

BYLAW NO. 976/DEV/2020

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

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

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

WHEREAS The Council of the Municipal District of Fairview No. 136, in the Province of Alberta, has deemed it desirable to amend the Municipal District of Fairview No. 136 Land Use Bylaw to properly refer to a Subdivision and Development Appeals Board; change the notification requirements for development permit applications; update the Land Use Bylaw to comply with changes in the *Municipal Government Act*; define demolition and shipping container and add provisions for these uses; re-name “mobile homes” to “manufactured homes”, and “modular homes” to “modular building”; revise definition and provision for moved-in buildings; revise provisions for manufactured homes; and remove Schedule A Forms and Notices.

**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. Remove the following definitions in Section 1.5:

- **MOBILE HOME**
- **MOBILE HOME PARK**
- **MOBILE HOME PARK LOT**
- **MODULAR HOMES**
- **MODULAR UNIT**

2. Add the following definitions in Section 1.5:

CLERK means the Clerk to the Subdivision and Development Appeal Board.

DEMOLITION means the pulling down, tearing down or razing of a building or a structure.

MANUFACTURED HOME means a development of a transportable dwelling unit that is built off-site. It is designed to be transported on its own wheels or on a chassis and upon arriving at the site for placement is, apart from incidental operations such as installation of foundation supports and connections of utilities, ready for year round occupancy. This definition does not apply to recreational vehicles or industrial camp trailers. A manufactured home meets any one of the following design criteria:

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

MANUFACTURED HOME PARK means a parcel of land under single ownership, which has been designed for the placement of manufactured homes on individual leasable lots.

MANUFACTURED HOME PARK LOT means a lot within a manufactured homes park which has been exclusively reserved for the placement of manufactured homes.

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

SHIPPING CONTAINER, also known as **SEA-CAN**, means a steel storage container designed to be used for sea, rail or intermodal shipping and which is used strictly for the storage of materials associated with the principal use of the parcel.

3. Revise the following definitions in Section 1.5:

MOVED-IN BUILDING means a single-detached dwelling or building previously constructed and located on another site, that is to be relocated to a site within the Municipal District but does not include manufactured homes, recreational vehicles and trailers.

4. Rename “**MOBILE HOMES**” to “**MANUFACTURED HOMES**” throughout the Land Use Bylaw.

5. Rename “**MOBILE HOME PARK**” to “**MANUFACTURED HOME PARK**” throughout the Land Use Bylaw.

6. Rename “**MOBILE HOME PARK LOT**” to “**MANUFACTURED HOME PARK LOT**” throughout the Land Use Bylaw.

7. Rename “**MOBILE HOME PARK OFFICE**” to “**MANUFACTURED HOME PARK OFFICE**” throughout the Land Use Bylaw.

8. Rename “**MODULAR HOME**” to “**MODULAR BUILDING**” throughout the Land Use Bylaw.

9. Rename Section 2.3 **SUBDIVISION AND DEVELOPMENT APPEAL BOARD** with Section 2.3 **ESTABLISHMENT OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD**.

10. Replace the subsections under Section 2.3 **ESTABLISHMENT OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD** with the following:

- (1) The Subdivision and Development Appeal Board for the Municipal District is established by separate bylaw in accordance with Section 627 of the *Municipal Government Act*.

(2) The Subdivision and Development Appeal Board for the Municipal District shall perform such duties as are specified in the Act.

11. Remove subsections (2) and (3) under Section 3.4 APPLICATION FOR A DEVELOPMENT PERMIT.

12. Renumber subsection (4) to subsection (2) under Section 3.4 APPLICATION FOR A DEVELOPMENT PERMIT.

13. Add the following subsections to Section 3.4 APPLICATION FOR A DEVELOPMENT PERMIT:

(3) Within 20 days after receipt of a development permit application, the Development Officer shall determine whether the application is complete or incomplete.

(4) Notwithstanding subsection (3), the Development Officer may extend the time period for determining the completeness of a development permit application, based on a written agreement between the Development Authority and the applicant.

(5) When, in the opinion of the Development Officer:

(a) sufficient details of a proposed development have been included with the application for a development permit, the Development Officer shall, in a form and manner appropriate, issue a notice of complete application to the applicant, advising that the application is complete within the timeline provided for in subsection (3) or (4).

(b) sufficient details of a proposed development have not been included with the application for a development permit, the Development Officer shall, in a form and manner appropriate, issue a notice of incomplete application to the applicant, advising that the application is incomplete within the timeline provided for in subsection (3) or (4). The notice shall outline any outstanding information and/or documentation that must be provided by the applicant for the application to be considered complete by a date stated in the notice or as agreed upon between the Development Authority and the applicant.

(6) If the Development Officer does not issue a notice of complete or incomplete application for a development permit application within 20 days from the date of receipt of the application, or the extended time period agreed upon between the Development Officer and the applicant, the application is deemed to be complete.

