

DEVELOPMENT PERMITS

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36.1 Development Permits Required

36.1.1 Except as provided for in Section 36.2 below, no person shall commence and undertake any development unless:

- (a) a development permit has first been issued pursuant to this Bylaw; and
- (b) the development is proceeded with in accordance with the terms and conditions of the development permit.

36.2 Development Permits Not Required

36.2.1 A development permit is not required for the following developments provided that the proposed development complies with all applicable regulations (such as height, setbacks, density) of this Bylaw:

- (a) those uses exempted by the Act and regulations thereto;
- (b) works of maintenance, repair or alteration on any building, provided that the work does not include structural alterations and does not change the use or intensity of the building;
- (c) the erection or installation of equipment, structures or buildings required in connection with operations for which a development permit has been issued during the period of the construction, excluding any buildings for residential occupancy;
- (d) stripping, grading or the removal of soil that is part of a development for which a development permit has been issued and applicable conditions of the permit have been met, or a development agreement has been signed;
- (e) the construction, completion, alteration, maintenance or repair of a roadway, lane or utility undertaken on a public roadway or utility right-of-way or easement, or undertaken to connect the same with any lawful use of any buildings or land, as approved by the Municipal District of Bighorn’s Operations Department;
- (f) the installation, maintenance or repair of public works, services and utilities carried out by or on behalf of Federal, Provincial or Municipal authorities on land that is publicly owned or controlled;
- (g) the construction and maintenance of roads, driveways, walkways, utilities and wells, including a private sewage system and water supply system on private land or Crown lease land;
- (h) the erection, construction or maintenance of fences or other means of enclosure 2.0 m (6.6 ft) or less in height, pursuant to the regulations in Section 3.16;
- (i) the erection, construction or maintenance of gates;



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- (j) the erection, construction or maintenance of retaining walls 0.9 m (3.0 ft) or less in total height;
- (k) the use of a building as a temporary polling station for a Federal, Provincial or Municipal election or referendum or plebiscite;
- (l) landscaping activities which do not adversely affect the grading and drainage of the subject or adjacent properties;
- (m) minor home-based businesses;
- (n) hot tubs, pursuant to Section 3.18;
- (o) the construction of an uncovered patio;
- (p) the construction or installation of an accessory building that is 10.0 m² (107.6 ft²) or less in floor area, subject to the regulations in Section 4.1 and any applicable regulations of the land use district in which the development is proposed to be located;
- (q) the keeping of 2 or fewer shipping containers on a lot or parcel;
- (r) the construction or erection of a farm structure used for the housing of livestock or the storage or maintenance of equipment or materials or produce associated with an existing agricultural operation, where farm structures are listed as a permitted use and the parcel size is 18.0 ha (44.5 ac) in area or greater;
- (s) extensive agricultural uses and the keeping of livestock on parcels of land where extensive agriculture is listed as a permitted use and the parcel size is 18.0 ha (44.5 ac) in area or greater;
- (t) the temporary keeping of up to 2 horses or llamas on a lot in the hamlet of Benchlands, provided that such horses or llamas are not on the lot for a period greater than 7 days in a 30 day period;
- (u) forestry uses or activities, except for logging proposed on private land contained within those designated areas illustrated in the Municipal Development Plan where the area to be harvested is more than 10% of the site or more than 2.0 ha (4.9 ac);
- (v) commercial filming for a period no greater than 14 days and where the set construction requirements are relatively minor, provided that the filming company enters into an agreement with the Municipal District of Bighorn which has been authorized by the Development Officer in consultation with the ward Councillor or the Reeve;
- (w) above or below ground fuel storage tanks less than 2,500 L;
- (x) the installation of solar collectors provided that:
 - (i) the energy produced is primarily for on-site use;
 - (ii) the solar collectors are flush-mounted on a wall, roof or fence;



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- (iii) pole-mounted or ground-mounted solar collectors do not exceed a maximum height of 4.0 m (13.1 ft) above grade; and
- (iv) the solar collectors meet the minimum yard setback distances specified in the land use district in which it is located.
- (y) satellite dishes, pursuant to Section 3.17;
- (z) the addition of a satellite dish or antenna to an existing communication tower or facility; and
- (aa) the demolition of a building.

