____ Completion Date: _____

ABANDONED WELL INFORMATION

The applicant acknowledges that there are no abandoned wells within the limits of the Village of Hill Spring and as such there are no abandoned wells in the proposed project area pertaining to this Development Permit application.

Applicant's Initials: _____

DECLARATION OF APPLICANT

I/We have read and understand the terms noted below and hereby apply for a Development Permit to carry out the development described within this application including any attached plans, and supplementary forms and documents. The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. **I/We hereby certify that the registered owner of the land is aware of, and in agreement with this application.**

I also consent to an authorized person designated by the municipality to enter upon the subject land and building(s) for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Date: _____ **Applicant's Signature:**_____

Registered Owner's Signature:_____
(Required, if different from applicant)

1. The Development Authority may deem a Development Permit application incomplete if any of the application requirements are incomplete or the quality of the information is deemed inadequate to properly evaluate the application.

2. Plans, drawings, and any additional documentation deemed to be required to enable adequate consideration of the application, must be submitted with this application.

3. Although the Development Officer is in a position to advise applicants of the process and requirements of the development application, such advice must not be taken as official consent, and is without prejudice to the decision in connection with the formal application.

4. Any development started before the issuance of a Development Permit and expiration of the appeal period is at the applicant's own risk.

5. If a decision is not made within 40 days from the date the application is deemed complete, or within such longer period as the applicant may approve in writing, the applicant may deem the application to be refused. The applicant may exercise his/her right of appeal as though s/he had been mailed a refusal at the end of the 40-day period.

6. A Development Permit does not constitute a building permit or approval from any provincial or federal department. Construction undertaken subsequent to approval of this Development Permit application may be regulated by the Alberta Safety Codes**.** The applicant/owner/developer assumes all responsibilities pertaining to construction plan submissions, approval and inspections as may be required by the appropriate provincial body. The applicant is responsible for determining and obtaining any other applicable provincial and federal approvals prior to commencement.

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FORM F: APPLICATION FOR LAND USE BYLAW OR STATUTORY DOCUMENT AMENDMENT

OFFICE USE			
Application No:	Roll No:	☐ Redesignation ☐ Text Amendment	
Application Received:	Application Fee:	Land Use District:	Date submitted to ORRSC:
Application Deemed:		Deadline for Missing Documentation:	☐ Site Plan ☐ Conceptual Design Scheme or ASP ☐ Certificate of Title (not older than 60 days prior to application date)
Date Incomplete:	Date Complete:		
First Reading Date:	Public Hearing Date:	Second/Third Reading Date(s):	

A refusal is **not** appealable and a subsequent application for amendment involving the same lot and/or the same or similar use may not be made for at least 12 months after the date of refusal.

IMPORTANT NOTE: Although administration is in a position to advise on the principle or details of any proposals, such advice must not be taken in any way as official consent.

PREFERRED METHOD OF DELIVERY (PLEASE SELECT ONE)

- ☐ **Email:** I wish to receive all official written documentation for my application by email.
- ☐ **Letter Mail**: I wish to receive all official written documentation for my application by letter mail.
- ☐ **In-person Pickup**: I wish to pickup all official written documentation for my application from the Village Office myself (applicant will be notified by phone when documents are available for pick-up).

APPLICANT INFORMATION

Applicant's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Registered Landowner's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Applicant's interest in the proposed development if not the registered owner:

☐ Agent ☐ Contractor ☐ Tenant ☐ Other:_____

PROPERTY INFORMATION

Municipal Address:_____

Legal Description: Plan _____ Block _____ Lot(s)/Unit _____

OR Quarter _____ Section _____ Township _____ Range _____ W4M

AMENDEMENT INFORMATION

What is the proposed amendment: ☐ LUB Text Amendment ☐ Land Use Redesignation

☐ MDP Amendment ☐ ASP Amendment

IF TEXT AMENDMENT:

For text amendments, attach a description including:

- The section(s) to be amended;
- The change(s) to the text; and
- The reason(s) for change(s).

