

TOWN OF RAYMOND
BYLAW NO. 155-18

BEING a bylaw of the Town of Raymond, in the Province of Alberta, to amend Bylaw No. 987-11, being the municipality's Land Use Bylaw.

AND WHEREAS the Council of the Town of Raymond deems it necessary to amend Land Use Bylaw No. 987-11 to provide compliance with the recent amendments to the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 relating to Part 17 and to enhance and clarify administrative procedures and requirements.

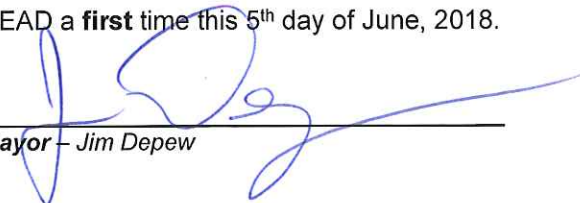
AND WHEREAS the purpose of proposed Bylaw No. 155-18 is to clarify the role of the approval authorities, update administrative processes and timelines for determining complete applications and issuing notification for development and subdivision, update appeal timelines, clarify development agreement standards, and update and enhance other administrative requirements for clarity and ease of use.

AND WHEREAS the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing.

THEREFORE under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council duly assembled does hereby enact the following:

1. That Part 1: Administrative section of Land Use Bylaw No. 987-11, is amended as indicated in the attached Schedules A (text shown in highlighted strikethrough is deleted; text shown in highlighted underlined italics is added) and B (including amendments made at 2nd reading);
2. That the Table of Contents of Land Use Bylaw No. 987-11 is updated accordingly.
3. Bylaw No. 987-11, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared, including formatting, page numbering and any necessary section numbering throughout.
4. This bylaw comes into effect upon third and final reading hereof.

READ a **first** time this 5th day of June, 2018.

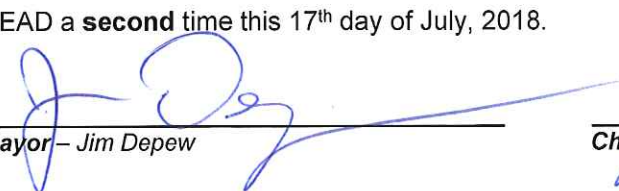


Mayor – Jim Depew



Chief Administrative Officer – J. Scott Barton

READ a **second** time this 17th day of July, 2018.

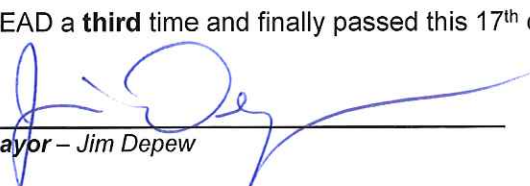


Mayor – Jim Depew



Chief Administrative Officer – J. Scott Barton

READ a **third** time and finally passed this 17th day of July, 2018.



Mayor – Jim Depew



Chief Administrative Officer – J. Scott Barton



Schedule A

Text shown in highlighted strikethrough is deleted.
Text shown in highlighted underlined italics is added.

PART 1: ADMINISTRATIVE

ENACTMENT

1. TITLE

This bylaw may be cited as the "Town of Raymond Land Use Bylaw."

2. PURPOSE

In compliance with section 640 of the Municipal Government Act (*Act*), this bylaw regulates and controls the use and development of land and buildings within the Town of Raymond to achieve orderly, efficient, and economic development of the land.

More specifically, the purpose of this bylaw is to establish the standards and processes which regulate the use and development of all land and buildings within the Town of Raymond. This bylaw, among other things, divides the municipality into districts; prescribes and regulates the use(s) for each district; establishes the administrative procedures for decision-making; prescribes development standards and subdivision design criteria; and implements the Town of Raymond Municipal Development Plan and other statutory plans of the municipality, as may be developed.

3. EFFECTIVE DATE

This bylaw shall come into effect upon third and final reading thereof.

4. REPEAL OF FORMER BYLAW

Town of Raymond Land Use Bylaw No. 887-02 and amendments thereto are hereby repealed.

5. SEVERABILITY

If any provision of this bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions.

6. COMPLIANCE WITH THE LAND USE BYLAW

(1) No development, other than those designated in Part 1, section ~~26~~ 27 of this bylaw (Development Not Requiring a Development Permit), shall be undertaken within the Town unless a development application has been approved and a development permit has been issued.

(2) Notwithstanding subsection (1), while a development permit may not be required pursuant to Part 1, section ~~26-27~~, development shall comply with all regulations of this bylaw.

(3) A person who develops land or a building in the municipality shall comply with the applicable standards and requirements of development specified in this bylaw, in addition to complying with the use or uses prescribed in the applicable land use district and any conditions attached to a development permit if one is required.



7. COMPLIANCE WITH OTHER LEGISLATION

Compliance with the requirements of this bylaw does not exempt any person undertaking a development from complying with all applicable municipal, provincial or federal legislation, and respecting any easements, covenants, agreements or other contracts affecting the land or the development.

8. RULES OF INTERPRETATION

- (1) Unless otherwise required by the context, words used in the present tense include the future tense; words used in the singular include the plural; and the word person includes a corporation as well as an individual. The *Interpretation Act, Chapter I-8, RSA 2000 as amended*, shall be used in the interpretation of this bylaw. Words have the same meaning whether they are capitalized or not.
- (2) The written regulations of this bylaw take precedence over any graphic or diagram if there is a perceived conflict.
- (3) The Land Use Districts Map takes precedence over any graphic or diagram in the district regulations if there is a perceived conflict.

9. MEASUREMENTS AND STANDARDS

All units of measure contained within this bylaw are metric (SI) standards. For the purpose of applying the standards of the bylaw, the metric standards as specified in this bylaw are applicable. Imperial measurements and conversions are provided for information only.

10. DEFINITIONS

Refer to Part 5.

11. FORMS, NOTICES AND FEES

- (1) For the purposes of administering the provisions of this bylaw, Council may authorize by separate resolution or bylaw as may be applicable, the preparation and use of such fee schedules, forms or notices as in its discretion it may deem necessary. Any such fee schedules, forms or notices are deemed to have the full force and effect of this bylaw in execution of the purpose for which they are designed, authorized and issued.
- (2) Application forms, fees and notices are included in Appendix C.
- (3) Refund of application fees requires approval of the Municipal Planning Commission.
- (4) In any case, where the required fee is not listed in the fee schedule, such fee shall be determined by the Development Officer and shall be consistent with those fees listed in the schedule for similar developments.
- (5) If development is commenced without applying for a development permit an additional fee, in the amount prescribed under the current fee schedule, shall be payable upon application for the development permit.

12. APPENDICES

Appendices A, B and C attached hereto are for information purposes only and may be amended from time to time *independent of this bylaw* as they do not form part of the Town of Raymond Land Use Bylaw.





APPROVING AUTHORITIES

13. DEVELOPMENT AUTHORITY

- (1) The Development Authority is established by separate bylaw pursuant to the Act and for the purposes of the Town of Raymond Land Use Bylaw, is the Designated Officer, acting in the capacity of Development Officer, and the Municipal Planning Commission.
- ~~(2) Council shall be the Development Authority within within any Direct Control District, unless specifically delegated by bylaw to the Municipal Planning Commission or the Designated Officer acting in the capacity of Development Officer, or another designate(s).~~
- ~~(2)~~ (3) In accordance with section 210 of the Act and for the purpose of this bylaw the Designated Officer shall be the Development Officer.
- ~~(3)~~ (4) In the absence of the Development Officer, the following are authorized to act in the capacity of Development Officer:
 - (a) Municipal Planning Commission;
 - (b) Chief Administrative Officer; or
 - (c) a designate(s) in accordance with the Act.
- ~~(4)~~ (5) The Development Officer is an authorized person in accordance with section 624 of the Act.
- ~~(5)~~ (6) The Development Authority shall perform such powers and duties as are specified:
 - (a) in the Town of Raymond Municipal Planning Commission Bylaw;
 - (b) in this bylaw;
 - (c) in the Municipal Government Act;
 - (d) where applicable, by resolution of Council.