36.3 Signs Not Requiring a Development Permit

36.3.1 A development permit is not required for the following signs provided that the proposed sign complies with all applicable regulations of Section 4.5 and any regulations specified in the land use district in which it is located:

- (a) alterations to a sign which do not change the physical dimensions or location or lighting of a sign;
- (b) signs erected by the Municipal District of Bighorn on municipal property;
- (c) signs erected by the provincial highway authority within a highway right-of-way;
- (d) address signs;
- (e) garage or yard sale signs, provided the signs are located on the site in which the sale is to occur, and such signs are displayed no longer than 7 days prior to the event and are removed the day after the event has occurred;
- (f) election signs on private property identifying a political campaign provided such signs are displayed no longer than from the date of the election writ or declaration and are removed within 7 days following the election, referendum or plebiscite;
- (g) signs providing information of a campaign or drive provided such signs are posted for a maximum period of 14 days, and are located on the lot the event is proposed to occur;
- (h) signs displaying an informational or warning message, including signs related to construction or demolition activities on a site for which a development or demolition permit has been issued, traffic control, and warning signs;
- (i) an identification sign for a residential dwelling, provided that the sign contains only the municipal address and the name of the residential owners or occupants, and does not include a sign identifying or advertising a home-based business or bed and breakfast;
- (j) A-board signs, provided that:
 - (i) no more than one A-board sign is displayed per business frontage;



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- (ii) where a business fronts onto more than one road right-of-way, no more than one A-board sign is displayed on each business frontage; and
- (iii) the A-board signs do not exceed 0.6 m (2.0 ft) in width and 1.0 m (3.3 ft) in height;
- (k) flag signs, provided that:
 - (i) the flag signs display only identification messages or are of a decorative nature;
 - (ii) no more than 3 flag signs are erected on a site; and
 - (iii) the maximum size of a flag sign is no greater than 2.0 m² (21.5 ft²) in area;
- (l) real estate signs, provided that:
 - (i) the signs are removed within 21 days after the sale or rental agreement has been entered into; and
 - (ii) the maximum size of the real estate sign is no greater than 0.5 m² (5.4 ft²) in sign area;
- (m) window signs, provided that:
 - (i) the maximum area of window signs does not exceed 25% of the window in which the signs are located.

36.4 General Application Requirements

36.4.1 An application for a development permit shall be made to the Development Officer using the prescribed form, signed by the owner or agent and accompanied by:

- (a) a site plan (see examples provided in Figures 26 and 27) drawn to an appropriate scale, and where required due to the large size of the material, 1 copy of the site plan reduced to a standard page size (letter, legal or 11”x 17”), showing:
 - (i) north arrow and scale;
 - (ii) legal description of the property, and municipal address if available;
 - (iii) lot lines shown with dimensions;
 - (iv) site topography showing grades and drainage;
 - (v) other features, including but not limited to escarpments, water courses and water bodies;
 - (vi) location of existing and proposed buildings or structures, dimensioned to property lines;
 - (vii) development density and site coverage calculations;
 - (viii) location of existing and proposed on-site water and sewage systems, including septic tanks and disposal fields;



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- (ix) location of existing and proposed vehicle accesses, culverts, driveways and parking areas; and
- (x) location of existing and proposed trees, landscaping, fencing, retaining walls and other physical features;
- (b) floor plans of each level and elevation drawings of each side of the building, including building height measurements and number of storeys, in accordance with the definitions in this Bylaw;
- (c) a description or visual representation of exterior finishing materials and colors;
- (d) a copy of a current certificate of title indicating ownership;
- (e) if the applicant is an agent of the landowner, a letter from the landowner verifying the agent’s authority to make application; and
- (f) the development permit fee as prescribed by Council.



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Figure 26 – Sample Site Plan (Rural)

