

## **Section 4.0 Development Permits**

### **1) Where a Permit is required**

An approved development permit is required for all developments prior to commencement, except for the following:

- a. A Development Permit is not required where the development consists only of:
  - i. painting
  - ii. decorating
  - iii. minor repairs
  - iv. minor landscaping
  - v. construction or maintenance of any fence, wall or gate or combination thereof, not exceeding 1.2 metres in height in front of the structure and 1.8 metres in height elsewhere on the site, unless this construction is within a corner lot and therefore cannot exceed 1.0 metres in height as per Section 3 (14) "Corner Lot Sight Lines".
  - vi. Other similar work, at the discretion of Council, provided that no person's health or safety is endangered.
  - vii. Construction or placement of a shed, greenhouse or storage area not exceeding 3 square metres (10 square feet)

### **2) Application for Permit**

- a. An application for a permit may only be made by a person with a legal or equitable estate or interest in the property sought to be developed.
- b. An application for a permit may be made by a person duly authorized by the person described in (a) by written authorization submitted with the application.
- c. An application for a development shall be made to the Development Officer in the form attached in Schedule 2: Application of Development Permit.
- d. Every application for the Development Permit shall be accompanied by:
  - i. a plan on scale of not less than 1:1000 showing the site boundaries, the buildings to scale and correctly located on the site, the yards, sewage

- and water services, fuel tanks, points of vehicular access to the site, landscaping and grading for drainage and the size and location of buildings already existing on the lot;
- ii. plans and elevations of the proposed buildings to a scale of not less than 1:1000 showing all dimensions with specifications and notes of materials used; and
  - iii. a statement of ownership and proposed use of the land involved and the estimated dates of commencement and completion of the works.
- e. The Development Officer may require such other additional information as he/she considers necessary to verify the compliance of the proposed use or development with the regulations of this By-law.
- f. The Development Officer shall refer Development Permit Applications to the Town Planning and Land Use Committee for review and to Council for decision as stipulated in this By-law. For those Development Permit Applications for which the Development Officer is responsible, he/she may approve conditions or refuse the applications. All Development Permit applications which are conditionally approved or refused shall be accompanied with written reasons for the decision.
- g. The Development Application may be submitted by the Development Officer to the Public Health Officer, the Territorial Fire Marshall or any other interested public official for their comments and recommendations.
- h. The Development Officer may prohibit the erection of a building on any site if in his/her opinion satisfactory arrangements have not been made by the developer for the supply to the building of water, electric power, sewer and street access, or any of them, or the payment of the costs of installing or constructing any such utility or facility. The Council may at its discretion give approval conditional upon the entering into a Development Agreement between the Council and the developer for the satisfactory provision of local improvements.

- i. A Development Permit authorizes the holder thereof to execute the work or action mentioned in the Permit in accordance with the application and the plans and specifications as approved by the Development Officer and no changes in plans or specifications are permitted without the approval in writing of the Development Officer.

### **3) Conditions of Permit**

- a. Every Development Permit is issued upon the following conditions:
  - i. that construction is to start within six months from the date of issue;
  - ii. that construction is not to be discontinued or suspended for a period of more than one year;
  - iii. that the developer or owner of a building being constructed or of land on which work is being carried for which a Development Permit has been issued shall allow the Development Officer, Public Health Officer, Territorial Fire Marshall or other interested public appointed official to enter and inspect the development at any reasonable time for the purpose of administering or enforcing this By-law or any Territorial Act or Regulation;
  - iv. that the person to whom the Development Permit is issued shall notify the Development Officer when the work has reached various stages so that inspections can be made, and specifically when the building is complete or ready for occupancy; and
  - v. that the owner and/or owners, contractors, developer, etc. are totally responsible for providing safety devices to prevent accidents on and adjacent to the construction site including the tying into or connection with public and private utilities. Safety devices and equipment shall not interfere with traffic movements on or adjacent to a public lane or thoroughfare.
- b. A Development Permit shall be void if
  - i. development is not commenced and carried on with reasonable diligence within 6 months from the date of its issue or within such extended period that may be