IF LAND USE REDESIGNATION (REZONING):

Current Land Use Designation (zoning): _____

Proposed Land Use Designation (zoning): _____

Land Use Bylaw No. XXXXX (Administration Section 53) regulates the information required to accompany an application for redesignation. A descriptive narrative detailing the following is required:

- The proposed designation and future land use(s);
- If and how the proposed redesignation is consistent with applicable statutory plans;
- The compatibility of the proposal with surrounding uses and zoning;
- The development suitability or potential of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, etc.);
- Availability of facilities and services (sewage disposal, domestic water, gas, electricity, fire and police protection, schools, etc.) to serve the subject property while maintaining adequate levels of service to existing development; and
- Any potential impacts on public roads.

An Area Structure Plan or Conceptual Design Scheme may be required in conjunction with this application where:

- Redesignating land from Parks and Recreation (PR) to another district;
- Multiple parcels of land are involved;
- More than four lots could be created;
- Several pieces of fragmented land are adjacent to the proposal;
- Internal public roads would be required;
- Municipal services would need to be extended; or
- Required by Council of the Municipal Subdivision and Development Authority.

The Development Officer or Council may also require a:

- Geotechnical report; and/or
- Stormwater management plan.

ABANDONED WELL INFORMATION

The applicant acknowledges that there are no abandoned wells within the limits of the Village of Hill Spring and as such there are no abandoned wells in the lands affected by this application.

Applicant's Initials: _____

DECLARATION OF APPLICANT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application. **I/We hereby certify that the registered owner of the land is aware of, and in agreement with this application.**

I also consent to an authorized person designated by the municipality to enter upon the subject land and building(s) for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Date: _____ **Applicant's Signature:**_____

Registered Owner's Signature:_____
(Required, if different from applicant)

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FORM G: AGREEMENT FOR TIME EXTENSION

Pursuant to Land Use Bylaw No. 2024-274

OFFICE USE			
Application No:	Roll No:	Expiry of 40-Day Decision Timeframe:	
Application Received:	Date Development Permit Application Deemed Complete:		MPC Meeting Date:

PREFERRED METHOD OF DELIVERY (SELECT ONE)

- ☐ **Email:** I wish to receive all official written documentation for my application by email.
- ☐ **Letter Mail**: I wish to receive all official written documentation for my application by letter mail.
- ☐ **In-person Pickup**: I wish to pickup all official written documentation for my application from the Village Office myself (applicant will be notified by phone when documents are available for pick-up).

AGREEMENT FOR TIME EXTENSION

I/We _____being the registered owner

or person authorized to act on behalf of the registered owner with respect to Application no: _____

applying for: _____

on lands located at: (Municipal Address)_____

(Legal Description) Plan _____ Block _____ Lot(s)/Unit _____

do hereby agree to a time extension of: _____days, until_____

_____

On the understanding that if a decision has not been made by this time, I may deem the application refused and appeal to the Subdivision and Development Appeal Board in accordance with the provisions of the Municipal Government Act.

Date: _____ _____

Signature of Registered Owner/Person Acting on behalf of:

_____

Signature of Witness

Date: _____ _____

Signature of Designated Officer – Village of Hill Spring

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

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FORM H: NOTICE OF APPEAL APPLICATION

Pursuant to Land Use Bylaw No. 2024-274

OFFICE USE			
Appeal No:	Roll No:	Date of Decision:	21-day Appeal Period Date:
Appeal Received:	Application Fee:	Date Paid:	Hearing Date:

PREFERRED METHOD OF DELIVERY (SELECT ONE)

- ☐ **Email:** I wish to receive all official written documentation for my application by email.
- ☐ **Letter Mail**: I wish to receive all official written documentation for my application by letter mail.
- ☐ **In-person Pickup**: I wish to pickup all official written documentation for my application from the Village Office myself (applicant will be notified by phone when documents are available for pick-up).

APPELLANT INFORMATION

Name: _____

Phone:_____ Email:_____

Mailing Address:_____

APPLICATION BEING APPEALED

- ☐ **Development Application no. _____**
- ☐ **Subdivision Application no. _____**
- ☐ **Stop Order no. _____**

I/We do hereby appeal the following decision/order:_____

_____

The grounds for the appeal are as follows (attach additional documentation if required): _____

_____

_____

_____

_____

_____

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Date: _____ **Appellant's Signature:**_____

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FORM I: TELECOMMUNICATION SITING PROTOCOL APPLICATION

OFFICE USE			
Application no:	Roll No:	Land Use District:	Site Inspection Date:
Application Received:	Application Fee:	Application Deemed Complete:	Development Hearing Date:

PREFERRED METHOD OF DELIVERY (SELECT ONE)

- ☐ **Email:** I wish to receive all official written documentation for my application by email.
- ☐ **Letter Mail**: I wish to receive all official written documentation for my application by letter mail.
- ☐ **In-person Pickup**: I wish to pickup all official written documentation for my application from the Village Office myself (applicant will be notified by phone when documents are available for pick-up).

