

APPENDIX F – RELEVANT BY-LAWS AND ACTS

The relevant provisions of the **Procedural By-law** are as follows:

Delegations

1. The chair **may** (*emphasis mine*) limit the time taken by a delegation to 15 minutes. The delegation must appoint a spokesperson.
 - a) To allow members of council to prepare for delegations, all presenters shall register with the CAO at least 120 hours before the council meeting and advise the CAO of the topic and scope of the presentation, providing a copy of their presentation material to the CAO. If using presentation software, such as PowerPoint, delegation shall provide an electronic version, which shall be uploaded onto a municipal laptop for use during the meeting. Presentation materials shall be attached to the meeting agenda.
 - b) There shall not generally be a limit to the number of delegations included on the agenda of a council meeting, but the CAO is granted authority to schedule delegations as deemed appropriate.
 - c) Delegation requests may be denied under the following circumstances:
 1. The subject matter is deemed to be beyond the jurisdiction of council.
 2. The issue is specific to a labor/management dispute, matters relating to litigation or potential litigation affecting municipality, including matters, which are before and under the jurisdiction of any court.
 3. Council has previously considered or made a decision on the issue and delegation has appeared before council with respect to the same issue within a period of 12 months following the date on which the issue was considered by council.

The relevant provisions of the **Zoning By-law** are as follows:

OPERATIVE AND INTERPRETIVE CLAUSES

1.3 Regulation of Uses

1. With the exception of Section 5.2 of this By-law, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use that:
 - a) is listed in the Zoning District clauses as:
 - i. a permitted use development;
2. There shall be a maximum of one dwelling unit per lot or parcel of land, except for the following:
 - a) dwelling units that are required for employees or family members, who in the opinion of Council, will be actively involved in an agricultural operation;

3. Where any land, building or structure is used for more than one purpose, all provisions of the By-law relating to each use shall apply. Where there is a conflict, the more restrictive regulations shall prevail, except as otherwise approved by Council.

1.5 Interpretation

1. Words, phrases and terms defined herein shall be given the defined meaning.
2. Words, phrases and terms neither defined herein nor defined in By-laws of the RM of Springfield shall be given their usual and customary meaning except where, in the opinion of Council, the context indicates a different meaning.
3. The phrase *used for* includes *arranged for; maintained for; designed for; or occupied for*.
4. The provisions of this By-law shall be interpreted to be the minimum regulations except where the abbreviation for, or word, *maximum* is used, in which case the maximum regulation shall apply.
5. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions *and, or, or either-or*, the conjunctions shall be interpreted as follows:
 - a) *and* indicates that all the connected items, conditions, provisions or events shall apply;
 - b) *or* indicates that all the connected items, conditions, provisions or events may apply singly or in combination; and
 - c) *either-or* indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
6. The word *includes* shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of the like kind or character.

1.9 Control of Development

1. No development, other than that designated in Section 11.1, shall be undertaken in the RM of Springfield unless an application has been approved and the development permit has been issued.

4.0 Approval Required for Development

1. No person
 - a) shall commence, or cause or allow to be commenced, a development without a development permit which has been issued under the provisions of this By-law; or
 - b) shall carry on, or cause or allow to be carried on a development without a development permit, which has been issued under the provisions of this By-law.

7.0 Use Class Definitions

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1. The Use Classes group individual land uses into a specified number of classes, with common functional or physical impact characteristics.
2. The Use Classes of this Section are used to define the range of uses which are permitted or conditional within the various Zoning Districts of this Bylaw.
3. The typical uses which may be listed in the definitions are not intended to be exclusive or restrictive. Reference should be made to the definition of the Use Class in determining whether or not a use is included within a particular Use Class.
4. Where a specific use does not conform to the wording of any Use Class definition or generally conforms to the wording of two or more Use Class definitions, the Development Officer may deem that the use conforms to and is included in that Use Class which he/she considers to be the most appropriate in character and purpose. In such a case, this use shall be considered a conditional use, whether or not the Use Class is listed as either a permitted use or conditional use within the applicable Zoning District.