(7) Notwithstanding the issuance of a notice of complete or incomplete application pursuant to subsection 5, or failure to issue a notice under subsection (6), the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

(8) If an applicant who has been issued a notice of incomplete application:

(a) submits all the required information and/or documentation by the date given in subsection (5)(b), the Development Officer shall, in a form and manner appropriate, issue a notice of

complete application to the applicant, advising that the application is now complete.

(b) fails to submit all the required information and/or documents by the date given in subsection (5)(b), the application is deemed refused.

(9) Where an application for a development permit is deemed refused under subsection (8)(b), the Development Officer shall issue a notice to the applicant, stating that the application has been refused and the reason for the refusal.

(10) Unless extended by a written agreement between the Development Authority and the applicant, the Development Authority shall decide on a development permit application either:

(a) within 40 days of receipt by the applicant the notice of complete application if issued under subsection (5) (a) or (8) (a), or

(b) within 40 days from the receipt of the application, if no notice is issued under subsection (6).

14. Replace subsection (3) under Section 3.10 CONDITIONS OF A DEVELOPMENT PERMIT with the following:

(3) A development permit is effective twenty-four (24) days after its issuance, unless an appeal is lodged with the Subdivision and Development Appeal Board.

15. Replace subsection (5) under Section 3.10 CONDITIONS OF A DEVELOPMENT PERMIT with the following:

(5) In the case where an application for a development permit has been refused, the submission of another application for a development permit on the same parcel for the same or similar use by the same or any other applicant may not be accepted by the Development Officer for at least six (6) months after the date of refusal, unless the application was deemed refused or refused under Section 3.4 (10)(b).

16. Replace subsection (3) under Section 4.1 APPEAL PROCEDURE with the following:

(3) An appeal shall be made by serving a written notice of appeal to the Clerk of the Subdivision and Development Appeal Board within twenty-one (21) days after the date the order, decision or development permit was issued.

17. Renumber 6.14 MOVED-IN BUILDINGS (3) – (8) to (4) – (9).

18. Add subsection (3) under Section 6.14 MOVED-IN BUILDINGS:

(3) Notwithstanding subsection (2), any development permit application to move a building onto a parcel within a Hamlet of the Municipal District shall be referred to the Council for their review and approval.

19. Add Section 6.27 DEMOLITION under PART 6. GENERAL LAND USE PROVISIONS:

6.27 DEMOLITION

- (1) A demolition permit shall be required for the demolition of any building or structure for residential, commercial or industrial uses, or portion thereof, prior to the commencement of its demolition, in addition to any other Safety Codes permits that may be required.**
- (2) For municipal assessment purposes, landowners must submit a demolition permit application as required per subsection (1) above.**
- (3) Demolition permit applications shall be exempt from a Demolition Permit Fee.**
- (4) Notwithstanding subsection (1), any buildings erected or established under Section 3.2 of this Bylaw will not require a demolition permit.**
- (5) Whenever a demolition permit is issued for the demolition or removal of a building or structure, a condition shall be included, requiring clearing the lot of all debris related to the demolition, and finished to graded condition to the satisfaction of the Development Officer.**
- (6) When a demolition permit is to be approved for the demolition or removal of a building or structure, the Development Officer may require the applicant to provide a cash deposit, an automatically renewable irrevocable letter of credit, or other acceptable form of security in such amount as to finance the costs of reclamation to any public utility or municipal property if applicable.**
- (7) Whenever the demolition or removal of a building or structure is proposed, the property owner shall, at their own expense, protect any wall, structure, sidewalk, landscaping (hard and/or soft) or roadway that may be affected by such demolition or removal, including those on neighbouring properties, from damage or displacement.**
- (8) The Development Officer may require as a condition of the demolition permit that the site be fenced and/or screened to ensure adequate public safety.**
- (9) The applicant shall be responsible for obtaining all necessary Safety Codes approvals and utility service disconnections before demolition or removal of buildings or structures.**

20. Replace Section 7.9 MOBILE HOMES under PART 7. SPECIAL LAND USE PROVISIONS with the following:

SECTION 7.9 MANUFACTURED HOMES

- (1) An application for a development permit for a manufactured home shall be referred to the Council for their review and approval.**
- (2) Before a development permit is issued for a manufactured home, the Development Officer shall receive verification that the home meets the requirements of the Alberta Building Codes. If the CSA A277 sticker or the Alberta Municipal Affairs sticker is missing, the Development Officer may require an inspection by an Alberta Safety Codes Officer.**
- (3) Should an inspection by an Alberta Safety Codes Officer be required, and should the inspection indicate that upgrades to the manufactured home are necessary to bring the home into compliance with the CSA A277 standard, all required upgrades shall be made within the time specified by the Development Officer.**
- (4) In addition to subsection (1) and subsection (2), a recent photograph of the used manufactured home may be required as part of the development permit application to ensure that the exterior is in good visual condition.**
- (5) Used manufactured homes under consideration for relocation on a parcel shall be of sound construction and condition, with intact exterior finishes and additions in good repair in conformance with Provincial regulations.**
- (6) The manufactured home must meet the following aesthetic regulations within all district that allow manufactured homes:**