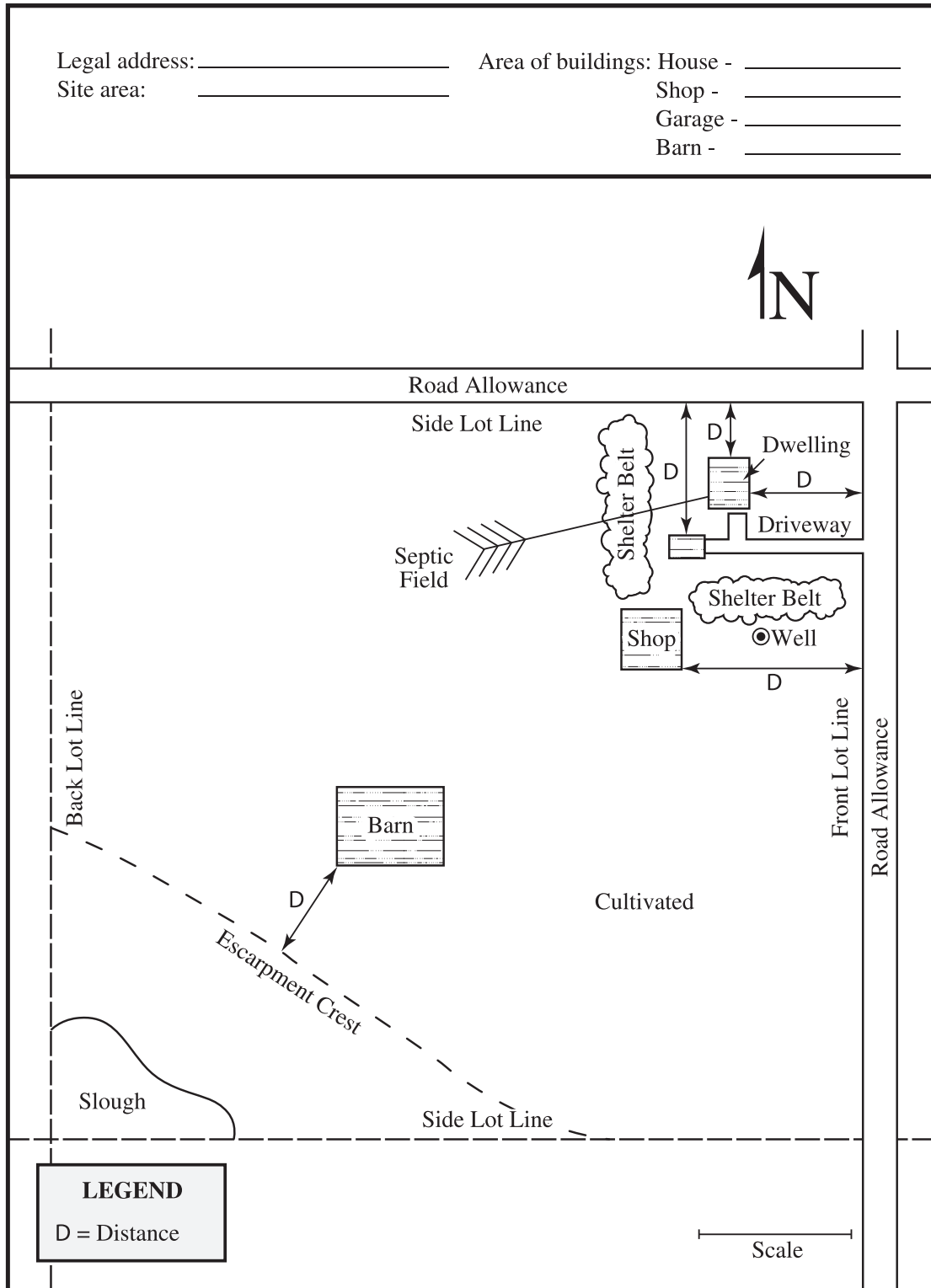
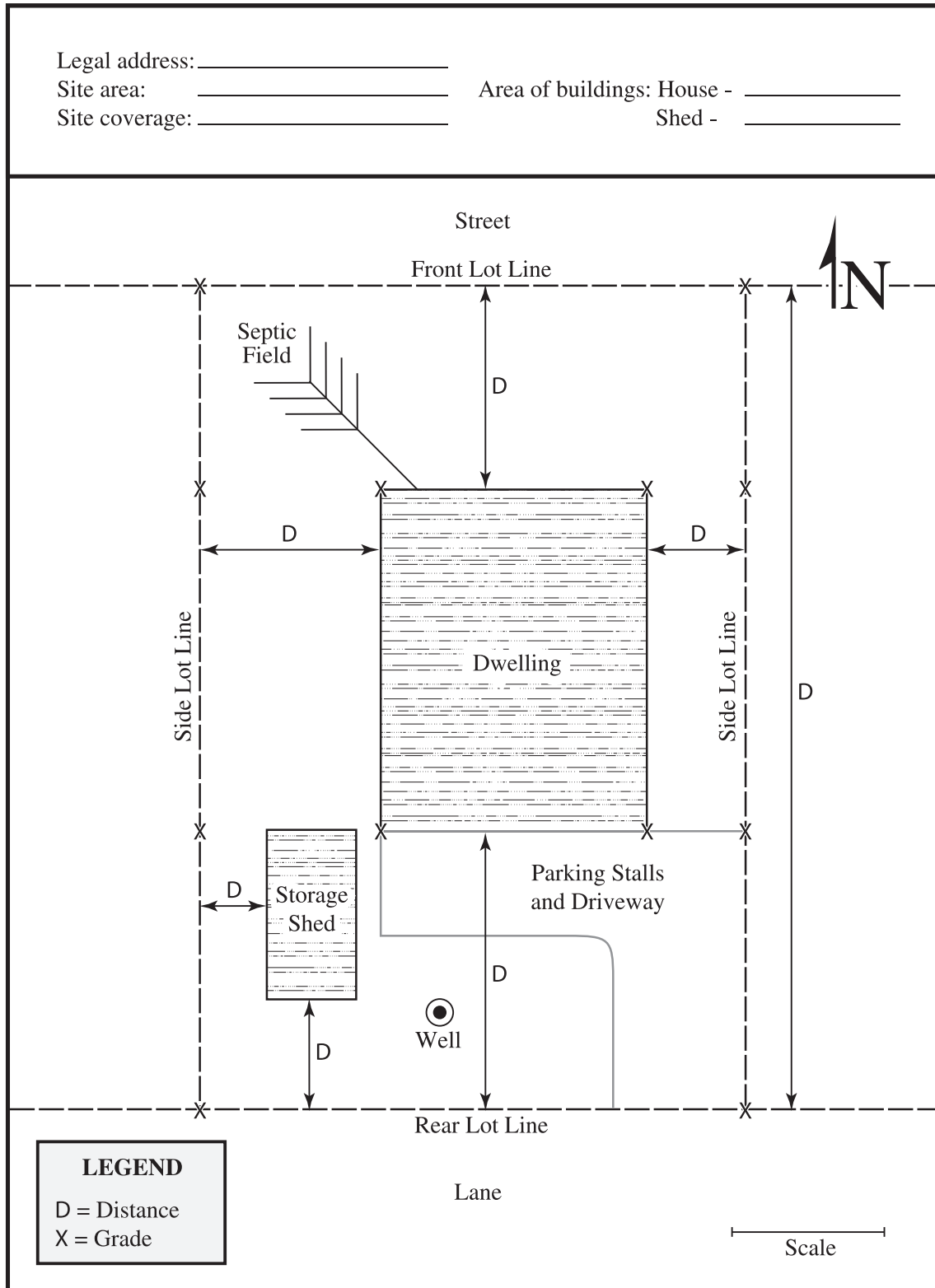


