



- (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. DEVELOPMENT PERMIT – WHEN REQUIRED

- (1) Except as provided in Part 1, section 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. 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, provincial or federal 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 10 m² (108 ft²) or less in area;
 - (e) the erection, maintenance or alteration of a fence, gate, wall, hedge or other means of enclosure 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 (3.3 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. DEVELOPMENT PERMIT APPLICATION

- (1) Except as provided in Part 1, section 27 (Development Not Requiring a Development Permit) no person shall commence a development unless 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, 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) 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. DETERMINATION OF COMPLETE DEVELOPMENT 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. PERMITTED USE APPLICATIONS

- (1) Upon receipt of a complete 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 complete application for a permitted use that requests a limited variance not to exceed 20% 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) grant the limited variance not to exceed 20% of one measurable standard of this bylaw and approve 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) refer the development application involving a request for a limited variance not to exceed 20% of one measurable standard of this bylaw to the Municipal Planning Commission for a decision; or
 - (d) refuse to approve the development permit, stating reasons.
- (3) Upon receipt of a complete application for a permitted use that requests more than one limited variance, a variance(s) exceeding 20% 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 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 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, 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;