7.4 Industrial Use Classes

- 1) **Bulk Storage Facility** means a place for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids, fuels, gases, minerals, pipes, gravel, fertilizers, and grain. This Use Class does not include Anhydrous Ammonia Facilities.
- 4) **Light Industrial** means processing and manufacturing uses, provided that they do not create unusual fire, explosion or safety hazards, noise in excess of average intensity of street and traffic noise in the area in question; they do not emit smoke, dust, dirt, toxic or offensive odours or gas and there is no production of heat or glare perceptible from any adjacent site. Typical uses include commercial manufacturing and research facilities

7.5 Agricultural Use Classes

2. **Agri-Business** means a commercial establishment that provides goods or services to the agricultural sector. Typical uses include farm equipment and machinery repair shops, bulk fuel stations, feed and fertilizer supply operations, livestock auction marts and commercial seed cleaning plants.
3. **Agricultural Activities** means a use of land for agricultural purposes. Typical uses include farming, pasturage, agriculture, apiculture, aquaculture, floriculture and horticulture. This Use Class does not include Livestock Operations or Natural Resource Developments.
6. **Agricultural Product Storage** means the temporary storage of any agricultural product for future use, delivery or processing as per *The Environment Act*.
7. **Agriculture Support Industry** means an industry, commercial service or retail business in which the major product or service being bought, sold or processed is intended mainly for, from or by

farmers. Typical uses include aerial spraying companies, grain storage including grain elevators, feed mills and seed plants. This Use Class does not include Bulk Storage Facilities or Anhydrous Ammonia Facilities.

8.0 Authority and Responsibility of the Development Officer

8.2 Development Officer Duties and Responsibilities

The Development Officer:

- 1) Shall review each development permit application to ascertain whether it conforms to the adopted RM of Springfield Development Plan and amendments thereto, all applicable regulations and information regulations of this By-law and amendments thereto, and other Municipal By-laws, the conditions of any caveat, covenant, site plan, development agreement, variance or conditional use order, easement or any other instrument affecting a building or land.
- 2) May refer a development permit application to any municipal, provincial or federal department or any other agency or body, deemed appropriate to obtain comments on the application.
- 3) Shall approve, without any conditions, or with such conditions as are required to ensure compliance, an application for development of a Permitted Use provided the development complies with the regulations of this By-law, or shall refuse an application for development of a Permitted Use if the development does not comply with the regulations of this Bylaw unless he/she uses his/her discretion pursuant to Section 8.4 of this By-law.
- 4) May give notice of his/her decision on applications for development as follows:
 - a) where an application has been approved notice to the applicant shall be given in writing by ordinary mail; or
 - b) where an application has been refused, notice in writing shall be given to the applicant, by ordinary mail, and such notice shall state the reason for refusal.
- 5) Shall receive, review and process development applications.
- 6) Shall perform other such duties as described or implied elsewhere in this By-law or required by Council.
- 7) A person who is unsatisfied with a decision or order of the Development Officer may request Council to review the decision or order by written notice within 14 days after the person receives the decision or order.
- 8) After giving the person a reasonable opportunity to be heard, Council may confirm, vary, substitute or cancel the order or decision.

9.0 Responsibilities of Council

Subject to the provisions of the *Act*, the Council is responsible for:

1. Administering and enforcing those provisions of the *Act*, where applicable.
2. Considering the adoption or rejection of proposed amendments or the repeal of this By-law.
3. Approving or rejecting conditional use order applications and considering revoking the authorized conditional use order for any violation of any conditions imposed by it.

10.0 Duties of the Owner

1. Neither the granting of a development permit nor the approval of the drawings and specifications or the inspections made by the Development Officer shall in any way relieve the owner of the responsibility of complying with the regulations of this By-law or of any relevant By-laws of the RM of Springfield.
2. Every owner shall:
 - c) be responsible for obtaining, where applicable, from the appropriate authorities, permits or licenses relating to the buildings, grades, plumbing, on-site waste management, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work; and
 - d) comply with all applicable Provincial and Federal government legislation including any permits, certificates and/or licences.

16.0 Rezoning Amendments

16.1 Text and Mapping Amendments

1. Any person applying to amend Parts I, II, III and IV of this By-law shall apply in writing to the Development Officer, furnishing reasons in support of the application and requesting that the Development Officer submit the application to the Council.
2. If a person applies to the Council in any manner for an amendment to Parts I, II, III and IV of this Zoning By-law, the Council shall require him/her to submit his/her application to the Development Officer in accordance with the provisions of this Section of the By-law before it considers the amendment proposed by such person.
3. Any person applying to amend Part III of this By-law to change the Zoning District governing any land shall apply in writing to the Development Officer and submit the following to the Development Officer:
 1. a status of Title which has been issued no later than 30 days prior to the receipt of the amendment application by the Development Officer;
 2. the applicant's name, signature, address and interest in the property;
 3. a signed statement by the applicant stating that he/she is willing to pay for all costs incurred by the Municipality in processing the proposed amendment, whether it be enacted or not, including, but not limited to, all mapping, printing, reproduction, planning, engineering, legal, surveys and advertising costs;

4. the appropriate application fee; and
5. a brief written statement by the applicant in support of his/her application, and his/her reasons for applying.