Figure 27 – Sample Site Plan (Hamlet and Country Residential)



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36.4.2 In addition to the above development permit application requirements, the Development Authority may require any of the following:

- (a) a plan of survey prepared by a registered Alberta Land Surveyor;
- (b) a real property report prepared by a registered Alberta Land Surveyor;
- (c) an aerial photograph of the site;
- (d) a statement of intent respecting the method to be used for the supply of potable water and disposal of sewage wastes, accompanied by supporting documentation;
- (e) a construction management plan;
- (f) a landscaping plan;
- (g) an exterior lighting plan;
- (h) a plan showing the location of garbage and storage areas, and the location and design of fencing or screening proposed;
- (i) a description of facilities and equipment available for fire fighting purposes;
- (j) a geotechnical or floodplain study prepared by a qualified engineer;
- (k) a development impact assessment;
- (l) a reclamation plan;
- (m) detailed studies regarding the potential impact and approach to dealing with traffic, utilities and storm drainage prepared by a qualified engineer;
- (n) a site grading plan showing finished elevations in relation to adjacent properties and roadways;
- (o) information regarding older buildings or features on the property that may have possible heritage value; and
- (p) other such information that may be required at the discretion of the Development Authority.

36.5 Application for Logging

36.5.1 In addition to the general development permit application requirements in Section 36.4, where a development permit application for logging activities is required the Development Authority shall require the submission of:

- (a) a harvesting plan to be prepared in accordance with the Alberta Timber Harvest Planning and Operating Ground Rules, and the plan is to be reviewed and signed by an Alberta Registered Professional Forester;
- (b) a location plan showing all hydrographic and topographic features, roads, buildings and residences within 150.0 m (492.1 ft) of the property;
- (c) haul roads to be used, and methods for dust control; and



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- (d) a reclamation program.

36.6 Application for Excavation, Filling and Stripping

36.6.1 In addition to the general development permit application requirements in Section 36.4, the applicant shall provide:

- (a) a site plan showing the area of the site in which any excavation, filling or stripping activities are proposed to occur in relation to existing developments and natural features;
- (b) a description of the type and purpose of the excavation, filling or stripping activities, and the area of land and depth which the activities will affect;
- (c) a description of the impact any excavation, filling or stripping activities will have on the drainage pattern and any proposed mitigation strategies; and
- (d) a weed control plan.

36.7 Application for Keeping of Horses and Llamas in the R-1B District

36.7.1 In addition to the general development permit application requirements in Section 36.4, the applicant shall provide:

- (a) a description specifying the number and type of horses or llamas, and the expected length of stay of the animals during a typical year;
- (b) a description of how the animals will be fed and the manure will be managed;
- (c) a description of how surface water run-off will be contained on the site using berms, ditches or other means;
- (d) a statement indicating the number of horses or llamas the applicant believes to be currently kept in the Hamlet of Benchlands;
- (e) a site plan of the property illustrating:
 - (i) where the animals would be kept, including the location of any animal paddock;
 - (ii) the general contours of the land at approximately 1.5 m (4.9 ft) intervals to indicate drainage patterns and any areas that may not be suitable for grazing or containment due to steep slopes;
 - (iii) proposed manure storage areas;
 - (iv) water wells and septic fields on the subject and adjacent properties; and
 - (v) if required, any proposed berms or ditches to control run-off;
- (f) a written comment from the municipality's Environmental Fieldman, or a statement from the applicant indicating the effort made to obtain such comments; and



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- (g) if possible, a written comment from any Hamlet of Benchlands group that has been formed by the community to provide education, advice or input on the keeping of horses and llamas in the Hamlet of Benchlands.