APPLICANT INFORMATION

Applicant's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Registered Landowner's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Applicant's interest in the proposed development if not the registered owner:

☐ Agent ☐ Antenna proponent/developer ☐ Contractor ☐ Tenant ☐ Other:_____

PROPERTY INFORMATION

Municipal Address:_____

Legal Description: Plan _____ Block _____ Lot(s)/Unit _____

Parcel Size: _____ ☐ m^2 ☐ sq. ft. Land Use District: _____

Existing use/development on the property: _____

_____

DETAILS OF THE PROPOSED DEVELOPMENT

What will the antenna/tower be used for? _____

Are there any roads or approaches on the parcel? _____

Is co-utilization with existing antenna systems proposed? ☐ No ☐ Yes

Are there any other antenna towers located within 800 metres of the subject proposal? ☐ No ☐ Yes

If yes, describe what the tower is used for, its operator(s), and a location map.

_____

_____

Describe the proposed finish/colour and if lighting or any markings are proposed for the antenna. _____

_____

_____

Will the structure be visible from residential areas? ☐ No ☐ Yes

If yes, please describe the stealth structure options/screening. _____

_____

_____

Will signage be used? ☐ No ☐ Yes If yes, please describe. _____

_____

_____

Will the antenna contain any markings? ☐ No ☐ Yes If yes, please describe. _____

_____

ABANDONED WELL INFORMATION

The applicant acknowledges that there are no abandoned wells within the limits of the Village of Hill Spring and as such there are no abandoned wells on the property affected by the proposed telecommunication tower.

Applicant's Initials: _____

DECLARATION OF APPLICANT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. **I/We hereby certify that the registered owner of the land is aware of, and in agreement with this application.**

I also consent to an authorized person designated by the municipality to enter upon the subject land and building(s) for the purpose of an inspection during the processing of this application.

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Date: _____ **Applicant's Signature:**_____

Registered Owner's Signature:_____
(Required, if different from applicant)

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FORM J: VOLUNTARY WAIVER OF CLAIMS

Development Commencement Form

OFFICE USE			
Development Permit No:	Roll No:	Application Received:	Date Deemed Complete:

PREFERRED METHOD OF DELIVERY (SELECT ONE)

- ☐ **Email:** I wish to receive all official written documentation for my application by email.
- ☐ **Letter Mail**: I wish to receive all official written documentation for my application by letter mail.
- ☐ **In-person Pickup**: I wish to pickup all official written documentation for my application from the Village Office myself (applicant will be notified by phone when documents are available for pick-up).

APPLICANT INFORMATION

Applicant's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Registered Landowner's Name: _____

Phone:_____ Email:_____

Mailing Address:_____

Applicant's interest in the proposed development if not the registered owner:

☐ Agent ☐ Contractor ☐ Tenant ☐ Other:_____

PROPERTY INFORMATION

Municipal Address:_____

Legal Description: Plan _____ Block _____ Lot(s)/Unit _____

"VOLUNTARY WAIVER OF CLAIM" (OPTIONAL)

For Development Approvals of Discretionary Uses and/or Approvals granting a waiver of development standards.

This "Voluntary Waiver of Claims" allows you to commence your development at your own risk in advance of the date of validity on your Development Permit. The permit's valid date is the date at which the appeal period for the public has expired.

By agreeing to this "Voluntary Waiver of Claims" you agree that should an appeal be made you will immediately cease the development pending the outcome of the appeal and will waive all claims to the compensation from the Village of

Hill Spring for costs associated with the cessation and/or costs resulting from the outcome of the appeal, including the removal of improvements and restoration of disturbances to the land/buildings to their former state.

Agreement to this "Voluntary Waiver of Claims" does not nullify your own right to an appeal. You may appeal any condition of approval on the Development Permit to the Subdivision and Development Appeal Board by the date identified on your permit.