16.2 Review and Processing of Amendments

1. Upon receipt of an application for a rezoning amendment, the Development Officer shall forward the application to Council for review.
2. If Council deems it appropriate to give the application first reading, the Development Officer shall then examine the proposed amendment or undertake an investigation and analysis of the potential impacts of development under the proposed Zoning District. The analysis shall be based upon the full development potential of the uses and development regulations specified in the proposed Zoning District and not on the merits of any particular development proposal. The analysis shall, among other things, consider the following impact criteria:
 - a. relationship to and compliance with the *RM of Springfield Development Plan* and Council policy;
 - b. compatibility with surrounding development in terms of land use function and scale of development;
 - c. traffic impacts;
 - d. relationship to, or impacts on utility services and public facilities such as recreational facilities and schools;
 - e. relationship to Municipal land, right-of-way or easement regulations;
 - f. effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
 - g. necessity and appropriateness of the proposed Zoning District in view of the stated intentions of the applicant;
 - h. relationship to the documented concerns and opinions of area residents regarding the application;
 - i. groundwater and soil conditions; and
 - j. topographical, physical and natural features.
3. The Development Officer may prepare a written report on the proposed amendment and advise the applicant of the hearing date.
4. The Development Officer, in his/her discretion, may present for the consideration of Council any proposed amendment to this By-law, and the proposed amendment shall be accompanied by the report and recommendation of the Development Officer.
5. Council, in its discretion, may initiate any amendment to this By-law, and prior to the approval of any amendment, Council may refer the proposal to the Development Officer for his/her report and recommendation.
6. Every rezoning application shall be accompanied by the required fee as set out by Council.
7. When a Development and/or Zoning Agreement is to be entered into between the Municipality and the applicant, the applicant shall pay to the Municipality, in addition to

any other fee required pursuant to this or any other By-law, a Development and/or Zoning Agreement fee.

16.3 Notification of Amendments

1. Prior to consideration by Council of a proposed rezoning amendment, the Development Officer shall place a public notice in compliance with the *Act*.

38.0 Development Restricted

38.1 Noxious or Offensive Uses

1. Nothing in this By-law, or in a development permit, approval or a conditional use order, variation order or other approval issued under this By-law or under the *Act*, shall be construed as authorization for the carrying out of any activity that is a nuisance.

41.0 Applicability

1. The Special Land Use Regulations apply to the uses listed irrespective of the Zoning District in which they are located. Where these regulations appear to be in conflict with the Zoning District regulations in which the use is either a permitted use or conditional use, the Special Land Use Regulations shall take precedence and shall be applied in addition to the regulations in the Zoning District.

AGRICULTURAL ZONING DISTRICTS

82.0 Agricultural Zoning Districts

82.1 Purpose

1. The Agricultural Zoning Districts established in this By-law are intended to provide sufficient land for various types of agricultural and related developments in the RM of Springfield in keeping with the provisions of the *RM of Springfield Development Plan*.

Agriculture General Zoning District General Purpose

84.0 AG:

To provide a Zoning District for general agricultural uses or other uses that is related to or compatible with agriculture.

84.2 Permitted Uses

1. Agriculture Support Industry
2. Agri-Business
3. Agriculture Activities
6. Agricultural Product Storage

The relevant provisions of *the Planning Act* are as follows:

Role of municipalities

13 Subject to this Part, the council of a municipality is responsible for the adoption, administration and enforcement of zoning by-law for the municipality.

Zoning by-law requirements

71(1)

A zoning by-law must

- (a) divide the municipality or planning district into zones;
- (b) prescribe permitted and conditional uses for land and buildings in each zone;

Public hearing

74(1)

Between first and second reading of a zoning by-law, a board, council or planning commission must hold a public hearing to receive representations from any person on the by-law, and give notice of the hearing in accordance with section 168.

Amending zoning by-law

80(1)

An amendment to a zoning by-law may be initiated by

- (a) the board or council; or
- (b) the owner of the affected property, or a person authorized in writing by the owner, through an application made to the board or council.

Amendment process

80(3)

Subsection 73.1(3) and sections 74 to 79 apply to an amendment to a zoning by-law, with any necessary changes.

Notice re planning districts, development plans and zoning by-laws

168(1)

Notice of any the following hearings must be given in accordance with this section:

- (d) a hearing on the adoption of a zoning by-law under subsection 74(1).

Publication requirements

168(2)

Notice of the hearing must be given by

- (a) publishing notice of the hearing in a newspaper with a general circulation in the applicable planning district or municipality on two occasions at least six days apart, during the period beginning 40 days before the hearing and ending seven days before the hearing; or
- (b) when there is no newspaper with a general circulation in the area, posting a copy of the notice of hearing in the office of the applicable planning district

or municipality and at least two other public places in the district or municipality at least 14 days before the hearing.