36.8 Application for Keeping of Chickens in the GRCR District

36.8.1 In addition to the general development permit application requirements in Section 36.4, the applicant shall provide:

- (a) a site plan showing where the chickens would be kept;
- (b) a description of all proposed enclosures and buildings; and
- (c) a description of how the chickens will be maintained to ensure that odours are minimized, disease is controlled, and they do not become a wildlife attractant.

36.9 Application for Harvie Heights Highway Commercial District

36.9.1 The applicant for a development permit in the HHC-HWY district shall cover all expenses incurred for the work completed by the architectural review agent throughout the application process described below.

36.9.2 Where required by the Development Authority due to the intensity, size or nature of a development permit application, the application process in the HHC-HWY district shall be in accordance with the following:

- (a) Pre-application meeting – The applicant should meet with the Development Officer and the architectural review agent prior to any formal design to ensure that the application process and land use bylaw requirements are clearly understood by the applicant. In particular, the applicant should become familiarized with the subject site and any special development considerations such viewsheds from the adjacent residential area.
- (b) Initial design conference – The applicant shall submit preliminary design sketches to the Development Officer and the architectural review agent, and schedule a meeting. Sketches will be reviewed and comments provided to the applicant.
- (c) Working drawings – The applicant shall submit working drawings which will be reviewed by the Development Officer and the architectural review agent. A recommendation will then be made to the applicant as to whether the Bylaw regulations and design criteria have been met, and if the applicant should prepare to hold the required public open house.
- (d) Public open house – The applicant shall hold a public open house at no expense to the Municipality prior to making a completed development permit application. Notification of the public open house shall be mailed to all affected landowners at least 21 days prior to the date of the open house. If, in the opinion of the Development Officer, the development proposal significantly changes prior to



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making a final development permit application, the applicant may be required to hold additional public open houses.

- (e) Submission of complete application – The applicant shall submit all required plans, reports and information as indicated in Section 35.8.3. If the proposal should be deemed a completed development permit application, the architectural review agent shall prepare an official report as to whether the proposed development meets the architectural design guidelines of the HHC-HWY district.
- (f) Decision – The completed development permit application, the Development Officer’s report and the architectural review agent’s report shall be provided to the Municipal Planning Commission for decision. The applicant shall submit 10 copies of high-quality colour plans, renderings, elevations and other visual materials for the Municipal Planning Commission meeting.

36.9.3 In addition to the requirements as specified in Section 36.4, a completed development permit application in the HHC-HWY District shall contain:

- (a) photographs showing the site in its existing state;
- (b) photographs, renderings or other visual representations which show, to the satisfaction of the Development Authority, the form, massing, finishing materials and character of the proposed development in relation to surrounding buildings;
- (c) 1 original set of large dimensioned site plans plus 2 copies reduced to a standard page size (letter, legal or 11” X 17”), drawn to a metric scale of 1:100, showing:
 - (i) legal and municipal address, scale and north arrow;
 - (ii) property lines in relation to municipal roads, lanes, curbs and sidewalks;
 - (iii) existing site topography at not less than 0.5 m (1.6 ft) contour intervals;
 - (iv) easements;
 - (v) buildings on adjacent sites, indicating building height, use of buildings and window location;
 - (vi) location of existing buildings, structures and utilities to remain on site;
 - (vii) setback requirements, dimensioned from property lines;
 - (viii) existing and proposed vehicle accesses, aisles, parking and loading areas;
- (d) a landscaping plan, including details of fencing, retaining walls, garbage enclosures and vegetation;
- (e) exterior building elevations and building floor plans;
- (f) a sample board of exterior finishing materials;
- (g) cross-sections of on and off-site buildings, in relation to the existing and proposed site grades and dimensioned from property lines;



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- (h) proposed site grading and drainage;
- (i) a lighting plan consistent with Dark Sky principles, including location, type of fixtures, lamp types, wattages and initial lumen outputs; and
- (j) any additional information as required by the Development Authority.

36.9.4 In considering a development permit application, the Development Authority may require the following reports or plans to be submitted:

- (a) a construction management plan;
- (b) environmental site assessments for potentially contaminated sites;
- (c) geotechnical and groundwater assessments;
- (d) a slope stability analysis; and
- (e) a traffic impact assessment.

36.10 Application for Relocation of Buildings

36.10.1 In addition to the general development permit application requirements in Section 36.4, the applicant shall provide:

- (a) a recent photograph of the building to be moved;
- (b) the location that the building is to be moved from;
- (c) a report detailing the structural integrity of the building from a qualified person, such as a structural engineer or building Safety Codes Officer;
- (d) a description of the proposed renovations to be undertaken after the building is moved;
- (e) information regarding the method, route and timing of the proposed relocation; and
- (f) any other information deemed necessary by the Development Authority.