Agreement to this "Voluntary Waiver of Claims" and possession of the released Development Permit does not eliminate the need for a Business License, Building Permit or other permits. Do not commence development without first obtaining all the necessary permits.

I have read, understood, and agree to this "Voluntary Waiver of Claims"

Date: _____ **Applicant's Signature:**_____

Registered Owner's Signature:_____
(Required, if different from applicant)

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

APPENDIX B

DEVELOPMENT AUTHORITY BYLAW NO. 107-275

VILLAGE OF HILL SPRING
IN THE PROVINCE OF ALBERTA
DEVELOPMENT AUTHORITY BYLAW NO. 107-275

1. BEING a bylaw of the Village of Hill Spring in the Province of Alberta to establish a municipal Development Authority;

   AND WHEREAS, the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended from time to time requires the municipality to adopt a bylaw to establish a municipal Development Authority;

   AND WHEREAS, the Development Authority is authorized to make decisions on applications for development approval in accordance with the administrative procedures, land uses and schedules established in the municipal land use bylaw;

   AND WHEREAS, this bylaw may be cited as the Village of Hill Spring Development Authority Bylaw;

   NOW THEREFORE, the Council of the Village of Hill Spring in the Province of Alberta duly assembled, enacts as follows:

2. DEFINITIONS:

   (a) **Act** means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended from time to time.

   (b) **Authorized persons** means a person or organization authorized by the council to which the municipality may delegate any of its Development Authority powers, duties or functions.

   (c) **Council** means the Municipal Council of the Village of Hill Spring.

   (d) **Designated officer** means a person or persons authorized to act as the designated officer for the municipality as established by bylaw.

   (e) **Development Authority** means the person or persons appointed, by bylaw, to exercise only such powers and perform duties as are specified:
      (i) in the Act; or
      (ii) in the Village of Hill Spring Land Use Bylaw; or
      (iii) in this bylaw; or
      (iv) by resolution of council.

   (f) **Members** means the members of the Development Authority.

   (g) **Municipal Planning Commission** means the Municipal Planning Commission of the Village of Hill Spring as established by bylaw.

   (h) **Municipality** means the Village of Hill Spring in the Province of Alberta.

   (i) **Secretary** means the person or persons appointed by council to act as secretary of the Development Authority.

   (j) **All other terms used in this bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.**

3. For the purpose of this bylaw, the Development Authority for the municipality shall be the Municipal Planning Commission.

4. The Development Authority shall be composed of not more than five persons who are elected officials of the Village of Hill Spring.

5. Appointments to the Development Authority shall be made by resolution of council.

6. Appointments to the Development Authority shall be made for a term of three years, after each municipal election.

7. When a person ceases to be a member of the Development Authority before the expiration of his term, council shall appoint another person for the unexpired portion of that term within 60 days of receiving notice of the vacancy.

8. The members of the Development Authority shall elect one of themselves as chairman, and one of themselves as vice-chairman to hold office for a term of one year from the date of election.

9. Each member of the Development Authority shall be entitled to such remuneration, travelling, and living expenses as may be fixed from time to time by council; and the remuneration, travelling, and living expenses shall be paid by the Village of Hill Spring.

10. The council may, by resolution, appoint a secretary who shall be an employee of the municipality and shall attend all meetings of the Development Authority, but shall not vote on any matter before the Development Authority.

11. The Development Authority shall hold regular meetings at least 12 times per year on a date to be determined by the Development Authority, and it may also hold special meetings at any time at the call of the chairman.

12. Three of the members of the Development Authority shall constitute a quorum.

13. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole Development Authority.

14. The Development Authority may make its orders, decisions, development permits, and approvals; and may issue notices with or without conditions.

15. The Development Authority may make rules to govern its hearings.

16. Members of the Development Authority shall not be members of the Subdivision and Development Appeal Board.

17. The secretary of the Development Authority shall attend all meetings of the Development Authority and shall keep the following records with respect thereto:

    (a) the minutes of all meetings;

    (b) all applications;

    (c) records of all notices of meetings and of persons to whom they were sent;

    (d) copies of all written representations to the Development Authority;

    (e) notes as to each representation;

(f) the names and addresses of those making representations at the meeting;

(g) the decision of the Development Authority;

(h) the reasons for the decision of the Development Authority;

(i) the vote of the members of the Development Authority on the decision;

(j) records of all notices of decision and of persons to whom they were sent;

(k) all notices, decisions, and orders made on appeal from the decision of the Development Authority;

(l) such other matters as the Development Authority may direct.

