

BYLAW NO. 896

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

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

WHEREAS Pursuant to the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, Council may amend a Land Use Bylaw, and;

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

WHEREAS The Council of Municipal District of Fairview No. 136, in the Province of Alberta, has deemed it desirable to amend the Municipal District of Fairview No. 136 Land Use Bylaw to add additional regulations related to the Development Permit application process and regulations regarding non-conforming buildings and uses within the Municipal District of Fairview No.136;

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

- 1. Renumber Section 3.6(3)(a)(b)(c)(d)(e) to Section 3.6(4)(a)(b)(c)(d)(e); Section 3.6(4) to Section 3.6(5); Section 3.6(5) to Section 3.6(6).**
- 2. Add a new Section 3.6(3)**
 - (3) Refer to the Council at the discretion of the development officer any application which in his/her opinion should be decided by the Council; and

**3. Add Section 6.24
CONSIDERATION FOR CONFINED FEEDING OPERATIONS (CFO's)**

Notwithstanding Subsection 3.2(12) (d) of this Bylaw, where a development permit is not required for a confined feeding operation or manure storage facility as the subject of an approval, registration or authorization under Part 2 of the Agricultural Operation Practices Act and as per Sections 618(1) and 618.1 of the Municipal Government Act (MGA), the Development Authority shall review an application for a 'Confined Feeding Operation' (CFO) considering the following:

- (1) At the time of formal application the applicant for a CFO shall demonstrate how they have formed a committee of primarily adjacent landowners who will be requested to provide feedback throughout the application process until the Public Hearing is complete;
- (2) The effects of siting the proposed CFO relative to prevailing winds so as to minimize odours;
- (3) The effects of siting the proposed CFO and its associated activities relative to adjacent water bodies and water courses so as to prevent water contamination;

- (4) The effects of siting the proposed CFO in proximity to local areas or sites of environmental and or social significance or areas of intensive recreation;
- (5) The need for visual screening of natural material to maintain aesthetics in the surrounding area;
- (6) The effects on community services being provided to or used by the site such as power and the movement of vehicles hauling material to and from the site.

4. Add Section 6.25 TEMPORARY DEVELOPMENT

Notwithstanding Subsection 3.2(5) of this Bylaw, where a development permit application in a land use district is for a temporary development, the Development Authority:


- (1) Shall consider and decide upon a development and the specific time duration for the development permit;
- (2) Shall impose a condition on such a permit that the Municipal District of Fairview No. 136 is not liable for any costs involve in the cessation or removal of the development at the expiration of the time period stated in the permit.

5. Add Section 6.26 NON-CONFORMING BUILDINGS AND USES


- (1) a non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform to this bylaw.
- (2) 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 alternations may be made thereto or therein.
- (3) A non-conforming use of part of a lot may not be exceeded or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.
- (4) 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;
 - (b) for the routine maintenance of the building, if the Development Authority considers it necessary.
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this bylaw and upon approval from the development authority.
- (6) The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

6. The adoption of this bylaw is effective upon the date of the passing of the third and final reading of this bylaw.

First reading given on the 24th day of January, 2012




Ernie Newman, Reeve
M.D. of Fairview No. 136

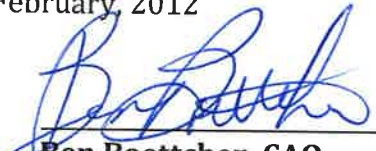


Ben Boettcher, CAO
M.D. of Fairview No. 136

Second reading given on the 28 day of February, 2012




Ernie Newman, Reeve
M.D. of Fairview No. 136

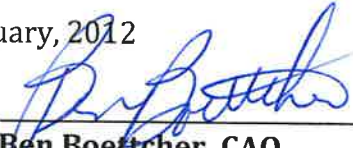


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Third reading given on the 28 day of February, 2012



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