36.11 Application for Home-based Business, Major

36.11.1 In addition to the general development permit application requirements in Section 36.4, the applicant shall provide:

- (a) a description of the business to be undertaken and portions of the dwelling or accessory buildings to be used for business purposes;
- (b) the anticipated frequency of clients or deliveries to be received per week or other additional traffic generated by the home-based business;
- (c) a site plan showing how additional on-site parking stalls will be accommodated, where required;
- (d) information regarding any outside storage considerations; and



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- (e) a description of the nature of the business in terms of generation of odour, noise, dust, vibration, heat, glare or refuse matter, and the proposed method for disposal of wastes.

36.11.2 The applicant is encouraged to submit letters of support from adjacent residents.

36.12 Application for Bed and Breakfasts

36.12.1 In addition to the general development permit application requirements in Section 36.4, the applicant shall provide:

- (a) the number of proposed accommodation units and anticipated frequency of use;
- (b) a description of how additional on-site parking will be accommodated; and
- (c) where applicable, evidence of adequate water supply and sanitary services.

36.13 Application for Communication Towers and Facilities

36.13.1 The Municipal District of Bighorn recognizes that Industry Canada is the regulating body and approving authority for the placement of radiocommunication facilities, but that it has been Industry Canada’s practice to work with municipal governments to ensure that local concerns are addressed in the approval process. To this end, the Municipal District of Bighorn will use its established development permitting system as set out in this Land Use Bylaw to determine a Municipal position when given an application for a communication tower or facility. The Municipal District of Bighorn recognizes that Industry Canada requires that the following concerns are addressed in their approval process:

- (a) compliance with Transport Canada’s color and lighting requirements for aeronautical safety;
- (b) Health Canada’s guidelines with respect to exposure to radio frequencies;
- (c) environmental assessments that comply with the Canadian Environmental Assessment Act; and
- (d) infrastructure sharing and co-location of antennae.

36.13.2 In addition to the general development permit application requirements in Section 36.4, the applicant shall:

- (a) show on the site plan and drawn to scale:
 - (i) the tower and all supporting structures;
 - (ii) legal vehicular accesses;
 - (iii) adjacent sites and existing uses; and
 - (iv) vegetation to be retained, removed or replaced.
- (b) submit the complete application package as outlined by Industry Canada, including the public notification package, results of the public consultation process, and opportunities for co-location or sharing of existing infrastructure.



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36.13.3 In the absence of Industry Canada application requirements or standards, an applicant for a communication tower and facilities shall complete a public consultation process to the satisfaction of the Development Authority, and provide evidence that opportunities for co-location were investigated.

36.13.4 The Development Authority may require a development impact assessment to be completed by a professional biologist or other approved professional to determine the impact of the communication tower and facility on the local environment, wildlife and adjacent lots.

36.14 Application for Wind Energy Conversion Systems, Small

36.14.1 Prior to submitting a development permit application for a small wind energy conversion system, the applicant is encouraged to send notification of the development proposal to landowners located nearby to the site and obtain written comments.

36.14.2 In addition to the general development permit application requirements in Section 36.4, the applicant shall provide:

- (a) a site plan showing the location of overhead utilities on and abutting the site, general contours of the land, vegetation and location of any dwellings on the site or adjacent sites;
- (b) a sketch, drawn to scale, showing the total system height, tower height, rotor arc and blade clearance in relation to other buildings on the site;
- (c) photographs of the site showing the proposed location of the system and the surrounding area; and
- (d) a photograph or other visual representation of the small wind energy conversion system, along with manufacturer's specifications indicating the rated output in kilowatts, safety features, sound characteristics and the color and type of materials used in system construction.

36.15 Application for Recreational Uses, Country Recreational Centres and Lodges

36.15.1 In addition to the general development permit application requirements in Section 36.4 the applicant shall provide, where applicable:

- (a) number of proposed bed units;
- (b) maximum and average number persons proposed to participate in the daily activities;
- (c) duration and time periods for the operation of the facility or event;
- (d) methods to control traffic, dust and noise and parking considerations;
- (e) a description of the method for the provision of water and sanitary facilities;
- (f) a description of facilities and equipment available for fire fighting purposes; and



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- (g) a site plan showing the location of all facilities, services and activities being proposed.
- 36.15.2 For larger or higher density proposals, the Development Authority may require a development impact assessment to be prepared by an independent and qualified third-party on the effects the development would have on the surrounding land uses, existing vegetation, water courses, wildlife habitats, migration patterns and scenic features of the landscape.
- 36.15.3 An application for a country recreational centre or lodge with a golf course shall contain:
- (a) a landscaping plan;
 - (b) a description of weed control methods, in particular during phases of construction;
 - (c) a hydrological report detailing the sources of water for consumption and irrigation purposes, methods for managing drainage and irrigation systems and any effects on the site, adjacent lands or water courses; and
 - (d) information and documentation on proposed method to maintain landscaped areas, including the use of herbicides, pesticides, fungicides and other chemicals, their impacts on the environment, and mitigating measures that will be employed to minimize adverse effects.