18. When a person ceases to be a member of the Development Authority before the expiration of his/her term the council may, by resolution, appoint another person for the unexpired portion of that term.

19. This bylaw comes into effect upon the third and final reading thereof.

READ a **first** time this 22nd day of September, 2008.

_____ _____

Mayor – *Bill Richards* ***Municipal Administrator –*** *Helen Walburger*

READ a **second** time this 22nd day of September, 2008.

_____ _____

Mayor – *Bill Richards* ***Municipal Administrator –*** *Helen Walburger*

READ a **third** time and finally passed this 22nd day of September, 2008.

_____ _____

Mayor – *Bill Richards* ***Municipal Administrator –*** *Helen Walburger*

APPENDIX C

SUBDIVISION AUTHORITY BYLAW NO. 107-276

VILLAGE OF HILL SPRING
IN THE PROVINCE OF ALBERTA
SUBDIVISION AUTHORITY BYLAW NO. 107-276

1. BEING a bylaw of the Village of Hill Spring in the Province of Alberta to establish a municipal Subdivision Authority;

   AND WHEREAS, the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended from time to time requires the municipality to adopt a bylaw to establish a municipal Subdivision Authority;

   AND WHEREAS, the Subdivision Authority is authorized to make decisions on applications for subdivision approval in accordance with the provincial land use policies, the subdivision and development regulations, the local land use bylaw and statutory plans;

   AND WHEREAS, this bylaw may be cited as the Village of Hill Spring Subdivision Authority Bylaw;

   NOW THEREFORE, the Council of the Village of Hill Spring in the Province of Alberta duly assembled, enacts as follows:

2. DEFINITIONS:

   (a) **Act** means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended from time to time.

   (b) **Authorized persons** means a person or organization authorized by council to which the municipality may delegate any of its Subdivision Authority powers, duties or functions.

   (c) **Council** means the Council of the Village of Hill Spring.

   (d) **Member** means a member of the Subdivision Authority.

   (e) **Municipality** means the Village of Hill Spring in the Province of Alberta.

   (f) **Secretary** means the person or persons authorized to act as secretary for the Subdivision Authority.

   (g) **Subdivision Authority** means the board, person or organization established to act as the Subdivision Authority.

   (h) **All other terms used in this bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.**

3. For the purpose of this bylaw, the Subdivision Authority for the Village of Hill Spring shall be the Council of the Village of Hill Spring.

4. Appointments to the Subdivision Authority shall be made by resolution of council.

5. Appointments to the Subdivision Authority shall be made for a term of three years, after each municipal election.

6. The members of the Subdivision Authority shall elect one of themselves as chairman, and one of themselves as vice-chairman to hold office for a term of one year from the date of election.

7. Each member of the Subdivision Authority shall be entitled to such remuneration, travelling, and living expenses as may be fixed from time to time by council; and the remuneration, travelling, and living expenses shall be paid by the Village of Hill Spring.

8. The council shall, by resolution, appoint a secretary who shall be an employee of the municipality and shall attend all meetings of the Subdivision Authority, but shall not vote on any matter before the Subdivision Authority.

9. The Subdivision Authority shall hold regular meetings at least 12 times per year on a date to be determined by the Subdivision Authority, and it may also hold special meetings at any time at the call of the chairman.

10. Three of the members of the Subdivision Authority shall constitute a quorum.

11. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole Subdivision Authority.

12. The Subdivision Authority may make its orders, decisions, and subdivision approvals; and may issue notices with or without conditions.

13. The Subdivision Authority may make rules to govern its hearings.

14. The Subdivision Authority, when considering an application for subdivision approval, is not required to hold a hearing.

