

DEVELOPMENT PERMITS RULES AND REGULATIONS

14. **CONTROL OF DEVELOPMENT**

- (1) Except as otherwise provided in this Bylaw, no person shall commence any development unless he has been issued a development permit or location permit in respect thereof.
- (2) Development comprising the display of signs & advertisements shall be governed by the provisions of each Land Use District.
- (3) For the purposes of this Bylaw the municipality is divided into districts in the manner indicated on the District Map and its appendant enlarged reference maps in Schedule B hereto annexed and being part of this Bylaw.
- (4) In each district shown on the District Map, development may only take place for the purposes respectively specified as being "Permitted" or "Discretionary Uses" of Schedule A hereto except as provided in (4)(a) iii below and (5)(a) iv below.
- (5) In each district shown on the District Map, the standard of development shall be equal to or better than the minimum laid down in Schedule A unless otherwise permitted by this Bylaw.
- (6) The development Officer shall be responsible for the administration of this Bylaw.
- (7) Development and Natural Resource Extraction shall not be permitted within an identified Environmentally Significant Area as determined by the Council of Mountain View County, without appropriate County and if applicable Provincial approvals such as but not limited to Mountain View County Development Permits and Road Haul Use Agreements etc. [Amended Bylaw No. 30/08]
- (8) Removal of vegetation including but not limited to trees, shrubs, and grasses which are not within an Environmentally Significant Area, and are required to be removed for Agricultural purposes, shall not require a development permit. [Amended Bylaw No. 30/08]
- (9) Existing natural resource extraction uses and related facilities under five (5) acres in size which are in productive operation during the five (5) years prior to August 1, 2008 shall be grand-fathered in as a legal non-conforming use as defined in the Municipal Government Act and shall not require a Mountain View County Development Permit provided that the development does not exceed five (5) acres in size. [Amended Bylaw No. 30/08]
- (10) Existing natural resource extraction uses and related facilities under five (5) acre in size which are in productive operation during the five (5) years prior to August 1, 2008 which exist within an environmentally significant area as defined by Mountain View County shall not be permitted to expand existing operations and shall apply for a Mountain View County Development Permit within ninety (90) date at no Development Permit fee to the applicant, notwithstanding the aforementioned construction and maintenance of a fence line and minor agriculture related practices shall not require a Mountain View County Development Permit.[Amended Bylaw No. 30/08]

15. **PERMISSION FOR DEVELOPMENT**

- (1) Subject to Section 15.2 of this Land Use Bylaw an application for a development permit signed by the applicant shall be made to the Development Officer in writing and shall be accompanied by:
 - (a) a site plan showing the registered legal boundaries and the front, rear and side yards, if any, and any provisions for off-street loading and vehicle parking;
 - (b) floor plans, elevations and exterior design;
 - (c) a statement of uses;
 - (d) a statement of ownership of land and interest of the applicant therein;
 - (e) the estimated commencement and completion dates;
 - (f) the estimated cost of the project or contract prices;
 - (g) the extent of existing treed areas shall be indicated on the site plan accompanying the application for development together with an indication of the trees proposed to be removed in the course of development; this does not include land clearing or the harvesting of trees
 - (h) elevation and Real Property Report at the discretion of the Development Officer;
 - (i) indicate the location of any local sour gas facility;
 - (j) such other information as may be deemed necessary;
 - (k) a copy of the Certificate of Title indicating legal description of property, ownership and encumbrances;
 - (l) a non-returnable processing fee. When development is commenced prior to obtaining the required development permit or location permit, the fee shall be increased. The fees payable shall be established by resolution of Council; (Bylaw 11/06)
 - (m) if the applicant is not the registered owner, a consent in writing executed by the registered owner duly consenting to the application and approving the applicant as the agent of the registered owner.