14. SUBDIVISION AUTHORITY – POWERS AND DUTIES

- (1) The Subdivision Authority is authorized to make decisions on applications for subdivision pursuant to the Subdivision Authority Bylaw, and shall perform such powers and duties as are specified:
 - (a) in the Town of Raymond Municipal Planning Commission Bylaw;
 - (b) in this bylaw;
 - (c) in the Municipal Government Act;
 - (d) where applicable, by resolution of Council.
- (2) The Subdivision Authority may delegate, through any of the methods described in subsection (1), to an individual, municipal staff, or a regional service commission, any of its functions and duties in the processing of subdivision applications. In respect of this:
 - (a) The delegation of duties by the Subdivision Authority may include the authorized entity being responsible for determining the completeness of a submitted subdivision application.
 - (b) The Subdivision Authority delegate is authorized to carry out the application process with subdivision applicants as described in the Subdivision Application Rules and



Procedures section of this bylaw, including the task of sending all required notifications to applicants as stipulated.

15. 14. DEVELOPMENT OFFICER – POWERS AND DUTIES

- (1) The office of the Development Officer is hereby established and such office shall be filled by one or more persons as appointed by resolution of Council.
- (2) The Development Officer:
 - (a) shall receive and process all applications for development permits, and determine whether a development permit application is complete in accordance with Part 1, section 29 (Determination of Complete Development Application);
 - (b) shall maintain for the inspection of the public during office hours, a copy of this bylaw and all amendments thereto and ensure that copies of the same are available for public purchase;
 - (c) shall **also** establish and maintain a register in which shall be recorded the application made for a development permit and the decision made on the application, and contain any such other information as the Municipal Planning Commission considers necessary;
 - (d) except as provided in subsection (2)(g), shall consider and decide on applications for a development permit for:
 - (i) permitted uses that comply with this land use bylaw;
 - (ii) discretionary uses identified under "Discretionary Uses – Development Officer" in the applicable land use district;
 - (iii) permitted uses that request one limited variance of a measurable standard not to exceed 10%;
 - (iv) discretionary uses identified under "Discretionary Uses – Development Officer" that request one limited variance of a measurable standard not to exceed 10%;
 - (v) permitted uses on existing registered lots where the Municipal Planning Commission granted a variance(s) to the minimum lot width, length and/or area requirements as part of a subdivision approval;
 - (vi) temporary uses in accordance with Part 1, section ~~33~~ 34;
 - (vii) landscaping;
 - (viii) residential hard surfaces in excess of 25% lot coverage in the yard in which proposed;
 - (ix) fences, walls or other types of enclosures; and
 - (x) demolition;
 - (e) shall refer to the Municipal Planning Commission, with recommendations, all development permit applications for which decision making authority has not been assigned to the Development Officer;
 - (f) may refer any development application to the Municipal Planning Commission for a decision and may refer any other planning or development matter to the Municipal Planning Commission for its review, comment or advice;
 - (g) shall refer all development applications in a Direct Control District to Council for a decision, unless Council has specifically delegated approval authority to the Development Officer or the Municipal Planning Commission;



- (h) shall notify adjacent landowners and any persons who are likely to be affected by a proposed development in accordance with Part 1, section ~~35~~ 36 of this bylaw;
- (i) shall receive, review, and refer any applications to amend this bylaw to Council;
- (j) shall issue the written notice of decision and/or development permit on all development permit applications and any other notices, decisions or orders in accordance with this bylaw;
- (k) may receive and consider and decide on requests for time extensions for Development Permits which the Development Officer has approved;
- (l) may receive and consider and decide on requests for time extensions for Development Permits which the Municipal Planning Commission has approved for extension requests not to exceed 6 months; and shall refer to the Municipal Planning Commission those requests for time extensions in excess of 6 months for Development Permits which the Municipal Planning Commission has approved;
- (m) shall provide a regular report to the Municipal Planning Commission summarizing the applications made for a development permit and the decision made on the applications, and any other information as the Municipal Planning Commission considers necessary;
- (n) and shall perform any other powers and duties as are specified in this bylaw, the Municipal Planning Commission Bylaw, the Act or by resolution of Council.

16. ~~15.~~ MUNICIPAL PLANNING COMMISSION – POWERS & DUTIES

- (1) The Municipal Planning Commission may exercise only such powers and duties as are specified in the Act, the Municipal Planning Commission Bylaw, this bylaw, or by resolution of Council.
- (2) The Municipal Planning Commission shall be responsible for:
 - (a) considering and deciding upon development permit applications referred to it by the Development Officer;
 - (b) providing recommendations on planning and development matters referred to it by the Development Officer or Council;
 - (c) considering and deciding upon requests for time extensions on development permit applications referred to it by the Development Officer;
 - (d) considering and deciding upon applications for subdivision approval;
 - (e) any other powers and duties as are specified in this bylaw, the Municipal Planning Commission Bylaw, the Act or by resolution of Council.

17. ~~16.~~ COUNCIL

Council shall be responsible for considering development permit applications within any Direct Control District, except where the decision making authority has been delegated to the Municipal Planning Commission or the Development Officer.

18. ~~17.~~ SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

The SDAB is established by separate bylaw pursuant to the Act, and may exercise such powers and duties as are specified in this bylaw, the Act and the Subdivision and Development Appeal Board Bylaw.



DEVELOPMENT ~~AND SUBDIVISION~~ IN GENERAL

19. ~~18.~~ LAND USE DISTRICTS

- (1) The Town of Raymond is divided into those land use districts as specified in Part 4 and shown on the Land Use Districts Map.
- (2) The one or more uses of land or buildings that are:
 - (a) permitted uses in each district, with or without conditions; and/or
 - (b) discretionary uses in each district, with or without conditions;
 are described in Part 4.
- (3) A land use that is not listed as a permitted or discretionary use but which is reasonably similar in character and purpose to a permitted or discretionary use in that district may be deemed a similar use by the Development Authority in accordance with Part 1, section ~~32~~ **33** (Similar Use).
- (4) A land use not listed as a permitted or discretionary use or not deemed a similar use, in a district is a prohibited use and shall be refused.

20. ~~19.~~ SUITABILITY OF SITES

- (1) Notwithstanding that a use of land may be permitted or discretionary or considered similar in nature to a permitted or discretionary use in a land use district, the Subdivision Authority or Development Authority, as applicable, may refuse to approve a subdivision or issue a development permit if the Authority is made aware of or in their opinion, the site of the proposed building or use is not safe or suitable based on the following:
 - (a) does not have safe legal and physical access to a ~~maintained~~ **developed municipal** road in accordance with the land use bylaw, other municipal requirements or those of Alberta Transportation if within 300 m (984 ft) of a provincial highway or 800 m (2,625 ft) from the centre point of an intersection of a controlled highway and a public road;
 - (b) has a high water table or soil conditions which make the site unsuitable for foundations and/or sewage disposal systems in accordance with the provincial regulations;
 - (c) is situated on an unstable slope;
 - (d) consists of unconsolidated material unsuitable for building;
 - (e) does not comply with the requirements of the ~~Provincial Land Use Policies~~ **Regional Plan**, Subdivision and Development Regulation or any other applicable Statutory Plans **or approved Conceptual Design Scheme**;
 - (f) is situated over an active or abandoned coal mine or oil or gas well or pipeline;
 - (g) is unsafe due to contamination by previous land uses;
 - (h) does not meet the minimum setback requirements from a sour gas well or bulk ammonia storage facility;
 - (i) does not have adequate water and sewer provisions;
 - (j) does not meet the lot size and/or setback requirements or any other applicable standards or requirements of the Town of Raymond Land Use Bylaw;
 - (k) is subject to any easement, caveat, restrictive covenant or other registered encumbrance which makes it impossible to build on the site;



- (l) *is subject to flooding, subsidence or erosion;*
- (m) *would prevent or interfere with the natural and economic extension of a nearby developed area;*
- (n) *is located within the future road right-of-way or road alignment identified in an approved Conceptual Design Scheme, an adopted Area Structure Plan, Town of Raymond Transportation Master Plan, or other adopted Statutory Plan;*
- (o) *is incompatible with surrounding land uses.*

(2) Nothing in this section shall prevent the *Subdivision Authority from approving a subdivision or the* Development Authority, ~~as applicable,~~ from issuing a development permit if the Development Authority is satisfied that there is no risk to persons or property or that these concerns will be met by appropriate engineering measures or other mitigating measures and approvals from provincial and/or federal agencies have been obtained, as applicable.