 - a) The height of the main floor above grade shall be consistent with the height of the main floor of dwellings in the immediate area.**
 - b) The undercarriage of a manufactured home shall be completely screened from view by skirting.**
 - c) The orientation of the manufactured home shall be approved by Council.**
 - d) All attached accessory structures, additions, porches, and skirting shall:**

 - i. be of a quality and appearance equivalent to that manufactured home;**
 - ii. be considered as part of the main building; and**
 - iii. be erected only after obtaining a development permit.**
- (7) The hitch and wheels are to be removed from the manufactured home.**
- (8) The property is to be grassed and landscaped within one (1) year from the date of issue of the development permit.**
- (9) With the exception of driveways, no accessory building or structure shall be located in the front yard of any Hamlet residential district.**

- (10) All accessory structures, additions, porches and skirting shall be of a quality and appearance equivalent to the mobile home and additions shall not exceed 30 percent of the gross floor area of the manufactured home.**
- (11) Manufactured homes may be permitted for temporary periods not exceeding:**
 - a) A twelve (12) month period where it is to be used solely for farm help purposes; and**
 - b) A six (6) month period where it is to be used as a temporary dwelling while a principal dwelling on the property is actually under construction.**
- (12) Further to subsection (11), where a person wants to extend the temporary period beyond the time set out in the permit, he/she shall, not later than sixty (60) days prior to the day on which the permit will cease to be in effect, make written application to Council for renewal of the permit setting forth the reasons therefore.**


21. Add Section 7.27 SHIPPING CONTAINER under PART 7. SPECIAL LAND USE PROVISIONS with the following:

7.27 SHIPPING CONTAINER

- (1) The use of a shipping container on any parcel of land within the Municipal District shall require a development permit prior to their placement, and shall be considered as a discretionary use in agricultural, industrial and commercial districts.**
- (2) Notwithstanding subsection (1), the shipping container will not need a development permit if the shipping container is used solely for temporary storage for no longer than six (6) months during a renovation or moving process, provided it complies with the bylaw.**
- (3) A maximum of one (1) permanent shipping container will be allowed within a parcel of land. Any additional shipping containers may be permitted at the discretion of the Development Officer.**
- (4) Shipping containers shall be subject to the minimum required setbacks for accessory buildings of each respective district, and shall only be located on the rear or side yards of the principal building.**
- (5) Shipping containers shall be used for storage purposes only, and shall not be used to store dangerous or hazardous materials.**
- (6) Shipping containers shall not be used for human or animal habitation.**
- (7) Shipping containers shall not be stacked one upon another.**
- (8) As part of condition of approval, the Development Officer may require the shipping container to be:**

- a) screened from view from any public roadway and/or neighboring properties;
 - b) finished or painted to match or complement the exterior finish of the principal building; and
 - c) maintained in good condition to the satisfaction of the Development Officer.
22. Rename “Section 9.13 HAMLET – MOBILE HOMES PARK DISTRICT (H-MHP)” to “9.13 HAMLET – MANUFACTURED HOMES PARK DISTRICT (H-MHP)”.
23. Remove “MANUFACTURED HOME” and “MODULAR BUILDING” to Section 9.12 HAMLET RESIDENTIAL DISTRICT (H-R) (2) a) Permitted Uses.
24. Add “MANUFACTURED HOME” and “MODULAR BUILDING” to Section 9.12 HAMLET RESIDENTIAL DISTRICT (H-R) (2) b) Discretionary Uses.
25. Add “SHIPPING CONTAINERS” to the following sections:
- 9.5 AGRICULTURAL CONSERVATION DISTRICT (AG-1) (2) b) Discretionary Uses
 - 9.6 AGRICULTURAL – INDUSTRIAL DISTRICT (AG-2) (2) b) Discretionary Uses
 - 9.8 HIGHWAY DEVELOPMENT (HD) (2) b) Discretionary Uses
 - 9.14 HAMLET COMMERCIAL DISTRICT (H-C) (2) b) Discretionary Uses
 - 9.15 HAMLET INDUSTRIAL DISTRICT (H-M) (2) b) Discretionary Uses
26. Remove the wording from Section 3.13 and replace with the following:
- For the purposes of administering this Land Use Bylaw, the Development Officer shall prepare such forms and notices as may be deemed necessary.
27. Remove “SCHEDULE A FORMS AND NOTICES”.
28. Rename “SCHEDULE B AMENDMENTS” to “SCHEDULE A AMENDMENTS”.
29. Rename “SCHEDULE C LAND USE MAPS” to “SCHEDULE B ZONING DISTRICT DETAIL MAPS”.
30. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed;
31. 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 13th day of October 2020



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



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

Second reading given on the 9th day of March, 2021



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



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

Third reading and adoption given on the 13 day of April, 2021



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



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