- (2) All applications for a Development Permit shall be submitted to the Development Officer. The Development Officer shall:
 - (a) decide upon all development permit applications unless the application is referred to the Municipal Planning Commission or Administrative Subdivision and Development Approving Authority pursuant to (2)(e) below; (Amended Bylaw LU 06/07)
 - (b) keep and maintain for the inspection of the public during office hours, a copy of this Bylaw and all amendments thereto and ensure that copies of same are available to the public at a reasonable charge;
 - (c) make available for inspection by the public during office hours a register of all the applications for development permits and decisions made thereon;
 - (d) collect fees according to a scale to be established by resolution of Council;
 - (e) refer with his report to the Municipal Planning Commission or Administrative Subdivision and Development Approving Authority for its consideration and decision any development permit application for a discretionary use for which in his opinion should be decided by the Municipal Planning Commission or Administrative Subdivision and Development Approving Authority. (Amended Bylaw LU 06/07)

(3) The Municipal Planning Commission or Administrative Subdivision and Development Approving Authority is hereby authorized to decide upon all development permit applications referred to it by the Development Officer. (Amended Bylaw LU 06/07)

(4) Permitted Uses

(a) The Development Officer's Discretion:

- (i) the Development Officer shall approve an application for a development permit or location permit where:
 - (A) the proposed use of the site is included on the permitted use list of the Land Use District for which the site is designated, and
 - (B) the proposed development conforms in every respect to the provisions of this Bylaw appropriate for the Land Use District for which the site is designated;
- (ii) subject to the provisions of Section (iii), the Development Officer shall refuse an application permit if the proposed development does not meet the requirements of this Bylaw for the Land Use District for which the site is designated;
- (iii) the Development officer may approve an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in the opinion of the Development Officer:
 - (A) the proposed development would not
 - (i) unduly interfere with the amenities of the neighborhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighboring properties, and
 - (B) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- (iv) where the Development Officer is authorized to issue a development permit in accordance with this Bylaw, the development permit may be issued either with or without conditions.

(b) The Development Officer shall receive all applications for a development permit or location permit and shall:

- (i) refer with his recommendations to the Municipal Planning Commission for its consideration and decision, all applications for a development permit for those uses in any district as listed in Schedule A which constitute discretionary uses;
- (ii) refer to the Municipal Planning Commission at his discretion any application which in his opinion should be decided by the Municipal Planning Commission;
- (iii) subject to the provisions of (4)(a) iii as set forth above, the Development Officer shall refuse all other applications.

- (c) Notification of the Decision:
 - (i) when an application for a development permit is approved the Development Officer shall sign the development permit.
 - (ii) when an application for a development permit is refused, the applicant shall forthwith be given written notification of the decision and the reasons for it.

(5) Discretionary Uses

- (a) The Municipal Planning Commission's or Administrative Subdivision and Development Approving Authority Discretion: (Amended Bylaw LU 06/07)
 - (i) the Municipal Planning Commission or Administrative Subdivision and Development Approving Authority may approve, either permanently or for a limited period of time, a development permit application which meets the requirements of this Bylaw, with or without such conditions as the Municipal Planning Commission or Administrative Subdivision and Development Approving Authority may deem necessary and based on the merits of the application; (Amended Bylaw LU 06/07)
 - (ii) the Municipal Planning Commission may refuse a development permit application even though it meets the requirements of this Bylaw;
 - (iii) the Municipal Planning Commission shall refuse a development permit application which does not meet the requirements of this Bylaw except as provided for in (5)(a)(iv) below;
 - (iv) the Municipal Planning Commission or Administrative Subdivision and Development Approving Authority may approve an application for a development permit for a discretionary use notwithstanding that the proposed development does not comply with this Bylaw, if, in the opinion of the Municipal Planning Commission or Administrative Subdivision and Development Approving Authority(4)(a)(iii) above, A and B would apply. (Amended Bylaw LU 06/07)
 - (v) The Administrative Subdivision and Development Approving Authority may refer any development application to the Municipal Planning Commission to render a decision at his discretion. (Amended Bylaw LU 06/07)
- (b) Notification of decision shall be given in accordance with Section (4)C above.
- (c) At the discretion of the Development Officer any deemed approved use may be considered as a discretionary use where such use is deemed to be unsafe, hazardous, noxious or otherwise inappropriate for the intended location.
- (d) Where the Municipality is requested to provide comments on a Real Property Report with respect to legally established or non conforming existing development, the Development Officer may at his discretion;

- (i) grant relaxation of development standards up to 40% without the issuance of a development or location permit;
- (ii) grant relaxation of a previously approved Development Permit or Location Permit by 10% of approved setback.
- (iii) otherwise require the issuance of a development permit for reasons of safety, hazard or general public concern, or additional relaxation.