21. 20. NUMBER OF DWELLING UNITS ON A PARCEL

No more than one dwelling unit shall be constructed or located or caused to be constructed or located on a parcel except as provided for in the land use district for which the application is made (e.g. accessory dwelling, duplex dwellings, multi-unit dwellings, dwelling groups, manufactured home park, as permitted in the applicable land use district).

22. 24. NON-CONFORMING BUILDINGS AND USES

A non-conforming building or use may only be continued in accordance with the conditions detailed in the Act. Refer to Appendix B.

23. 22. DEVELOPMENT ON NON-CONFORMING SIZED LOTS

- (1) Development on an existing registered non-conforming sized lot that does not meet the minimum requirements for lot length, width or area specified in the applicable land use district in Part 4 may be permitted at the discretion of the Municipal Planning Commission.
- (2) The Development Officer is authorized to permit development on existing registered non-conforming sized lots for permitted uses *and discretionary uses for which the Development Officer has been authorized to decide upon* where the Municipal Planning Commission issued a variance(s) to the minimum requirements for lot length, width and/or area as part of a subdivision approval.

24. 23. NON-CONFORMING VARIANCES

The Municipal Planning Commission is authorized to exercise minor variance powers with respect to non-conforming buildings pursuant to section 643(5)(c) of the Act. Refer to Appendix B.

25. 24. DEVELOPMENT AGREEMENTS

~~The Development Officer or the Municipal Planning Commission may require with respect to development that as a condition of issuing a development permit, the applicant enter into a development agreement in accordance with the Act.~~

- (1) *The Development Officer or the Municipal Planning Commission may require, with respect to a development, that as a condition of issuing a development permit, the*



applicant enter into an agreement with the municipality, pursuant to the section 650(1) of the Act, to do any or all of the following:

- (a) to construct or pay for the construction of a road required to give access to the development;
 - (b) to construct or pay for the construction of a pedestrian walkway system to serve the development and/or connect the pedestrian walkway system that services or is proposed to serve adjacent development;
 - (c) to install or pay for the installation of a public utility that is necessary to serve the development, whether or not the public utility is, or will be, located on the land that is the subject of the development;
 - (d) to construct or pay for the construction of off-street or other parking facilities, and/or loading and unloading facilities;
 - (e) to pay an off-site levy or redevelopment levy imposed by bylaw;
 - (f) to give security to ensure that the terms of the agreement under this section are carried out.
- (2) The Subdivision Authority may require, with respect to a subdivision that as a condition of issuing an approval for a subdivision, the applicant enter into an agreement with the municipality pursuant to section 655(1) of the Act.
 - (3) An agreement referred to in this section may require the applicant for a development permit or subdivision approval to oversize improvements in accordance with section 651 of the Act.
 - (4) The municipality may register a caveat under the Land Titles Act with respect to an agreement under this section against the certificate of title for the land that is the subject of the development, or for the parcel of land that is the subject of the subdivision.
 - (5) If a municipality registers a caveat under this section, the municipality must discharge the caveat when the agreement has been complied with.



**DEVELOPMENT PERMIT RULES AND PROCEDURES****26. ~~25.~~ DEVELOPMENT PERMIT – WHEN REQUIRED**

- (1) Except as **otherwise** provided **for** in Part 1, section **26 27** (Development Not Requiring a Development Permit), no development shall be commenced unless a development permit application has been approved, a development permit issued, and the development is in accordance with the terms and conditions of a development permit issued pursuant to this bylaw.
- (2) In addition to meeting the requirements of this bylaw, it is the responsibility of the applicant to ascertain, obtain and comply with all other approvals and licenses that may be required by other federal, provincial or municipal regulatory departments or agencies.

27. ~~26.~~ DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- (1) This subsection does not negate the requirement of obtaining all required permits, as applicable, under the *Safety Codes Act* and any other **municipal**, **P**rovincial or **F**ederal statute.
- (2) This subsection does not negate the requirement of obtaining a business license where required.
- (3) The following developments shall not require a development permit:
 - (a) any use or development exempted under section 618(1) of the Act **(e.g., a highway or road, a well or battery, a pipeline or installation or structure incidental to the operation of a pipeline);**
 - (b) any use or development exempted by the Lieutenant Governor in Council pursuant to section 618(4) of the Act;
 - (c) telecommunication antenna systems that are regulated by Industry Canada subject to Part 3, section 7, required Telecommunication Antenna Siting Protocols;
 - (d) the completion of a building which was lawfully under construction at the date this bylaw came into effect provided that the building is completed in accordance with the terms and conditions of any development permit granted;
 - (e) the completion of a building that did not require a development permit under the previous land use bylaw and which was lawfully under construction provided the building is completed within 12 months from the date this bylaw came into effect;
- (4) The following developments shall not require a development permit, **but must otherwise comply with all other provisions of this bylaw:**
 - (a) the maintenance or repair of any building provided that the work does not include structural alterations or additions **(note, conversion of a structure to a carport requires a development permit);**
 - (b) the temporary placement or construction of works, plants or machinery (not including shipping containers) needed to construct a development for which a development permit has been issued for the period of those operations;
 - (c) the maintenance or repair of public works, services and utilities on publicly owned or administered land carried out by or on behalf of federal, provincial, municipal or public authorities;
 - (d) the first accessory structure placed on a lot which is 11 m² (120 ft²) or less in area;



- (e) the erection, maintenance or alteration of a fence, gate, wall, hedge or other means of enclosure that does not exceed 0.9 m (3 ft) in height in any front yard or secondary front yard and 2 m (6.6 ft) in height in any rear or side yard; in the Industrial district, the erection, maintenance or alteration of a fence, gate, wall hedge, or other means of enclosure that does not exceed 2.4 m (8 ft) in height in any side or rear yard; as follows:
- (i) in the General Residential – R-1, General Commercial – C-1 and Neighbourhood Commercial – NC-1 land use districts that does not exceed:
 - a. 0.9 m (3 ft) in height above the ground in any front yard and secondary front yard; and
 - b. 2 m (6.6 ft) in height above the ground in all other yards.
 - (ii) in the Industrial – I-1 land use district that does not exceed:
 - a. 0.9 m (3 ft) in height above the ground in any front yard and secondary front yard; and
 - b. 2.4 m (8 ft) in height above the ground in all other yards.
 - (iii) In the Urban Reserve – UR-1 land use district that does not exceed:
 - a. 0.9 m (3 ft) in height above the ground in any front yard and secondary front yard with the exception of barbed wire fencing for agricultural purposes that does not exceed 1.2 m (4 ft) in height above the ground; and
 - b. 2 m (6.6 ft) in height above the ground in all other yards, with the exception of barbed wire fencing for agricultural purposes which is not permitted to exceed 1.2 m (4 ft) in height above the ground.
- (f) minor landscaping that was not required as part of the original development permit;
- (g) exempted signs in Part 3, section 9(2) (Signs);
- (h) uncovered decks or patios less than 0.61 m (2 ft) above grade;
- (i) any satellite dish for personal use less than 1 m (3.3 ft) in diameter, excepting free-standing satellite dishes located in the front yard and secondary front yard;
- (j) temporary outdoor swimming pools and above ground hot tubs designed to be easily removed or disassembled at the end of the season of usage that are not attached to a deck;
- (k) day homes (accredited day homes require a business license);
- (l) in the General Residential – R-1 land use district, any residential (single-detached, duplex or semi-detached use) hard surfaced or gravel driveways, parking pads not supporting a garage or carport, walkways, and/or paving stones or similar ground cover to a maximum of 25% of the lot surface area that was not required as part of the original development permit;
- (m) excavation, grading, stripping, or stockpile provided it is part of a development for which a development permit has been issued or is addressed in a signed Development Agreement with the Town of Raymond;
- (n) the placement of one shipping container for a maximum of 30 days, where the shipping container is required for emergency purposes related to fire damage, flood damage or a natural disaster that caused damage to the structure(s) of the lot;
- (o) satellite dishes less than 1 m (3 ft) in diameter;
- (p) interior renovations to a building that do not;