Required notice

168(3)

At least 27 days before the hearing, a copy of the notice of the hearing must be sent

- (a) to the applicant, if there is one;
- (b) to the minister;
- (c) to all adjacent planning districts and municipalities;

Notice to affected property owners

168(4)

If the hearing is held to consider an amendment to a by-law that would affect a specific property,

- (a) a copy of the notice of hearing must be sent at least 14 days before the hearing to the owner of the affected property, and every owner of property located within 100 metres of the affected property; or
- (b) where the affected property is not remote or inaccessible, a copy of the notice of hearing must be posted on the affected property in accordance with section 170.

DEVELOPMENT AGREEMENTS

The Planning Act permits Council to “require the owner of the affected property to enter into a development agreement under section 150” for both by-law amendments and conditional use approvals. This section of *the Act* states:

- a. *“As a condition of amending a zoning by-law, or approving a conditional use, a council may require the owner of the affected property to enter into a development agreement with the municipality in respect of the affected property and any contiguous land owned or leased by the owner dealing with one or more of the following matters:*
 - i. *the use of the land and any existing or proposed building;*
 - ii. *the timing of construction of any proposed building;*
 - iii. *the siting and design, including exterior materials, of any proposed building;*
 - iv. *the provision of parking;*
 - v. *landscaping, the provision of open space or the grading of land and fencing;*
 - vi. *the construction or maintenance — at the owner's expense or partly at the owner's expense — of works, including but not limited to, sewer and water, waste removal, drainage, public roads, connecting streets, street lighting, sidewalks, traffic control, access and connections to existing services;*
 - vii. *the payment of a sum of money to the planning district or municipality in lieu of the requirement under clause (f) to be used for any of the purposes referred to in that clause;*

The intent of a Development Agreement is to protect municipal interest; it is a legal document that spells out the responsibilities of the municipality and of the Proponent, various financial commitments, building standards, and, if necessary, enforcement action.

As per *The Municipal Act*, a council that is expressly required or authorized under a by-law or this or any [other Act](#) to do something by by-law may do it only by by-law. (S.140(2))

PART 12
LIABILITY OF MUNICIPALITIES AND OTHER LEGAL MATTERS
DIVISION 1
CHALLENGING BY-LAWS AND RESOLUTIONS

Application for declaration of invalidity

[382\(1\)](#)

A person may make an application to the court for a declaration that a by-law or resolution is invalid on the ground that

- (a) the council acted in excess of its jurisdiction;
- (b) the council acted in bad faith;
- (c) the by-law is discriminatory; or
- (d) the council failed to comply with a requirement of this or any other Act or the municipality's procedures by-law.

When by-law is discriminatory

[382\(2\)](#)

A by-law is discriminatory if it operates unfairly and unequally between different classes of persons without reasonable justification.

Order

[382\(3\)](#)

Upon hearing an application under subsection (1), a judge may make the requested declaration and any other order he or she considers appropriate.

Time limit for action under clause 382(1)(d)

[383\(1\)](#)

Subject to subsection (2), an application under clause 382(1)(d) must be filed within one year after the by-law or the resolution is passed.

Validity relating to public participation

[383\(2\)](#)

The limitation period in subsection (1) does not apply if the ground for the application is that

- (a) the by-law is required to be put to a vote of voters, and the vote has not been conducted or the by-law was not given the required approval in the vote;
- (b) notice of an intention to pass the by-law was required but not given; or
- (c) a public hearing was required in respect of the by-law but was not held.

[S.M. 2005, c. 27, s. 158.](#)

No challenge on certain grounds

[384](#)

No by-law, resolution or proceeding of a council and no resolution or proceeding of a council committee may be challenged on the ground that

- (a) the by-law is unreasonable or not in the public interest;
- (b) a person sitting or voting as a councillor

- (i) was not qualified when elected, or
- (ii) after being elected, ceased to be qualified or became disqualified;
- (c) a person sitting or voting as a member of a council committee
- (i) was not qualified when appointed or elected, or
- (ii) after being appointed or elected, ceased to be qualified, or became disqualified;
- (d) the election of one or more councillors or members of the committee of a local urban district is invalid;
- (e) a councillor or a member of the committee of a local urban district has resigned because of disqualification;
- (f) a person has been declared disqualified from being a councillor or a member of a committee of a local urban district;
- (g) a councillor or a member of a committee of a local urban district does not take the oath of office; or
- (h) there was a defect in the appointment of a councillor or other person to a council committee.