15. Members of the Subdivision Authority shall not be members of the Subdivision and Development Appeal Board.

16. The secretary of the Subdivision Authority shall attend all meetings of the Subdivision Authority and shall keep the following records with respect thereto:

    (a) the minutes of all meetings;

    (b) all applications;

    (c) records of all notices of meetings and of persons to whom they were sent;

    (d) copies of all written representations to the Subdivision Authority;

    (e) notes as to each representation;

    (f) the names and addresses of those making representations at the meeting;

    (g) the decision of the Subdivision Authority;

    (h) the reasons for the decision of the Subdivision Authority;

    (i) the vote of the members of the Subdivision Authority on the decision;

    (j) records of all notices of decision and of persons to whom they were sent;

    (k) all notices, decisions, and orders made on appeal from the decision of the Subdivision Authority;

    (l) such other matters as the Subdivision Authority may direct.

17. When a person ceases to be a member of the Subdivision Authority before the expiration of his/her term the council may, by resolution, appoint another person for the unexpired portion of that term.

18. This bylaw comes into effect upon third and final reading thereof.

READ a **first** time this 22nd day of September, 2008.

_____ _____

Mayor – *Bill Richards* ***Municipal Administrator –*** *Helen Walburger*

READ a **second** time this 22nd day of September, 2008.

_____ _____

Mayor – *Bill Richards* ***Municipal Administrator –*** *Helen Walburger*

READ a **third** time and finally passed this 22nd day of September, 2008.

_____ _____

Mayor – *Bill Richards* ***Municipal Administrator –*** *Helen Walburger*

APPENDIX D

SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW NO. 2023-323

VILLAGE OF HILL SPRING
IN THE PROVINCE OF ALBERTA

CHINOOK INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW NO. 2023-323

A BYLAW OF THE VILLAGE OF HILL SPRING IN THE PROVINCE OF ALBERTA TO ESTABLISH AN INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD;

AND WHEREAS the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26* as amended from time to time requires the municipality to adopt a bylaw to establish a Municipal Subdivision and Development Appeal Board or an Intermunicipal Subdivision and Development Appeal Board;

AND WHEREAS the Council of the Village of Hill Spring wishes to join other area municipalities to establish the Chinook Intermunicipal Subdivision and Development Appeal Board;

AND WHEREAS the Chinook Intermunicipal Subdivision and Development Appeal Board is authorized to render decisions on appeals resulting from decisions of a Subdivision Authority or a Development Authority in accordance with the South Saskatchewan Regional Plan (SSRP), the *Municipal Government Act (MGA)*, the Subdivision and Development Regulation, the local Land Use Bylaw and statutory plans;

NOW THEREFORE, the Council of the Village of Hill Spring in the Province of Alberta duly assembled, enacts as follows:

1. TITLE

This Bylaw may be cited as the Chinook Intermunicipal Subdivision and Development Appeal Board Bylaw.

2. AUTHORIZATION

Pursuant to section 627(1)(b) of the *MGA*, this bylaw hereby authorizes the municipality to enter an agreement with the other participating municipalities to establish the Chinook Intermunicipal Subdivision and Development Appeal Board.

3. DEFINITIONS

Appellant means the person who may file an appeal to the Board from decisions of a Subdivision Authority or a Development Authority in accordance with the *MGA*.

Board means the Chinook Intermunicipal Subdivision and Development Appeal Board established pursuant to this bylaw.

Board Member means an appointed member of the Chinook Intermunicipal Subdivision and Development Appeal Board appointed in accordance with this bylaw and who has obtained provincial training and certification.

Board Panel means the group of appointed Board Members actively sitting to hear and decide on an appeal at an appeal hearing.

Chair means the person elected from the Board panel members sitting to hear an appeal to act as the person who presides over the hearing and the procedures.

Chief Administrative Officer (CAO) means the individual appointed to the position for the municipality in accordance with the *MGA*.

Clerk means the person or persons who has completed training and is certified by the province and authorized to act as the administrative clerk for the Intermunicipal Subdivision and Development Appeal Board by the member municipality within which the appeal is held.

Conflict of Interest means both Common Law Bias and Pecuniary Interest.

Council means the Council of the (Municipality).

Development Authority has the same meaning as in the *MGA*.

Hearing means a public meeting convened before the Board acting as a quasi-judicial body to hear evidence and determine the facts relating to an appeal of decisions of a Subdivision Authority or a Development Authority, prior to the Board making a decision on the matter subject to the appeal.

Municipality means the municipal corporation of the Village of Hill Spring together with its jurisdictional boundaries, as the context requires.

Panel Member means an individual Board member participating in the group panel to hear an appeal.

