

DEVELOPMENT PERMIT APPLICATIONS

27. DEVELOPMENT PERMITS

- (a) Except as provided in Schedule 3: Development Not Requiring a Development Permit, no person shall commence a Development unless they have been issued a development permit in respect of the development in accordance with any terms and/or conditions of a development permit issued pursuant to this Bylaw.
- (b) The municipality may process and issue development permits for certain specified uses pursuant to this Bylaw, with separate or specific fee schedules, forms or notices as it may deem necessary in accordance with Section 11.
- (c) An application for a development permit must be made to the Designated Officer by submitting:
 - i. a completed application form as per Appendix B;
 - ii. the fee prescribed in Appendix C; and
 - iii. a site plan acceptable to the Designated Officer indicating:
 - a. the location of all existing and proposed buildings and structures including a foundation outline of buildings and all cantilevers, decks and projections, registered easements or rights-of-way, dimensioned to property lines and drawn to a satisfactory scale;
 - b. existing and proposed parking and loading areas, driveways, abutting streets, avenues and lanes, and surface drainage patterns;
 - c. the presence or absence of any and all abandoned wells; and, if abandoned wells are present, a professionally prepared plot plan that shows the actual well location(s) in relation to existing and/or proposed building sites;
 - iv. such other information as may be required by the Designated Officer, which may also include:
 - a. a minimum of two sets of professionally prepared building plans;
 - b. a copy of architectural controls approval if applicable to a parcel; and
 - c. a copy of lot or site elevations;
 - d. any additional information as per Section 23 or Section 37(a).
- (d) An application for a development permit must be made by the landowner or by another person with the written consent of the landowner.

28. DETERMINING COMPLETENESS OF DEVELOPMENT PERMIT APPLICATIONS

- (a) A Designated Officer shall, within 20 days after the receipt of an application for a development permit in accordance with Section 27(c), determine whether the application is complete.
- (b) An application is complete if, in the opinion of the Designated Officer, the application contains the documents and other information necessary to review the application, provided the quality of the information is adequate to properly evaluate the application.
- (c) The time period referred to in subsection (a) may be extended by an agreement in writing between the applicant and the Designated Officer.
- (d) If the Designated Officer does not make a determination referred to in subsection (a) within the time required under subsection (a), the application is deemed to be complete.

- (e) If the Designated 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.
 - i. The Notice of Completeness may be contained within a Notice of Receipt of an application under Section 41 or within a Notice of Decision under Section 42.
- (f) If the Designated Officer determines that the application is incomplete, the Designated Officer shall issue to the applicant a written notice indicating that the application is incomplete and specifying the outstanding documents and information to be provided, including but not limited to those required by Section 27(c). A submittal deadline for the outstanding documents and information shall be set out in the notice or a later date agreed on between the applicant and the Designated Officer in order for the application to be considered complete.
- (g) If the Designated Officer determines that the information and documents submitted under subsection (f) are complete, the Designated Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.
- (h) If the required documents and information under Section 27(c) have not been submitted to the Designated Officer within the timeframe prescribed in the notice issued under subsection (f), the Designated Officer shall return the application to the applicant accompanied by a written Notice of Refusal stating the application is deemed refused and the reasons for refusal.
 - i. Despite issuance of a Notice of Completeness under subsection (e) or (g), the development authority in the course of reviewing the application may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

29. FAILURE TO MAKE A DECISION-DEEMED REFUSAL

- (a) 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 Designated 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 agreement with the Designated Officer or the Municipal Planning Commission to extend the 40-day decision period.

30. MUNICIPAL APPROVAL FOR ENCROACHMENTS

- (a) A landowner or developer is required to obtain permission from the municipality for any improvement or structure that may be located over an easement or utility right-of-way in favour of the municipality or one of its utility agency designates.
- (b) Notwithstanding subsection 30(a) that no permit may be required, the municipality, at their prerogative, may deny the placement of structures or improvements over an easement or right-of-way and may also order the removal or relocation of such.