

Section 16

Building and Development

Enforcement

- 1) This Bylaw shall be administered by the Development Officer.

Development Permit

- 2) Unless otherwise stated in this Bylaw, no Person shall undertake a Development on a Lot within the Community of North Rustico without first obtaining a development permit from the Development Officer.
- 3) The Development Officer shall only issue development permits in conformance with this Bylaw except in the case of non-conforming uses and Structures and minor variances.
- 4) The construction, location or Alteration of any Building or Structure in the Community shall meet all the requirements of this Bylaw and other applicable Bylaws of the Community, and shall not:
 - a) be detrimental to the convenience, health and safety of occupants, nearby residents, or the general public;
 - b) result in damage to the natural environment;
 - c) have a detrimental impact on surrounding land uses;
 - d) result in a fire hazard to occupants, neighboring residents, or neighboring Structures;
 - e) provide unsafe and inconvenient vehicular access to a public highway, Street or road; or
 - f) significantly or permanently injure neighboring properties by reason of architectural disharmony.

Application Form

- 5) Any Person applying for a development permit shall do so on a form prescribed by Council, and shall submit the application to the Development Officer.

Application for a Development Permit

- 6) Every application for a development permit shall be accompanied by a sketch or plan(s), in duplicate, drawn to an appropriate scale and showing:
 - a) the true shape and dimensions of the Lot to be used, and upon which it is proposed to Erect any Building or Structure;
 - b) the location, Height and dimensions of the Building, Structure, or work proposed to be Erected;
 - c) the location of every Building or Structure already Erected on the Lot and the general location of Buildings on abutting Lots;
 - d) the proposed location and dimensions of any Parking Spaces, Loading Spaces, driveways and landscaped areas;
 - e) the proposed use of the Lot and each Building or Structure to be developed; and
 - f) any other information which the Development Officer deems necessary to determine whether or not the proposed Development conforms with the requirements of this Bylaw.

Signature of Applicant

- 7) The application for a development permit shall be signed by the registered owner of the Lot or by the registered owner's agent, duly authorized in writing to act for the registered owner.

Notification of Applicant

- 8) Upon receipt of the application, the Development Officer shall determine whether the application is complete with all pertinent documentation, signatures and fees, and shall, within five (5) working days, notify the applicant, in writing, if the application is incomplete.

Reference to Council

- 9) Where the Development Officer is unable to determine whether the proposed Development conforms with this Bylaw, the Development Officer shall forward the application to Council for a decision.

Environmental Impact Assessment Requirement

- 10) Where it is determined that a proposed Development is or may be an 'undertaking' as defined in Section 3 of the Environmental Impact Assessment Guidelines, published by the Department of the Environment, Energy and Forestry, Council shall refer the application to the Department of the Environment, Energy and Forestry, for screening and a Full Environmental Impact Assessment.

Development Agreement

- 11) Notwithstanding any other provisions of this Bylaw, Council may prepare terms of reference for and require an applicant for a development permit to enter into a development agreement with Council respecting the Development.
- 12) A Development agreement may address but shall not be limited to the following matters:
 - a) site design;
 - b) the design and construction cost of sidewalks, pathways and other pedestrian access matters;
 - c) Landscaping and Screening;
 - d) vehicular ingress and egress;
 - e) Signage;
 - f) security and safety lighting;
 - g) architectural harmony;
 - h) methods of waste disposal;
 - i) fencing; and
 - j) any other matters that Council deems necessary to ensure the health, safety and convenience of Community residents and the traveling public.

Permit Validity

- 13) A permit shall be valid for twelve (12) months from the date of issue, after which time, if work on the proposed Building or Structure is not complete, the permit holder shall apply for and receive, at no additional cost, a renewal permit before work is continued.

Minor Variance

- 14) Where a development permit application is presented which proposes a minor variance from the standards set out in this Bylaw, Council shall determine whether to grant the minor variance from the requirements of this Bylaw. Minor variances shall refer to quantitative aspects of the Bylaw only.
- 15) Council shall grant a minor variance [to a maximum of ten percent (10%) of the applicable Bylaw provisions], only if the general intent of the Bylaw will be upheld and there are compelling reasons why the requirements of the Bylaw cannot be precisely met (Quantitative measurements).

Notification of Outcome

- 16) Upon being satisfied that an application does not conform with this Bylaw or any other laws in force in the Community, and that a minor variance cannot be granted, Council shall instruct the Development Officer to notify the applicant, in writing, that the development permit has been denied, stating the reason(s) for the denial.
- 17) Upon instruction from Council, the Development Officer shall notify the applicant that a development permit application has been approved, approved with conditions, or has been denied. Where a development permit application has been approved or approved with conditions by Council, the Development Officer shall notify the applicant the approved development permit may be had upon payment of the appropriate development permit fee.

Development Permit Fee

- 18) The non-refundable Development Permit Fee of eight cents (\$0.08) per square foot, minimum twenty dollars (\$20), must be paid before an application will be processed. This schedule of fees may from time to time be amended by resolution of Council to reflect costs related to processing applications.

Inspection

- 19) Prior to issuance of any development permit, as well as during the construction process, Council may require the Development Officer to inspect the Building site or the Building or Structure to which the development permit application applies.