- granted by Council, or
- ii. at any time the development has been discontinued for a period of 1 year.
- c. When a Development Permit becomes void, a new application for a permit is required before development may proceed.
  - d. Where a person to whom a Development Permit has been issued may be unable to comply with the conditions set out in either Subsection (3)(a) or (b) then he or she may, prior to the Permit becoming void, apply to the Council, in writing, for a Development Permit extension and the Council may grant an extension for such period of time as it may in its sole discretion consider reasonable in the circumstances.
  - e. Neither the granting of a Development Permit nor approval of the drawings and specifications, nor inspections made during development shall in any way relieve the owner from full responsibility for carrying out the work in accordance with the Regulations, and in particular, no approvals given by the Development Officer can be considered to indicate that such Regulations have been met.
  - f. A Development Permit shall not be effective until fifteen (15) days after the Notice of Decision or approval of the application has been mailed or posted on site, whichever first occurs.
  - g. The person to whom a Development Permit is issued shall, during construction, keep posted in a conspicuous place on the site, a copy of the Development Permit and a copy of the approved drawings and specifications for inspection by the Development Officer.
  - h. The person to whom a Development Permit is issued shall comply with a written notice delivered to him from the Development Officer requiring him to rectify any situation that constitutes a violation of these Regulations or conditions applicable to the Development Permit and shall carry out such tests, including soil stability and permeability tests, and provide such evidence or proof that the material, device or construction used meets with the requirements or the standards as directed by the Development Officer.
  - i. If it appears to the Development Officer that a Development Permit has been obtained by fraud or misrepresentation, or that any development is not being carried out or completed

to the extent or in a manner originally approved, the Development Officer may revoke or suspend the original approval.

- j. Prior to the occupancy or the commencement of use of a building or development and upon being satisfied that the terms of the Development Permit have been met and that services have been connected and fees paid, the Development Officer shall endorse the Development Permit to the effect that the development is suitable for occupancy or complete.
- k. At the discretion of the Development Officer or the Council, an applicant for a Development Permit may be required to provide a Performance Bond or other form of financial security, suitable to the Town. This security, to a maximum of 10% of the value of the proposed improvements, would be held by the Town to ensure compliance with all conditions of the Permit. Within five days of the endorsement to occupy referred to in Section 11 above, the security, with all interest, will be returned to the applicant.
- l. The person to whom a Development Permit is issued shall be responsible for the provision of services, landscaping of site, access and other requirements such as site drainage, fire protection facilities or equipment and the prevention of seepage of any sort onto adjacent lands.
- m. A Development Permit authorizes the permit holder to execute only that work or action permitted in the Permit, in accordance with the application and the plans and specifications as approved by the Council or the Development Officer. No change in the said plans or specifications is permitted without prior written approval of the Development Officer.

#### **4) Indemnification**

The person to whom a Development Permit is issued shall be liable for and shall indemnify and save harmless the Town of and from all manner of actions, causes of action, proceedings, claims, demands, loss, costs, damages and expense whatsoever which may be brought or made against the Town, or which the Town may sustain, pay or

incur as a result of or in connection with the development or any work apposite to the development or from or in connection with the negligence or wilful acts or omissions of the permit holder, its servants, agents, employees or its contractors, excluding the sole negligence of the Town.

## **5) Insurance**

The person to whom a Development Permit is issued shall carry such public liability insurance as is necessary and prudent continuously from the time the Development Permit is approved. If any such insurance expires or is cancelled it shall be forthwith renewed or replaced. The minimum limit of such liability insurance shall be \$1,000,000 inclusive. The permit holder's insurance will include coverage for liability assumed/imposed by the Indemnification clause.

- a. To demonstrate the existence of insurance of the permit holder, a Certificate of Insurance may be required to be filled with the Town before the permit holder becomes operable or is approved.
- b. If the permit holder engages contractors to carry out the work, then the permit holder shall ensure that such contractors have like insurance.

## **6) Development Agreements**

The Development Officer may recommend that a Development Agreement be required as a condition of approval for a Development Permit. The Development Agreement may contain contractual agreements as to the following:

- a. Design, including exterior materials and signage of any proposed building or structure
- b. The provision of site grading, landscaping, fencing, screening materials, location of garbage receptacles and lighting

- c. The replacement or construction of roads, sidewalks and street lighting associated with the development
- d. The provision of municipal services
- e. The provision of on-site amenities
- f. The provision of parking
- g. The moving of buildings
- h. Financial security of the above noted matters