



POLICY FOR DEVELOPMENT PERMITS

Overview:

Whereas the Zoning By-law #633/15 ("Zoning By-law") requires development permits to be issued for specific circumstances, this policy is to clarify when a development permit is required, the information required with the permit application, and the authority for approval.

Policy:

PERMIT REQUIRED:

An application for a development permit is required for the following: (2.9.1)

- (a) The erection or construction or placement of any building, structure or mobile home, except fences and ornamental light standards and those buildings less than 150 square feet in area;
- (b) The addition, extension, structural alteration or conversion of any building or structure;
- (c) The relocation or removal or demolition of any building or structure;
- (d) The use of vacant buildings or structures; or
- (e) The change of use of land, buildings or structures; or
- (f) The removal of quarry minerals or for the expansion of an existing extraction operation. (3.12.b)
- (g) The stockpiling and removal of topsoil from any site and/or expansion of any such operation when occurring in the agricultural and resource development zones. (3.12.d)
- (h) The clearing and development of peat land from its natural state for agricultural or other development purposes when occurring in the agricultural and resource development zones. (3.12.d)
- (i) Temporary buildings, structures and uses which are incidental and necessary to construction in the same zone. (3.12.d)

INFORMATION REQUIRED WITH PERMIT:

For development permits issued under paragraphs (a),(b),(c),(d),(e),(g),(h),(i) above

All applications for a development permit shall: (2.9.2)

- (i) be accompanied by a plan, drawn to scale, showing the actual dimensions and shape of the site to be built upon; the exact size and location on the site of buildings already existing, if any, and

- the location and dimensions of the proposed building, enlargement or structural alterations;
- (ii) include such other information as may be required by the Council, District Board and/or Development Officer, including existing or proposed building or structural alterations; existing or proposed use of the building and land; the number and location of automobile parking spaces and loading spaces; the location of fire hydrants, waste disposal, entrances, loading points and curb cuts; method of illumination, size and location of signs; location and type of landscaping, fencing, screening and walkways; the number of families, dwelling units or rental units the building is designed to accommodate; conditions existing on the site; current copies of relevant titles, easements, caveats; a surveyor's certificate and or surveyor's staking certificate prepared by a Manitoba Land Surveyor and such other matters as may be necessary to determine conformance with and provide for the enforcement of the Zoning By-law.

For development permits issued under paragraph (f) above: (3.12.b.)

- (i) In the case of Crown quarry minerals, proof of issuance of a Provincial Lease or Casual Permit under The Mines Act;
- (ii) A plan showing areas and means of disposing of overburden and route for hauling the minerals;
- (i) A site plan showing the precise plan of operation, the manner in which extraction or development will occur, the means of visual buffering and noise and dust protection, and the intended use(s) of the site upon completion of the quarrying phase;
- (ii) A plan of rehabilitation of the site and where applicable, subject to The Mines Act.

For any development permit where the proposed building or structure is to be located within an area of minimal flooding, within the floodway fringe of a river, stream, drain or watercourse, or is otherwise subject to minor ponding or runoff: (3.5)

- (iii) A professional engineering report confirming adequacy and safety of the proposed flood protection works.

AUTHORITY FOR APPROVAL

For development permits issued under paragraphs (a),(b),(c),(d),(e),(i) above:

The Development Officer may issue a development permit where the development of land, building or structures conforms to the adopted Development Plan, and the requirements of the Zoning By-law and amendments thereto. (2.8.1)

For development permits issued under paragraph (f) above:

Council of the R.M. of Whitemouth must approve the development permit, after consulting with provincial Mineral Resources Division.

For development permits issued under paragraphs (g),(h) above:

Council of the R.M. of Whitemouth must approve the development permit.

For development permits under any of paragraphs (a) to (i) above, where the proposed building, structure or use is to be located within the floodway of a river, stream, drain or watercourse:

Council of the R.M. of Whitemouth must approve the development permit.

DEFERRAL OR WITHHOLDING APPROVAL OF PERMITS

The Development Officer shall defer approving an application for a development permit: (2.9.4)

- (i) As provided for in The Planning Act;
- (ii) Which would result in a violation of the Zoning By-law or any By-law of the Rural Municipality of Whitemouth;
- (iii) To any person who has failed to pay any fees dues and owing to the Rural Municipality of Whitemouth or the Whitemouth River Planning District under the Zoning By-law;
- (iv) For up to 60 days, upon instructions from the Board or Council, in accordance with the Planning Act in order to determine compliance with the Development Plan, Zoning By-law or the Planning Act;
- (v) For up to a further 125 days, upon instructions from the Board or Council, in accordance with the Planning Act, where the proposed building, structure or use of land would not conform to a proposed Development Plan or Zoning By-law.

Notwithstanding any other provision of the Zoning By-law, Council may refuse to issue a building and/or development permit where the proposed building or structure, as determined by Council is to be located within the floodway of a river, stream, drain or watercourse, and where Council has determined that placement of said structure would impede the flow of flood waters and/or create a hazard to life, limb or property.

DUTIES OF THE OWNER

- 1) Neither the granting of a development permit nor the approval of the drawing and specifications nor the inspections made by the Development Officer shall in any way relieve the owner of the responsibility of complying with the requirements of the Zoning By-law or any permit issued thereunder and any other relevant By-laws of the Rural Municipality of Whitemouth. (2.16)
- 2) Permit the Development Officer to enter any buildings or premises at

any reasonable time for the purpose of administering or enforcing the Zoning By-law and shall not molest, obstruct or interfere with the Development Officer in the discharge of his duties under the Zoning By-law. (2.16)

- 3) After the development application has been approved and the permit issued, obtain the written approval of the Development officer before doing any work at variance with the approved documents filed. (2.16)
- 4) Be responsible for obtaining, where applicable from the appropriate authorities, permits, or licenses relating to the buildings, grades, sewers or water supply systems, private sewage disposal systems, plumbing, signs, blasting, street occupancy, electrical, highways and all other permits required in connection with the proposed work. (2.16)

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