36.16 Application for Commercial Equestrian Centres

- 36.16.1 For the purposes of this section, an animal is deemed to be kept when it is on the site overnight.
- 36.16.2 In addition to the general development permit application requirements in Section 36.4, the applicant shall provide, where applicable:
- (a) the proposed number of horses that are to be kept on the site;
 - (b) the proposed activities to be undertaken on the site and the anticipated frequency and number of guests to the site, including staff and participants;
 - (c) a livestock management plan, including information regarding feeding, manure and pasture management;
 - (d) a description of potable and non-potable water supply and sanitary facilities, where required;
 - (e) a site plan showing the proposed on-site parking for participants and horse trailers;
 - (f) proposed methods of noise abatement and visual buffering of the equestrian centre from adjacent properties;
 - (g) a storm water management plan for all areas of the site disturbed during or as a result of the development of the equestrian centre and supporting facilities; and
 - (h) a description of proposed overnight facilities for participants.



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36.16.3 The Development Authority may require an applicant for a commercial equestrian centre to submit a traffic impact assessment prepared by a professional engineer that includes current and projected traffic for the next ten years in the vicinity.

36.17 Application for Kennels

36.17.1 In addition to the general development permit application requirements in Section 36.4, the applicant shall provide:

- (a) the number of dogs proposed to be kept on the site;
- (b) a description of the proposed method for handling and disposal of animal wastes; and
- (c) a description of the proposed method to be undertaken to mitigate sound from the facility, including pens, rooms, exercise runs and holding stalls.

36.17.2 The Development Authority may require a noise study to be undertaken by a professional acoustic engineer and submitted as part of a development permit application, which shall make recommendations for the siting, design and construction of the kennel, and other noise attenuation measures.

36.18 Application for Industrial Work Camps

36.18.1 In addition to the general development permit application requirements in Section 36.4, the applicant shall provide:

- (a) the location, type and purpose of the camp and the number of proposed persons to occupy the camp;
- (b) the number, location and description of temporary buildings or structures;
- (c) a description of the proposed method of garbage handling and disposal;
- (d) a description of the proposed method of supplying potable water and sanitary services to the work camp;
- (e) the start date and removal date of the work camp; and
- (f) a weed management plan.

36.19 Application for Natural Resource and Aggregate Extraction

36.19.1 In addition to the general development permit application requirements in Section 36.4, the applicant shall provide:

- (a) a location plan showing all hydrographic and topographic features, roads, buildings and dwellings within 300.0 m (984.3 ft) of the site;
- (b) a clear and legible site plan, drawn to scale, showing:
 - (i) contours of the land at intervals of 1.5 m (4.9 ft);
 - (ii) existing vegetation;
 - (iii) existing and proposed areas of extraction;



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- (iv) location of proposed stockpiles for top soil, overburden, reject material and finished product; and
- (v) location of buildings and equipment (temporary and permanent) used in the operation;
- (c) profiles and cross-sections of the area to be excavated;
- (d) groundwater table information;
- (e) excavation phasing plan and time period for the operation;
- (f) methods for mitigation of noise and visual impacts;
- (g) methods for on-site and haul road dust control;
- (h) a description of the anticipated traffic to be generated, including rail, and where required by the Development Authority, a traffic impact assessment prepared by a qualified engineer.

36.19.2 At the discretion of the Development Authority, the applicant may be required to submit:

- (a) a survey completed by a qualified Land Surveyor; and
- (b) a development impact assessment, prepared to the satisfaction of the Development Authority.

36.20 Application for Signs

36.20.1 In addition to the general development permit application requirements in Section 36.4, the applicant shall provide:

- (a) two copies of the sign design drawings showing dimensions, materials, finishes, colours, size of lettering and graphics, to scale;
- (b) a description of mounting details or method of support and ground cover treatment, where applicable;
- (c) a description of the sign height and clearance to grade;
- (d) a description of the method of illumination, if applicable; and
- (e) a site plan showing all existing signs on the property and the proposed sign location in relationship to lot lines, parking areas and buildings.

36.21 Incomplete Applications

36.21.1 An application shall not be considered complete until the application fee has been paid in full to the Municipality.

36.21.2 An application for a development permit shall not be considered complete until all the requirements of this section have been met to the satisfaction of the Development Authority.

36.21.3 If a development permit application does not contain all of the required information or sufficient details for an accurate evaluation of the development proposal required



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in order to make a decision, the Development Authority may deem the application incomplete and may return the incomplete application and accompanying submissions, and all or part of the fees, to the applicant.

36.22 Decisions on Development Permit Applications

36.22.1 The Development Authority shall approve all applications for a permitted use upon the application conforming in all respects to the provisions of this Bylaw, and may impose conditions to ensure compliance with this Bylaw.