Participating municipality means a municipality in the Province of Alberta who has entered into an agreement with other municipalities, as referred to in Section 2 of this bylaw, to establish the Chinook Intermunicipal Subdivision and Development Appeal Board.

Procedural guidelines means the policies, processes and administrative matters applicable to the filing of an appeal and conducting a hearing, and the roles, duties and conduct of Board members and Clerks.

Subdivision Authority has the same meaning as in the *MGA*.

Subdivision and Development Appeal Board has the same meaning as in the *MGA*.

Quorum means the minimum number of Board panel members required to hear an appeal.

Municipal Government Act (MGA) means the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*, as amended from time to time.

Chinook Intermunicipal Subdivision and Development Appeal Board means the Board established by agreement to act as the Subdivision and Development Appeal Board.

All other terms used in this Bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.

4. APPOINTMENT OF THE BOARD

(1) The Board is comprised of the member representative(s) as appointed by the participating municipalities.

(2) A municipality may participate in the Chinook Intermunicipal Subdivision and Development Appeal Board without appointing individual representative(s) by utilizing the appointed Board Members of the other participating member municipalities to act on the municipality's behalf as its appeal body.

(3) For each member municipality appointing individual Board Member representative(s) to the Chinook Intermunicipal Subdivision and Development Appeal Board, the appointment shall be made by resolution of Council. Appointed Board Members from a municipality shall consist of no more than three (3) members, with no more than one (1) being an elected official and the other two (2) being non-elected officials who are persons at large. If two (2) or less persons are appointed as members, they must be non-elected persons at large.

(4) For those member municipalities appointing individual representative(s) to the Board, the remaining composition of the Board Panel Members shall be the appointed members from the other municipalities of the Chinook Intermunicipal Subdivision and Development Appeal Board.

(5) Appointments to the Chinook Intermunicipal Subdivision and Development Appeal Board shall be made for a term of not more than three years. Reappointments must coincide with the successful completion of the mandatory provincial refresher training course to be taken every three (3) years.

(6) Board Members may be appointed for a two (2) or three (3) year term, at the discretion of the municipality, for the purpose of establishing a staggered expiration of terms amongst the Board Members.

(7) A Board Member may resign from the Chinook Intermunicipal Subdivision and Development Appeal Board at any time by providing written notice to the municipality to that effect.

(8) Where Council has appointed a Board Member representative(s) for the municipality, Council may remove its individual appointed Board Member representative(s) at any time if:

a) in the opinion of Council, a Board Member is not performing his/her duties in accordance with the MGA, this Bylaw or the rules of natural justice,

b) a Board Member is absent for more than three (3) consecutive hearings to which he/she has been assigned to sit on the Board Panel without reasonable cause, or

c) a Board Member has participated in a matter in which that Board Member has a Conflict of Interest, contrary to the provisions of this Bylaw.

5. COMPOSITION

(1) The Board Members of the Chinook Intermunicipal Subdivision and Development Appeal Board shall meet in Panels, and two (2) or more Panels may meet simultaneously. The Panels have all the powers, duties and responsibilities of the Subdivision and Development Appeal Board.

(2) For the purpose of this Bylaw, the Board Panel formed from the appointed members of the Chinook Intermunicipal Subdivision and Development Appeal Board to hear an appeal, shall normally be composed of not less than three persons, with no more than one (1) being an elected official.

(3) Two Board Members constitute a quorum of the Board Panel.

(4) If a vacancy of an appointed Board member representative from a municipality shall occur at any time, the municipality may appoint another person to fill the vacancy by resolution of Council.

(5) In the absence of the municipal appointed member representative(s) of the municipality in which the appeal originates being available to sit on a Panel, then the appointed Panel Member representative(s) from the other municipalities of the Chinook Intermunicipal Subdivision and Development Appeal Board shall form the composition of the Board Panel to hear and decide on a matter of appeal on behalf of the municipality.

(6) Board Panel Members of the Chinook Intermunicipal Subdivision and Development Appeal Board shall not be members of a Municipal Subdivision Authority or Development Authority or municipal employees of the municipality in which the appeal is located.

(7) A person appointed as a Board Member in accordance with this Bylaw must successfully complete and maintain the mandatory provincial training and certification prior to sitting on a Panel to hear an appeal.

6. COSTS AND REMUNERATION

(1) Board Members may be entitled to reasonable remuneration for time and expenses relating to participating on a Board Panel.