- (i) create another dwelling unit(s);
- (ii) involve structural alterations;
- (iii) increase parking requirements; or
- (iv) result in the change in use or intensity of use of land or a building(s).

- (5) If there is a question as to whether a development permit is required for a particular use, the matter shall be referred to the Municipal Planning Commission for a determination.

28. ~~27.~~ DEVELOPMENT PERMIT APPLICATION

- (1) Except as provided in Part 1, section ~~26~~ 27 (Development Not Requiring a Development Permit) no person shall commence a development unless ~~he/she has been issued~~ a development permit in respect of the proposed development has been issued.
- (2) An application for a development permit shall be made to the Development Officer by submitting:
- (a) a completed development permit application, signed by the registered owner or authorized by the owner pursuant to subsection (3);
 - (b) the prescribed fee, as set by resolution of Council in accordance with the Town's fee schedule;
 - (c) a description of the existing and proposed use of the land, building(s) and/or structures and whether it is a new development, an alteration/addition, relocation or change of use and whether the use is temporary in nature;
 - (d) a site plan acceptable to the Development Officer indicating:
 - (i) the location of all existing and proposed buildings and structures and registered easements or rights-of-way, dimensioned to property lines and drawn to a satisfactory scale;
 - (ii) existing and proposed parking and loading areas, driveways, abutting streets, avenues and lanes, and surface drainage patterns;
 - (iii) where applicable, the location of existing wells, septic tanks, disposal fields, and existing and proposed culverts and crossings;
 - (e) a professionally prepared drainage plan for development on a vacant lot;
 - (f) any additional information as may be stipulated in the use-specific standards;
 - (g) a snow removal/storage plan for development proposed on a vacant lot;
 - (h) for lots where architectural control guidelines are in place, documentation that the proposal meets the applicable architectural control guidelines;
 - (i) ~~(g)~~ any such other information as may be required by the Development Officer or Municipal Planning Commission to evaluate an application including but not limited to: conceptual design schemes, landscaping plans, building plans, storm water management plans/drainage plans, servicing and infrastructure plans, soil analysis, geotechnical reports and/or other reports regarding site suitability; Real Property Report; or a surveyors sketch, elevations, traffic studies, and environmental impact assessment.
- (3) An application for a development permit must be made by the registered owner of the land on which the development is proposed. An application may be made by a person who is not the registered owner of the land only with written consent of the owner. The



Development Officer may request a current title documenting ownership and copies of any registered encumbrance, lien or interest registered on title.

29. ~~28.~~ INCOMPLETE APPLICATIONS ~~DETERMINATION OF COMPLETE DEVELOPMENT APPLICATION~~

The Development Officer or the Municipal Planning Commission may refuse to accept a development permit application where the information required by Part 1, section 27(2) (Development Permit Application) is incomplete or where, in its opinion, the quality of the material supplied is inadequate to properly evaluate the application.

- (1) *The Development Officer shall, within 20 days after receipt of an application for a development permit submitted under Part 1, section 28(2) (Development Permit Application), determine whether the application is complete.*
- (2) *An application is complete, if in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application and is of an acceptable quality.*
- (3) *The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the Development Officer.*
- (4) *If the Development Officer does not make a determination referred to in subsection (1) within the time required under subsection (1) or (3), the application is deemed to be complete.*
- (5) *If the Development Officer determines that the application is complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.*
- (6) *If the Development Officer determines the application is incomplete, the Development Officer shall issue to the applicant a written notice indicating the application is incomplete and specifying the outstanding documents and information to be provided, including but not limited to those required in Part 1, section 28(2). A submittal deadline for the outstanding documents and information shall be set out in the notice for the application to be considered complete. A later date may be agreed on between the applicant and the Development Officer in writing to extend the submittal deadline.*
- (7) *If the Development Officer determines that the documents and information submitted under subsection (6) are complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.*
- (8) *If the required documents and information under subsection (6) have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under subsection (6), the Development Officer shall return the application to the applicant accompanied by a written Notice of Refusal stating the application is deemed refused, the reason(s) for refusal, and the required information on filing an appeal.*
- (9) *Despite issuance of a Notice of Completeness under subsection (5) or (7), the Development Officer or Municipal Planning Commission, as applicable, in the course of reviewing the application may request additional information or documentation from the applicant that the Development Officer or Municipal Planning Commission considers necessary to review the application.*

30. 29. PERMITTED USE APPLICATIONS

- (1) Upon receipt of a completed application for a development permit for a permitted use that conforms with this bylaw, the Development Officer:



- (a) shall approve a development permit with or without conditions; or
 - (b) may refer the application to the Municipal Planning Commission for a decision.
- (2) Upon receipt of a completed application for a permitted use that requests a limited variance not to exceed 10% of one measurable standard of this bylaw, the Development Officer:
- (a) may, at the Development Officer's discretion, notify adjacent landowners and other persons likely to be affected in accordance with Part 1, section 36 (Notification of Adjacent Landowners and Persons Likely Affected); and
 - (b) ~~(a) may~~ grant the limited variance not to exceed 10% of one measurable standard of this bylaw and approve ~~the a~~ development permit with or without conditions if in the opinion of the Development Officer, the variance would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; or
 - (c) ~~(b) may~~ refer the development application involving a request for a limited variance not to exceed 10% of one measurable standard of this bylaw to the Municipal Planning Commission for a decision; or
 - (d) ~~(c) is not required to notify adjacent landowners or persons likely to be affected prior to issuance of a decision on a development permit granting a limited variance under this section. refuse to approve the development permit, stating reasons.~~
- (3) Upon receipt of a completed application for a permitted use that requests more than one limited variance, a variance(s) exceeding 10% of any measurable standard of this bylaw, or a variance of any other bylaw provision, the Development Officer shall refer the application to the Municipal Planning Commission for a decision pursuant to Part 1, section ~~34~~ 35 (Applications Requesting Variance of Bylaw Provisions).
- (4) The Development Officer or the Municipal Planning Commission may place any or all of the following conditions on a development permit for a permitted use:
- (a) requirement for applicant to enter into a development agreement pursuant to Part 1, section 25 (Development Agreements);
 - (b) payment of any applicable off-site levy or redevelopment levy;
 - (c) geotechnical investigation to ensure that the site is suitable in terms of topography, soil characteristics, flooding subsidence, erosion and sanitary sewage servicing;
 - (d) alteration of a structure or building size or location to ensure any setback requirements of this land use bylaw or the Subdivision and Development Regulation can be met;
 - (e) any measures to ensure compliance with the requirements and provisions of this land use bylaw or any other statutory plan adopted by the Town of Raymond;
 - (f) easements and/or encroachment agreements;
 - (g) provision of public utilities, ~~other than telecommunications systems or works,~~ lot servicing such as but not limited to electricity, gas, water, sewer and storm water, and vehicular and pedestrian access;
 - (h) repairs or reinstatement of original condition of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise altered by development or building operations upon the site, to the satisfaction of the Development Officer or the Municipal Planning Commission;
 - (i) to give security to ensure the terms of the permit approval under this section are carried out;



- (j) time periods stipulating completion of development;
- (k) requirement for a lot and/or construction stakeout conducted by an approved surveyor or agent;
- (l) any measures to ensure compliance with applicable federal, provincial and/or other municipal legislation and approvals, such as the Safety Codes Act, and the requirements to submit documentation demonstrating compliance;
- (m) landscaping plan;
- (n) drainage plan;
- (o) final site grading;
- (p) snow storage/removal plan;
- (q) access requirements;
- (r) a surveyor's sketch, Real Property Report, or plan from an engineer illustrating improvements;
- (s) phasing of development;
- (t) time periods specifying the time during which a development permit is valid;
- (u) preparation of an environmental impact assessment;
- (v) the filing of pertinent professional reports and plans prior to commencement of construction;
- (w) posting of the municipal address.