36.22.2 In making a decision on an application for a discretionary use or where a variance has been granted, the Development Authority may:

- (a) approve the application;
- (b) approve the application subject to conditions considered appropriate or necessary; or
- (c) refuse the application, stating reasons for the refusal.

36.22.3 Where a development permit application has been referred to authorities or agencies for comment, the Development Authority may process the application within 30 days from the date of referral, whether or not comments have been received.

36.23 Notice of Decision and Issuance of Permits

36.23.1 When an application for a development permit for a permitted use is approved, the Development Authority shall:

- (a) immediately issue a development permit; and
- (b) publish a notice of the decision in a local newspaper circulating in the municipality stating the legal description of the property in which the development has been approved, a description of the development, the procedure for any appeal and the date the appeal period expires.

36.23.2 So that a reasonable opportunity is provided for an appeal to be made on an approval of a permitted use, the development permit shall not come into effect until 14 days after the date of the notice of decision is published in the newspaper. Any development prior to the expiry of the appeal period is done solely at the risk of the developer.

36.23.3 When an application for a development permit is approved for a discretionary use, or for a permitted use for which a variance has been granted, the Development Authority shall:

- (a) provide notice in writing to the applicant or land owner of the approval;
- (b) publish a notice of the decision in a local newspaper circulating in the municipality stating the legal description of the property in which the development is being considered and describing the development and identifying the variance granted;
- (c) state the procedure for any appeal and the date the appeal period expires; and



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- (d) issue a development permit after the appeal period has expired.
- 36.23.4 In addition to 36.23.3 above, at the discretion of the Development Authority a notice of decision may be sent by mail to all adjacent landowners and government departments or agencies, and to any other landowners that in the opinion of the Development Authority may be affected.
- 36.23.5 If an appeal is made within the time limits provided for in this Bylaw, the development permit is not valid until it is upheld, either in whole or as varied, by the Subdivision and Development Appeal Board.
- 36.23.6 Pursuant to the Act, an application for a development permit, may at the option of the applicant, be deemed to be refused if the decision of the Development Authority is not made within 40 days of a completed application being received, unless the applicant has entered into an agreement with the Development Authority to extend the 40 day period.
- 36.23.7 When an application for a development permit has been refused, the submission of another application for a development permit on the same property for the same or similar development by the same or any other applicant may not be accepted by the Development Authority for at least 6 months after the date of refusal.

36.24 Commencement of Development

- 36.24.1 Unless otherwise specified in the development permit or in the conditions of development approval, if the development authorized by a development permit is not commenced and diligently pursued within 12 months from the effective date of the permit, and completed within 24 months of the issue, such permit approval ceases and the permit itself is deemed void, expired and without effect, unless an extension to this period has been granted by the Development Authority.
- 36.24.2 Once commenced, a development is not to be discontinued or suspended for a period(s) totalling more than 6 months, unless upon request by the developer, the Development Authority grants an extension in writing. If the notification of extension has not been obtained, the development permit shall be considered to have lapsed.
- 36.24.3 A development once begun shall not be abandoned or left for an extended period of time in what the Development Authority considers to be an unsightly or unsafe condition.

36.25 Development and Construction Practices

- 36.25.1 During development and construction, the developer shall:
 - (a) ensure adequate provision of parking for job-site related vehicles and safe traffic movement;
 - (b) not store any construction materials or equipment on a public roadway;
 - (c) not store or place, and shall prevent excess soil or debris from being spilled on public roadways, lanes, and sidewalks, or from entering a waterbody, a watercourse or a stormwater system, or adjacent properties;



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- (d) clean all mud, dirt and debris from public roadways at the end of a work day;
 - (e) ensure that the site is free of trash and refuse, and all food-related wastes are removed to an animal-proof garbage bin;
 - (f) adhere to municipal bylaws regarding construction noise;
 - (g) undertake dust mitigation, including the covering of any un-vegetated piles of dirt;
 - (h) provide dust control measures such as the application of water or other dust inhibitor; and
 - (i) control the growth of weeds.
- 36.25.2 The developer shall be financially responsible for any damage to municipal property by the applicant, suppliers, agents or contractors of a development during construction.
- 36.25.3 Where required by the Development Authority or within a construction management plan, construction/renovation/demolition (CRD) wastes created as a result of the building or development should be separated for recycling or disposal on the following basis, and may include:
- (a) asphalt shingles;
 - (b) brush and vegetation;
 - (c) cardboard and boxboard;
 - (d) concrete and asphalt;
 - (e) drywall;
 - (f) kiln dried lumber;
 - (g) metal;
 - (h) other similar recyclable materials; and
 - (i) garbage.
- 36.25.4 Construction wastes shall be sorted and stored on-site in temporary waste containers or stockpiles, which shall not block public sidewalks or streets, until transferred to a permanent waste disposal site.