(2) Costs related to appeal hearings and the remuneration to Board Members shall be provided as specified in the intermunicipal agreement of the participating members of the Chinook Intermunicipal Subdivision and Development Appeal Board.

7. DUTIES OF THE INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

(1) The Chinook Intermunicipal Subdivision and Development Appeal Board shall hold hearings as required pursuant to the *Municipal Government Act* on a date to be determined by the Board.

(2) The Board, and those Members who sit as a Board Panel hearing an appeal, shall govern its actions and hearings in respect of the processes and procedures as outlined in the Procedural Guidelines.

(3) A Board Member may only participate in an appeal hearing if they have successfully completed the mandatory provincial training prior to the appeal hearing date.

(4) The Board Panel may, at its discretion, agree to adjournments in respect of the processes and procedures as outlined in the Procedural Guidelines.

(5) A Board Panel hearing an appeal shall appoint a Chair to preside over the proceedings prior to the commencement of the hearing.

(6) An order, decision or approval made, given or issued by the Board Panel and under the signature of the Chair, or a Board Member acting as a designate, is the decision of the Board.

(7) The Board Members shall conduct themselves in a professional, impartial and ethical manner and apply the principles of administrative justice and judicial fairness.

(8) The Board Members shall consider and act in respect of the Chinook Intermunicipal Subdivision and Development Appeal Board Procedural Guidelines.

(9) The Board does not have the jurisdiction or authority to award pecuniary or monetary awards or costs to any persons, entity or organization involved in an appeal.

8. APPEAL FILING

(1) An appeal shall be filed in writing by an appellant, in accordance and in the manner prescribed in the *MGA*, to the municipality and include the payment of the applicable municipal appeal fee.

(2) If there is a question about the validity of an appeal being filed, the Board Panel must convene the appeal hearing in accordance with the *MGA* to establish jurisdiction and then it may decide on the matter of validity. It shall be the responsibility of the Board Panel to make the determination of whether the appeal is valid.

(3) In the event an appeal is abandoned or withdrawn in writing by the appellant, the Board Panel shall not be obliged to hold the appeal hearing referred to in the *MGA* unless another notice of appeal has been served upon the Board in accordance with the *MGA*.

9. CLERK RESPONSIBILITIES AND DUTIES

(1) Council shall by resolution appoint a Clerk as a designated officer, or sub-delegate to its CAO the authority to appoint a Clerk or Clerks, for the specific purposes of providing administrative assistance to the Board in fulfilling its legislative duties.

(2) The appointed Clerk shall attend all meetings and hearings of the Chinook Intermunicipal Subdivision and Development Appeal Board held in that member municipality, but shall not vote on any matter before the Board.

(3) A person appointed as a Clerk to assist the Chinook Intermunicipal Subdivision and Development Appeal Board in accordance with this bylaw must have successfully completed the mandatory provincial training prior to assisting the Board in its legislative duties.

(4) The Clerk, acting for the Board, shall accept on behalf of the Board appeals which have been filed with the municipality in relation to a decision of the Subdivision Authority or the Development Authority.

(5) The Clerk of the Board shall keep records of appeals and proceedings for the municipality in which the appeal has been filed, as outlined in the Procedural Guidelines.

10. ADMINISTRATIVE

(1) **Singular and Masculine** – Words importing the singular number shall include the plural number and vice versa and words importing one gender only in this Bylaw shall include all genders and words importing parties or persons in this Bylaw shall include individuals, partnerships, corporations, and other entities, legal or otherwise.

(2) **Severability** – Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

11. ENACTMENT

(1) This bylaw shall come into effect upon third and final reading thereof.

(2) This Bylaw rescinds Bylaw No. (107-277), being the former municipal Subdivision and Development Appeal Board Bylaw, and any amendments thereto.

READ a **first** time this 21 day of November, 2023.

Mayor/Reeve – Dwight Davis | *Chief Administrative Officer – Greg Robinson*

READ a **second** time this 19 day of December, 2023.

Mayor/Reeve – Dwight Davis | *Chief Administrative Officer – Greg Robinson*

READ a **third** time and finally PASSED this 19 day of December, 2023.

Mayor/Reeve – Dwight Davis | *Chief Administrative Officer – Greg Robinson*