31. ~~30.~~ DISCRETIONARY USE APPLICATIONS

- (1) Upon receipt of a completed application for a development permit for a discretionary use for which the Development Officer is authorized to decide upon (listed as Discretionary Uses – Development Officer in Part 4), and which complies with this bylaw, the Development Officer may:
 - (a) may, at the Development Officer's discretion, notify adjacent landowners and other persons likely to be affected in accordance with Part 1, section ~~35~~ 36 (Notification of Adjacent Landowners and Persons Likely Affected); and
 - (b) approve a development permit with or without conditions; or
 - (c) refuse to approve ~~the a~~ development permit, stating reasons; or
 - (d) refer the application to the Municipal Planning Commission for a decision.
- (2) Upon receipt of a completed application for a development permit for a discretionary use for which the Development Officer is authorized to decide upon (listed as Discretionary Uses – Development Officer in Part 4), that requests a limited variance not to exceed 10% of one measurable standard of this bylaw, the Development Officer:
 - (a) may, at the Development Officer's discretion, notify adjacent landowners and other persons likely to be affected in accordance with Part 1, section 36 (Notification of Adjacent Landowners and Persons Likely Affected); and
 - (b) ~~(a) may~~ grant the limited variance not to exceed 10% of one measurable standard of this bylaw and approve ~~the a~~ development permit with or without conditions if in the opinion of the Development Officer, the variance would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; or



- (c) ~~(b) may~~ refer the development application involving a request for a limited variance not to exceed 10% of one measurable standard of this bylaw to the Municipal Planning Commission for a decision; *or*
- ~~(d) (c) is not required to notify adjacent landowners or persons likely to be affected prior to issuance of a decision on a development permit granting a limited variance under this section. *refuse to approve a development permit, stating reasons.*~~
- (3) Upon receipt of a completed application for a development permit for a discretionary use for which the Development Officer is authorized to decide upon that requests more than one limited variance, a variance(s) exceeding 10% of any measurable standard of this bylaw, or a variance of any other bylaw provision, the Development Officer shall refer the application to the Municipal Planning Commission for a decision pursuant to Part 1, section 34 35 (Applications Requesting Variance of Bylaw Provisions).
- (4) Upon receipt of a completed application for a development permit for a discretionary use for which the Municipal Planning Commission is authorized to decide upon (listed as Discretionary Uses – Municipal Planning Commission in Part 4), the Development Officer shall:
 - (a) refer the application to the Municipal Planning Commission for a decision; and
 - (b) notify adjacent landowners and other persons likely to be affected in accordance with Part 1, section 35 36 (Notification of Adjacent Landowners and Persons Likely Affected).
- (5) After consideration of any response to the notifications of adjacent landowners and other persons likely to be affected, including the County of Warner, government departments and referral agencies as applicable, compatibility and suitability of the proposed use, and any other matters, the Municipal Planning Commission may:
 - (a) approve a development permit with or without conditions; or
 - (b) refuse to approve ~~the a~~ development permit, stating reasons.
- (6) The Development Officer or the Municipal Planning Commission, as applicable, may place any of the conditions stipulated in Part 1, section 29 30(4) (Permitted Use Applications) on a development permit for a discretionary use in any land use district, in addition to any other conditions necessary to ensure the quality, suitability and compatibility of a development with other existing and approved uses in the area *or any other conditions necessary to fulfil a planning related objective.*

32. 34. DIRECT CONTROL DISTRICTS

- (1) Upon receipt of a completed application for a development permit in a Direct Control District, the Development Officer shall:
 - (a) refer the application to Council for a decision, except where the decision making authority has been delegated to the Municipal Planning Commission or the Development Officer; and
 - (b) notify adjacent landowners and other persons likely to be affected in accordance with Part 1, section 3536 (Notification of Adjacent Landowners and Persons Likely Affected).
- (2) *After considering any response to notifications issued under Part 1, section 3536, and any other matters deemed necessary,* Council or the delegated decision making authority may:
 - (a) approve a development permit with or without conditions; or
 - (b) refuse to approve ~~the a~~ development permit, stating reasons.



- (3) In accordance with section 641(4)(a) of the Act, there is no appeal to the Subdivision and Development Appeal Board for a decision on an application for a development permit in a Direct Control District.

33. ~~32.~~ SIMILAR USE

- (1) Upon receipt of ~~an~~ a complete application for a development permit for a use that is not specifically listed in any land use district, but which may be similar in character and purpose to ~~another uses of land and structures~~ use that is listed as a permitted or discretionary use in the land use district in which such use is proposed, the Development Officer may classify the use as either similar to a permitted use or similar to a discretionary use.
- (2) Where a use has been classified similar to a permitted use, the Development Officer may process the application accordingly as a permitted use or refer the application to the Municipal Planning Commission for a decision. The notice of the decision shall be subject to Part 1, section ~~36(2), 37.~~
- (3) Where a use has been classified similar to a discretionary use for which the Development Officer is authorized to issue a decision (Discretionary Uses – Development Officer in Part 4), the Development Officer may process the application accordingly as a Discretionary Use – Development Officer or refer the application to the Municipal Planning Commission for a decision.
- (4) Where a use has been classified similar to a discretionary use for which the Municipal Planning Commission is authorized to issue a decision (Discretionary uses – Municipal Planning Commission in Part 4), the Development Officer shall:
- refer the application to the Municipal Planning Commission for a decision; and
 - notify adjacent landowners and other persons likely to be affected in accordance with Part 1, section ~~35, 36~~ (Notification of Adjacent Landowners and Persons Likely Affected).
- (5) Upon referral of an application by the Development Officer for a use that may be similar in character and purpose to a permitted or discretionary use, the Municipal Planning Commission:
- shall rule whether or not the proposed use is similar to a use in the land use district in which it is proposed;
 - if the proposed use is deemed similar to a use in the land use district in which it is proposed, the application shall be reviewed as a discretionary use application;
 - if the proposed use is not deemed similar to a use in the land use district in which it is proposed, the development permit shall be refused.

34. ~~33.~~ TEMPORARY USE

- (1) Where in the opinion of the Development Authority, a proposed use is of a temporary nature, it may approve a temporary development permit in accordance with the following:
- the Development Officer may approve a temporary development permit valid for a period of up to one year for a permitted or discretionary use, provided the use is listed as a permitted use, discretionary use or use deemed similar to a permitted or discretionary use in the applicable land use district;
 - the Municipal Planning Commission may approve a temporary development permit valid for a period of up to three years for a use, provided the use is listed as a permitted use, discretionary use or deemed similar to a permitted or discretionary use in the applicable land use district.