(6) Commencement of Construction

The approval of a development permit application and the release of a development permit does not authorize construction to either commence or continue except as in conjunction with all other required permits.

- (7) An application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Approving Authority is not made within 40 days of receipt of the application.
- (8) If the development authorized by a development permit is not commenced within 6 months from the date of its issue and the development completed within 18 months from the date of its issue, the permit shall be deemed to be null and void, unless an extension has been granted by the Development Officer.
- (9) Where an application for a development permit has been refused, the Development Officer may, at his discretion, refuse to accept another application for the same or a similar development on the same site until 6 months has passed from the date of refusal.
- (10) The Development Officer may refuse to accept a development permit application where the information required by this Bylaw has not been supplied or where, in his opinion, the quality of the material supplied is inadequate to properly evaluate the application.
- (11) The Approving Authority may deal with an application and make its decision without all of the information required by (1) above, if the Approving Authority is of the opinion that a decision on the application can be properly made without such information.

16. DEVELOPMENT PERMITS AND NOTICES

- (1) Where an application for a development permit has been approved by the Approving Authority, the Development Officer, or such other duly authorized person, shall immediately issue to the applicant a notice of the decision.
- (2) Where an application for a development permit has been approved, notice of the approval shall be given in the following manner, namely:
 - (a) a notice shall be immediately published in a local newspaper circulated in the Municipality stating the location of the property for which the application has been made and the use approved, and in addition,

- (b) notice may also be given in a manner as otherwise deemed appropriate by the Approving Authority.
- (3) Where an application for a development permit is approved, with or without conditions, a development permit shall be issued to the applicant not less than 14 days from the date the notice of decision or approval is given, and the advertising as set forth in 16(2) above of this Bylaw has been duly implemented, unless an appeal of the decision of the Approving Authority has been lodged or entered in accordance with the provisions relating to an appeal as set forth in the Municipal Government Act and as referred to in PART V of this Bylaw.
 - (4) In the event an appeal is entered or lodged with the Subdivision and Development Appeal Board in accordance with the provisions of the Act, the development permit shall not be issued to the applicant until determination of the appeal and by virtue of which the decision may be modified or nullified thereby.
 - (5) Notwithstanding anything contained herein to the contrary, the granting of a development permit shall:
 - (a) indicate only that the development to which the permit relates is authorized in accordance with the provisions of this Bylaw and shall in no way excuse any person from complying with this or any other bylaw, order and regulation affecting such works or development.
 - (b) be without prejudice to the Approving Authority's right to refuse any other permit or approval that may be required in respect of the development, in accordance with the provisions of any other bylaw, law, order or regulation;
 - (c) be subject to the right of the Development Officer to take such actions necessary against a development permit in accordance with the other provision of this Bylaw and the provisions of the Municipal Government Act.

17. **DEVELOPMENTS NOT REQUIRING A DEVELOPMENT PERMIT**
[SUBJECT TO THE LAND USE DISTRICT REGULATIONS]

- (1)
 - (a) Deemed Approved Development as specified in each Land Use District if in compliance with the Land Use Bylaw.
 - (b) The maintenance, repair, renovations, or alterations to any building or structure that does not change the use or intensity of use of any building.
 - (c) The completion of any development which was lawfully commenced before this Bylaw came into full force and effect, provided that the development is completed in accordance with the terms and conditions of any permit granted by the municipality in respect of it.
 - (d) The use of a building or part thereof as a temporary polling station, a candidate's campaign office or any other official temporary use in connection with a federal, provincial or municipal election or referendum.

- (e) Temporary construction camps that are situated at least 100 feet from the center line of a County road allowance.
 - (f) Temporary buildings and uses, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw, that is situated at least 100 feet from the center line of any County road allowance.
 - (g) Developments referred to in Section 618 of the Municipal Government Act more than 100 feet from the centre line of any County road allowance.
 - (h) The use of Municipal Reserve lands for grazing of livestock in all Land Use Districts as authorized by the Municipal Planning Commission or Administrative Subdivision and Development Approving Authority. (Amended Bylaw LU 06/07)
- (2) Developments that only require the issuance of a location permit are specified in each land use district, if in compliance with the Land Use Bylaw.