

**PART 2 - ADMINISTRATION****2.1 PURPOSE**

The purpose of this Bylaw is to prohibit or regulate and control the use and development of land and buildings within the Village of New Minas to achieve the orderly and economic development of land and for that purpose, amongst other things:

- i. to divide the Village into zones;
- ii. to prescribe and regulate for each zone the purposes for which land and buildings may be used;
- iii. to establish the office of one or more development officers;
- iv. to establish a method of making decisions on applications for development permits including the issuing of development permits.

**2.2 ADMINISTRATION**

2.2.1 This Bylaw shall be administered by the Development Officer.

2.2.2 Council shall appoint a Development Officer for the Municipality of the County of Kings.

2.2.3 The Development Officer and the Assistant Development Officer are hereby authorized to enter, at all reasonable times, into or upon any property within the Municipality of the County of Kings for the purpose of any inspections necessary in connection with the administration of the Land Use Bylaw.

**2.3 SCOPE**

2.3.1 No buildings or structure shall be erected, or altered (including demolition), nor the use of any building, structure or lot be changed unless a development permit has been issued and no development permit shall be issued unless all the provisions of this Bylaw are satisfied.

2.3.2 Nothing in this Bylaw shall exempt any person from complying with the requirements of the Building Bylaw, Subdivision Bylaw, or any other bylaw in force within the Municipality or to obtain any license, permission, permit authority or approval required by this or any other bylaw of the Municipality, or other lawful authority.

- 2.3.3 Where the provisions of this Bylaw conflict with those of any other municipal or provincial regulations, bylaws or codes including regulations pertaining to on-site sewage disposal systems, the higher or more stringent requirements shall prevail.

## 2.4 DEVELOPMENT PERMIT

- 2.4.1 Every developer wishing to obtain a Development Permit must submit an application for such Development Permit to the Development Officer.
- 2.4.2 No Development Permit shall be issued by the Development Officer unless:
- 2.4.2.1 the proposed development is in conformance with this Land Use Bylaw; or
  - 2.4.2.2 the Development Officer has granted a minor variance pursuant to Section 235 of the *Municipal Government Act* and the time for appeal has elapsed or the appeal has been disposed of; or
  - 2.4.2.3 a resolution has been passed by Council approving the entering into a development agreement or an agreement for the establishment of a comprehensive development district and the time for appeal has elapsed or the appeal has been disposed of and the agreement has been confirmed by the Nova Scotia Utility and Review Board and the proposed development is in conformance with the terms of the agreement.
- 2.4.3 Every application for a Development Permit, where applicable, shall be accompanied by a plan drawn to an appropriate scale and showing:
- 2.4.3.1 accurate dimensions of the site;
  - 2.4.3.2 the proposed location, height and dimensions of the building or structure in respect of which the permit is applied for and the location information shall include measurements of the lot frontage, front, side and rear yards, and flankage yard where applicable;
  - 2.4.3.3 the location of every building or structure already constructed, or partly constructed, on such lot and the location of every building or structure existing upon abutting lots;

- 2.4.3.4 the proposed location and dimensions of parking areas, parking spaces, loading spaces, driveway accesses, curbs, landscaping and fencing;
  - 2.4.3.5 other such information as may be necessary to determine whether or not the proposed development conforms with the requirements of this Bylaw including where appropriate a statutory declaration or sworn affidavit;
  - 2.4.3.6 where the Land Use Bylaw requires landscape plans, fencing or buffering and screening provisions the application for a development permit shall include plan and elevation drawings to scale, demonstrating compliance with the Bylaw.
- 2.4.4 Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw and other bylaws and regulations in force which affect the proposed development, he may require that the plans submitted under Section 2.4.3 be based upon an actual survey by a registered member in good standing of the Association of Nova Scotia Surveyors.
- 2.4.5 The application shall be signed by the registered owner of the lot, or by his agent, and shall set forth in detail the current and proposed use of the lot and each building or structure, or part thereof, together with all information necessary to determine whether or not the proposed development conforms with the requirements of this Bylaw.
- 2.4.6 No developer shall deviate, or allow deviations to be made, from the description of the proposed development which is contained in his application form or in the Development Permit, unless he has obtained the written permission of the Development Officer.
- 2.4.7 Every Development Permit issued under this Land Use Bylaw shall automatically lapse, and become null and void if the development to which it relates has not commenced and twelve months have passed since its issuance.
- 2.4.8 Any decision of the Development Officer to refuse or to revoke shall be communicated to the developer in writing and, in the case of revocation of a Development Permit, fourteen (14) days written notice must be provided to the developer before the revocation becomes effective.

**2.5 EFFECT**

This Bylaw shall take effect when approved by the Minister of Service Nova Scotia and Municipal Relations.

<b>PART 2</b>	<b>AMENDED DATE</b>	<b>SECTION</b>
	May 10, 2005	ADMINISTRATION
	September 28, 2005	2.4.2.3

**Note:** Numbering of Sections within this Bylaw may be different from the Amended Date.