- (2) Temporary use applications shall be subject to the following conditions:
 - (a) the applicant or developer is liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period;
 - (b) the Development Officer or the Municipal Planning Commission may require the applicant to submit an automatically renewable irrevocable letter of credit or other acceptable form of security guaranteeing the cessation or removal of the temporary use; and
 - (c) any other conditions as deemed necessary.
- (3) A use deemed temporary in nature shall be processed in accordance with the corresponding sections 29-32 30-33, Part 1 of this bylaw. Notification of adjacent landowners and other persons likely to be affected, including the County of Warner, government departments and referral agencies shall be in accordance with Part 1, section 35 36 of this bylaw.

35. ~~34.~~ APPLICATIONS REQUESTING VARIANCE OF BYLAW PROVISIONS

- (1) Upon receipt of an complete application for a development permit that does not comply with this bylaw but in respect of which the Municipal Planning Commission is requested to exercise discretion under subsection (3), the Development Officer shall:
 - (a) refer the application to the Municipal Planning Commission for a decision; and
 - (b) notify adjacent landowners and other persons likely to be affected, including the County of Warner, government departments and any other referral agency in accordance with Part 1, section 35-36.
- (2) The Development Officer is authorized to exercise discretion under subsection (3) for a permitted use and/or a discretionary use – development officer where a limited variance to one applicable measurable standard not to exceed 10% is requested, in accordance with Part 1, sections 29 30(2) and 30-31(2).
- (3) The Municipal Planning Commission is authorized to decide upon an application for a development permit notwithstanding that the proposed development does not comply with this bylaw, if in the opinion of the Municipal Planning Commission, the proposed development would not:
 - (a) unduly interfere with the amenities of the neighbourhood; or
 - (b) materially interfere with or affect the use, enjoyment or value of neighbouring properties;
 and the proposed development conforms with the use prescribed for that land or building under Part 4 (Land Use Districts).
 - (4) In addition to the conditions authorized in Part 1, sections 30(4) and 31(6), as applicable, the Municipal Planning Commission may require as a condition of issuing a development permit for a use that does not comply with the requirements of this bylaw, conditions to conform to a higher standard than stipulated in the applicable standards, if in the opinion of the Municipal Planning Commission, conformance to a higher standard will off-set any impact of granting the variance(s).

36. ~~35.~~ NOTIFICATION OF ADJACENT LANDOWNERS AND PERSONS LIKELY AFFECTED

- (1) Where notification of adjacent landowners and other persons likely to be affected is required or undertaken under Part 1, sections 30 31 to 34 35, the Development Officer shall, at least seven days before the meeting of the Municipal Planning Commission or the decision of the Development Officer:



- (a) mail (postal service or electronic mail) or hand deliver written notice of the application to:
 - (i) adjacent landowners and other persons likely to be affected by the issuance of a development permit;
 - (ii) the County of Warner if in the opinion of the Development Officer or the Municipal Planning Commission, the proposed development could have an impact upon land uses in the County or is adjacent to the County boundary or is required in accordance with an adopted Intermunicipal Development Plan; and
 - (iii) any other persons, government departments or referral agency that is deemed to be affected; or
 - (b) publish a notice of the application in a newspaper circulating in the municipality where the application is located; or
 - (c) post a notice of the application in a conspicuous place on the property; or
 - (d) any combination of the above.
- (2) In all cases, notification shall:
- (a) describe the nature and location of the proposed use or development;
 - (b) state the place and time where the Municipal Planning Commission will meet to consider the application date when the Development Authority will consider the application;
 - (c) state the process for receipt of written or oral submission on the application.

37. ~~36.~~ NOTICE OF DECISION

- ~~(1) Upon issuance of a decision on a development application for a permitted use that complies with the land use bylaw, the Development Officer shall:~~
 - ~~(a) mail (postal service) a written notice of decision to the applicant; and~~
 - ~~(b) post a copy of the decision in a prominent place in the Town Office for at least 14 days, or publish a notice of the decision in a newspaper circulated within the municipality.~~
- ~~(2) Upon issuance of a decision on all other development permit applications, the Development Officer shall:~~
 - ~~(a) mail (postal service) a written notice of decision to the applicant; and~~
 - ~~(b) mail (postal service) a copy of the decision to those originally notified of the development permit application and any other person, government department or agency that may, in the opinion of the Development Officer, likely be affected; or~~
 - ~~(c) publish a notice of the decision in a newspaper circulated within the municipality.~~
- (1) A decision of the Development Authority on an application for a development permit must be issued:
 - (a) in writing to the applicant in accordance with subsection (2); and
 - (b) a copy of the decision posted in a prominent place in the town office for at least 21 days or posted in a newspaper circulated within the municipality or published on the official municipal website; and/or
 - (c) a copy of the decision sent by mail (postal service or electronic mail) to those originally notified of the development permit application and any other person.



government department or agency that may, in the opinion of the Development Officer, likely be affected.

(2) The Development Officer will give or send by mail (postal service or electronic mail) a copy of the decision, which specifies the date on which the decision was made, to the applicant on the same day the decision is made.

(3) For the purpose of subsection (2), the "date on which the decision was made" means:

(a) the date the Development Officer signed the notice of decision or development permit, or

(b) the date the decision is posted in the newspaper,

whichever occurs later.

38. 37. COMMENCEMENT OF DEVELOPMENT

(1) Despite the issuance of a development permit, no development is authorized to commence within 21 days after the date on which the decision was made under Part 1, section 37(2) until the appeal period has expired in compliance with the following:

(a) where the notice of decision is posted in the Town Office, development shall not commence until 14 days after the notice was posted;

(b) where the notice of decision is mailed to adjacent landowners and other persons likely to be affected, development shall not commence until at least 19 days from the date the decision was mailed;

(c) where the notice of decision is published in the newspaper, development shall not commence until at least 14 days from the date of publication.

(2) If an appeal is made, no development is authorized pending the outcome of the appeal.

(3) Any development occurring prior to the dates determined under Part 1, section 37(1) and (2) within 21 days after the date on which the decision was made under Part 1, section 37(2) is at the risk of the applicant.

39. 38. DEVELOPMENT PERMIT VALIDITY

(1) Unless a development permit is suspended or cancelled, the development must be commenced and carried out with reasonable diligence in the opinion of the Development Officer or the Municipal Planning Commission within 12 months from the date of issuance of the permit, otherwise the permit is no longer valid.

(2) Unless specified otherwise in a condition of the development permit, the development must be completed within 24 months from the date of issuance of the development permit otherwise the permit is no longer valid.

(3) An application to extend the validity of a development permit may be made at any time prior to the expiration of the approved permit in accordance with Part 1, section 38 subsection (4), except for a permit for a temporary use which shall not be extended.

(4) Upon receipt of a request to extend the validity of a development permit, the validity of a development permit may be extended for up to a period of one year by:

(a) the Development Officer or the Municipal Planning Commission if the permit was issued by the Development Officer;

(b) the Municipal Planning Commission if the permit was issued by the Municipal Planning Commission or approved on appeal by the Subdivision and Development Appeal Board.



- (5) When any use has been discontinued for a period of 14 months or more, any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued. This section does not apply to non-conforming uses which are regulated under section 643 of the Act and Part 1, section ~~24-22~~ of this bylaw.

40. ~~39.~~ TRANSFERABILITY OF DEVELOPMENT PERMIT

A valid development permit is transferable where the use remains unchanged and the development is affected only by a change of ownership, tenancy, or occupancy. This provision does not apply to a home occupation permit, which is non-transferable.

41. ~~40.~~ OCCUPANCY PERMITS

The Development Officer or the Municipal Planning Commission, or in a Direct Control District the Council, may require that the holder of a development permit obtain an occupancy permit before a building or use that was the subject of a development permit is occupied and/or the approved use initiated.

42. ~~41.~~ FAILURE TO MAKE A DECISION – DEEMED REFUSAL

In accordance with section 684 of the Municipal Government Act, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Officer or the Municipal Planning Commission, as the case may be, is not made within 40 days of receipt of the completed application unless the applicant has entered into an *written* agreement with the Development Officer or the Municipal Planning Commission to extend the 40-day decision period.

43. ~~42.~~ REAPPLICATION FOR A DEVELOPMENT PERMIT

- (1) If an application for a development permit is refused by the Development Officer, the Municipal Planning Commission or, on appeal the Subdivision and Development Appeal Board, the submission of another application for a development permit on the same parcel of land for the same or for a similar use of the land may not be accepted by the Development Officer for at least six months after the date of refusal.
- (2) If an application was refused solely because it did not comply with the standards of this bylaw *or was refused as an incomplete application under Part 1, section 29(8)*, the Development Officer may accept another application on the same parcel of land for the same or similar use before the time period referred to in subsection (1) has lapsed, provided the application has been modified to comply with this bylaw.

44. ~~43.~~ SUSPENSION OR CANCELLATION OF A PERMIT

- (1) If, after a development permit has been issued, the Development Officer or the Municipal Planning Commission determines that:
 - (a) the application contained a misrepresentation;
 - (b) facts were not disclosed which should have been at the time of consideration of the application for the development permit;
 - (c) the development permit was issued in error; or
 - (d) the applicant withdrew the application by way of written notice;





the Development Officer or the Municipal Planning Commission may suspend or cancel the development permit by notice in writing to the holder of it stating the reasons for any suspension or cancellation.

- (2) Upon receipt of the written notification of suspension or cancellation, the applicant must cease all development and activities to which the development permit relates.
- (3) A person whose development permit is suspended or cancelled under this section may appeal within 14 days of the date the notice of cancellation or suspension is received to the Subdivision and Development Appeal Board.
- (4) If a development permit is suspended or cancelled, the Subdivision and Development Appeal Board shall review the application if an appeal is filed by the applicant and either:
 - (a) reinstate the development permit; or
 - (b) cancel the development permit if the Development Officer or the Municipal Planning Commission would not have issued the development permit if the facts subsequently disclosed had been known during the consideration of the application; or
 - (c) reinstate the development permit and may impose such other conditions as are considered necessary to ensure that this bylaw or any statutory plan is complied with.

45. 44. DEVELOPMENT APPEALS

- (1) Any person applying for a development permit or any other person affected by an order, decision or development permit made or issued by the Development Officer or the Municipal Planning Commission may appeal such an order or decision to the Subdivision and Development Appeal Board in accordance with the procedures described in the Act. Refer to Appendix B.
- (2) An appeal to the Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal to the Subdivision and Development Appeal Board and shall be accompanied by the applicable fees.

ENFORCEMENT

46. 45. NOTICE OF VIOLATION

- (1) Where the Development Officer or Municipal Planning Commission finds that a development or use of land or buildings is not in accordance with the Act, the Subdivision and Development Regulation, a development permit or subdivision approval, or this bylaw, the Development Officer, *designate, or the municipal bylaw officer* may issue a notice of violation to the registered owner or the person in possession of the land or buildings or to the person responsible for the contravention.
- (2) Such notice shall state the following:
 - (a) nature of the violation;
 - (b) corrective measures required to comply; and
 - (c) time period within which such corrective measures must be performed.



47. 46. STOP ORDERS

- (1) As set forth in the Act, the Development Authority is authorized to issue an Order under section 645 of the Act if a development, land use or use of a building is not in accordance with the Act, the Subdivision and Development Regulation, a development permit or subdivision approval, or this bylaw. Refer to Appendix B.
- (2) A person who receives notice pursuant to subsection (1) may appeal the order to the Subdivision and Development Appeal Board in accordance with the Act. Refer to Appendix B.

(a) An appeal to the Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal to the Subdivision and Development Appeal Board and shall be accompanied by the applicable fee.

48. 47. ENFORCEMENT OF STOP ORDERS

- (1) Pursuant to section 646 of the Act, if a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, ~~the~~ a designated officer may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.
- (2) The Town may register a caveat under the *Land Titles Act* in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of an order.
- (3) If a caveat is registered under subsection (2), the Town must discharge the caveat when the order has been complied with.
- (4) If compliance with a stop order is not voluntarily effected, the Town may undertake legal action, including but not limited to, seeking injunctive relief from the Alberta Court of Queen's Bench pursuant to section 554 of the Act. In accordance with section 553 of the Act, the expenses and costs of carrying out an order under section 646 of the Act may be added to the tax roll of the parcel of land.

49. 48. PENALTIES AND RIGHT OF ENTRY

- (1) Any person who contravenes any provision of this bylaw is guilty of an offence in accordance with Part 13, Division 5, Offences and Penalties of the Municipal Government Act and is liable to a fine of not more than \$10,000 or to imprisonment for not more than one year or to both fine and imprisonment.
- (2) In accordance with section 542 of the Act, a designated officer may, after giving reasonable notice to and obtaining consent from the owner or occupier of land upon which this bylaw or Act authorizes anything to be inspected, remedied or enforced or done by a municipality:
 - (a) enter on that land at a reasonable time and carry out inspection, enforcement, or action authorized or required by the enactment or bylaw;
 - (b) request anything to be produced to assist in the inspection, remedy, enforcement or action; and
 - (c) make copies of anything related to the inspection, remedy, enforcement or action.
- (3) If a person refuses to grant consent or refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in section 542 of the Act, the municipality under the authority of section 543 of the Act may obtain a court order.



AMENDMENTS

50. 49. AMENDMENTS TO THE LAND USE BYLAW

- (1) Any person or the Town may initiate amendments to the Town of Raymond Land Use Bylaw by making an application to the Development Officer.
- (2) All applications for amendment shall be submitted using the applicable form in Appendix C, and be accompanied by *the applicable fee, and* any additional information, as deemed necessary by the Development Officer to process the application.
- (3) The Development Officer may refuse to accept an application if, in his/her opinion, the information supplied is not sufficient to make a proper evaluation of the proposed amendment.
- (4) The Development Officer shall forward the application to Council for consideration if he/she is satisfied sufficient information has been provided with the application.
- (5) Public hearing and notification requirements shall be in accordance with section 692 of the Act. *In addition: Additional notification may be undertaken at the discretion of the municipality.*
 - ~~(a) if the proposed redesignation has the potential to result in the creation of five or more lots, the Development Officer shall also notify by mail (postal service) all registered land owners within a 200 m (656 ft) radius of the public hearing;~~
 - ~~(b) if an industrial or commercial land use district redesignation is proposed, the Development Officer may, dependent on the scale of the proposal and at his/her discretion, expand the notification area beyond adjacent landowners and notify by mail (postal service) all those registered land owners within the expanded notification area of the public hearing.~~
- (6) Where an application for an amendment to the Town of Raymond Land Use Bylaw has been ~~refused~~ *defeated* by Council, another application that is the same or similar in nature shall not be accepted until at least six months after the date of refusal.

51. 50. LAND USE REDESIGNATION APPLICATION REQUIREMENTS

- (1) A request for redesignation from one land use district to another shall be accompanied by:
 - (a) a completed application form and the applicable fee;
 - (b) a copy of the Certificate of Title for the lands, dated not more than 60 days prior to the date on which the application was made;
 - (c) a narrative describing the:
 - (i) proposed designation and future uses(s);
 - (ii) consistency with the applicable statutory plans;
 - (iii) compatibility of the proposal with surrounding uses and zoning;
 - (iv) development potential/suitability of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, floodplain, steep slopes, etc.);
 - (v) availability of facilities and services (sewage disposal, domestic water, gas, electricity, fire and police protection, schools, etc.) to serve the subject property while maintaining adequate levels of service to existing development;



- (vi) any potential impacts on public roads; and
 - (vii) any other information deemed necessary by the Development Officer or Council to properly evaluate the proposal.
- (d) conceptual subdivision design, if applicable;
- (e) a geotechnical report prepared by an engineer registered with The Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA), addressing the following but not limited to:
- (i) slope stability,
 - (ii) groundwater,
 - (iii) sewage,
 - (iv) shallow water table, and
 - (v) flood plain analysis,
- if deemed necessary by the Development Officer, or Council;
- (f) an evaluation of surface drainage which may include adjacent properties if deemed necessary by the Development Officer, or Council; and
- (g) any other information deemed necessary by the Development Officer, or Council to properly evaluate the application.
- (2) An Area Structure Plan or Conceptual Design Scheme shall be required in conjunction with a redesignation application when:
- (a) redesignating land from Urban Reserve to another district;
 - (b) redesignating annexed land to a district other than Urban Reserve, except where an approved Area Structure Plan or Conceptual Design Scheme defines land use designation(s) for the proposed development area, or unless determined otherwise by Council.
- (3) An Area Structure Plan or Conceptual Design Scheme may be required in conjunction with a redesignation application involving:
- (a) industrial development;
 - (b) large-scale commercial development;
 - (c) manufactured home park;
 - (d) multi-lot residential development ~~resulting in the creation of more than five lots or which has the potential to trigger capacity upgrades or expansion of infrastructure;~~ or
 - (e) as required by Council; or
 - (f) as specified in an adopted statutory plan.

52. ~~54.~~ REDESIGNATION CRITERIA

- (1) When redesignating land from one land use district to another, Council considerations shall may include the following:
- (a) compliance with applicable standards and provisions of the Town of Raymond Land Use Bylaw;
 - (b) consistency with the Municipal Development Plan and any other adopted statutory plans;
 - (c) compatibility with adjacent uses;





- (d) development potential/suitability of the site;
- (e) availability of facilities and services (sewage disposal, domestic water, gas, electricity, police and fire protection, schools, etc.) to serve the subject property and any potential impacts to levels of service to existing and future developments;
- (f) cumulative impact to the town;
- (g) potential impacts on public roads;
- (h) setback distances contained in the Subdivision and Development Regulation;
- (i) supply of suitably designated land;
- (j) public comment and any applicable review agency comments; and
- (k) any other matters deemed pertinent.

SUBDIVISION RULES AND PROCEDURES

53. SUBDIVISION APPLICATION

- (1) An applicant applying for subdivision shall provide the required fees, materials and information as requested by the Subdivision Authority or its designate. A complete application for subdivision shall consist of:
 - (a) an application, in the manner and form prescribed, clearly and legibly completed with all the required information and signatures provided as requested on the form;
 - (b) the applicable fees paid;
 - (c) a copy of the current Certificate of Title for the land that is the subject of the application;
 - (d) a tentative subdivision plan professionally prepared or an accurate and legible sketch drawn to scale that shows the location, dimensions and boundaries of the proposed subdivision and all other requirements prescribed in the subdivision application package. For a subdivision application where any buildings or structures are present on the land that is the subject of the subdivision, a sketch prepared by a professional surveyor or a Real Property Report is required; and
 - (e) any such other information as may be required at the discretion of the Subdivision Authority or its designate in order to accurately evaluate the application and determine compliance with this bylaw and any other municipal bylaws and plans, the Act, the Subdivision and Development Regulation, or other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, slope stability analysis, drainage and storm water plans, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of an area structure plan or conceptual design scheme.

54. DETERMINATION OF COMPLETE SUBDIVISION APPLICATION

- (1) In accordance with the Act, the Subdivision Authority or its designate, shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete, or if it is determined to be incomplete what information is required to be submitted within a specified time period, by sending notification in the following manner:



- (a) *For an application deemed complete, the applicant shall be notified in writing as part of the formal subdivision application circulation referral letter.*
- (b) *For an application determined to be incomplete, written notification shall be given to the applicant which may be in the form of a letter sent by regular mail to the applicant, or sent by electronic means, or both, or by any other method as may be agreed to between the applicant and Subdivision Authority or its designate.*
- (c) *In respect of subsection (b) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the Notice of Incompleteness what the outstanding information and documents are that must be submitted by a date specified in the notice for the application to be deemed complete.*
- (2) *Notwithstanding subsection (1), the applicant and Subdivision Authority or its designate may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the Act to extend the 20-day time period to determine whether the subdivision application and support information submitted is complete.*
- (3) *If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (1)(c) or a later date agreed on in writing between the applicant and the Subdivision Authority or its designate, the application is deemed to be refused. The Subdivision Authority or its designate will notify the applicant in writing that the application has been refused and state the reason for the refusal and include the required information on filing an appeal and to which appeal board the appeal lies, either the local appeal board or provincial Municipal Government Board, in accordance with the parameters of the Act. The notification may be sent by regular mail to the applicant, or sent by electronic means, or both.*
- (4) *A determination made by the Subdivision Authority or its designate that an application is complete for processing does not preclude the ability for the Subdivision Authority or its designate to request other information or studies or documentation to be submitted by the applicant during the review and processing period, prior to a decision being rendered, or as a condition of subdivision approval.*

55. ~~52.~~ SUBDIVISION CRITERIA

- (1) Minimum dimensional standards for lots and all other criterion in this bylaw shall be as specified in the applicable land use district in Part 4. General development standards and use specific standards are as specified in Parts 2 and 3.
- (2) Subdivision of land within the Urban Reserve – UR-1 district shall not be permitted except as provided in accordance with an adopted Area Structure Plan or approved Conceptual Design Scheme.
- (3) Subdivision of land within the Manufactured Home Park – R-2 district shall not be permitted except in accordance with an approved Manufactured Home Park Conceptual Design or adopted Area Structure Plan.
- (4) *Subdivision of land within the General Residential – R1 district for a semi-detached dwelling will typically not be permitted unless a duplex has been constructed on the parcel that is subject of the subdivision.*
- (5) (4) For any subdivision within a block identified as having infill potential, as determined by the Municipal Planning Commission and consistent with the Municipal Development Plan policies, the following *additional requirements* shall apply:
- (a) All new lots must have frontage on a *registered public* roadway. Frontage on a laneway alone will not be permitted.





- (b) A 4.6 m (15 ft) wide right-of-way running the entire length of the subject lot(s) shall be dedicated at the time of subdivision for future road widening for any lots adjacent to a lane.
- (c) Subdivision of the rear portion of a lot within an infill block will only be permitted provided:
 - (i) an infill development plan illustrating the proposed road network, utility plan, and lot configurations has been approved unless determined otherwise by the Municipal Planning Commission;
 - (ii) adequate right-of-way has been obtained within the entire block or as approved in an infill development plan; and
 - (iii) a local improvement district is designated to provide for the necessary infrastructure to serve the development, unless a developer chooses to enter into a development agreement for all necessary improvements within the block.

**SCHEDULE B
AMENDMENTS TO BYLAW 1055-18**

1. That Part 1 Administrative, section 37(2) and (3) are amended to read as follows:

- (2) The Development Officer will give or send by mail (postal service or electronic mail) a copy of the decision, which specifies the date on which the written decision was given, to the applicant on the same day the written decision is given.
- (3) For the purpose of subsection (2), the "date on which the written decision was given" means:
 - (a) the date the Development Officer signed the notice of decision or development permit, or
 - (b) the date the decision is posted in the newspaper, published on the official municipal website, or posted in a prominent place in the town office,whichever occurs later.

2. That Part 1 Administrative, section 38(1) and (3) are amended to read as follows:

- (1) Despite the issuance of a development permit, no development is authorized to commence within 21 days after the date on which the written decision was given under Part 1, section 37(2)
- (3) Any development occurring within 21 days after the date on which the written decision was given under Part 1, section 37(2) is at the risk of the applicant.

3. That Part 1 Administrative, section 45(2) is amended to read as follows:

- (2) An appeal to the Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal with reasons to the Subdivision and Development Appeal Board and shall be accompanied by the applicable fee within 21 days after the date on which the written decision was given under Part 1, section 37(2).