

### **3 ADMINISTRATION AND INTERPRETATION**

#### **3.1 DEVELOPMENT OFFICER**

- 3.1.1 The Resort Village Administrator or official appointed by bylaw of the Resort Village of Glen Harbour shall be the Development Officer responsible for the administration of this Bylaw and in their absence by such other employee of the Municipality as the Council designates from time to time.
- 3.1.2 The Development Officer shall:
- a) Receive, record, and review development permit applications and issue decisions in consultation with Council, particularly those decisions involving subdivision, discretionary uses, development permit conditions, and development and servicing agreements;
  - b) Maintain, for inspection by the public during office hours, a copy of this Bylaw, zoning maps and amendments, and ensure that copies are available to the public at a reasonable cost;
  - c) Make available, for public inspection during office hours, a register of all development permits and subdivision applications and decisions;
  - d) Collect development fees, according to the fee schedule established in this Bylaw;
  - e) Perform other duties as determined by Council.
- 3.1.3 The Development Officer shall be empowered to make a decision, in consultation with Council, regarding a development permit application for a "Permitted use."

#### **3.2 COUNCIL**

- 3.2.1 Council shall make all decisions regarding Discretionary uses, Development and Servicing Agreements, and Zoning Bylaw amendments.
- 3.2.2 Council shall make a recommendation regarding all subdivision applications circulated to it by Saskatchewan Ministry of Government Relations, prior to a decision being made by the Minister.
- 3.2.3 Council shall act on discretionary use, rezoning, and subdivision applications in accordance with the procedures established by *The Planning and Development Act, 2007* and in accordance with the Resort Village of Glen Harbour Official Community Plan.

#### **3.3 APPLICATION FOR A DEVELOPMENT PERMIT**

- 3.3.1 Unless the proposed development or use is exempt from development permit requirements, before commencing any principal or accessory use development, including a public utility use, every developer shall:

- a) Complete and submit a development permit application, and (refer to permit application in Appendix "A").
  - b) Receive a development permit for the proposed development.
- 3.3.2 A Development Permit shall not be issued for any use in contravention of any of the provisions of this Bylaw and the Official Community Plan.
- 3.3.3 Except where a particular development is specifically exempted by Section 3.4 of this Bylaw, no development or use shall commence without a Development Permit first being obtained.

### 3.4 DEVELOPMENT NOT REQUIRING A PERMIT

**The following developments shall be exempt from development permit requirements, but shall conform to all other Bylaw requirements (e.g., building permits, building bylaws, setbacks, environmental and development standards and Provincial/Federal Legislation):**

#### 3.4.1 Residential Zoning Districts

- a) The first 2 (two) storage buildings and structures under 9.5m<sup>2</sup> (102.27 ft<sup>2</sup>) in area, which are accessory to a principal, residential use except where such dwelling is a discretionary use.
- b) The erection of any fence under 1.8 metres (5.91 feet), wall, gate, television antennae, or radio antennae.
- c) Relocation of any residential or accessory building provided development standards are still met on the site.

#### 3.4.2 Accessory Uses

All accessory uses, unless otherwise specified in this Bylaw.

#### 3.4.3 Official Uses

Uses and buildings undertaken, erected or operated by the Resort Village of Glen Harbour.

#### 3.4.4 Internal Alterations

- a) Residential Buildings
- b) Internal alterations to a residential building, provided that such alterations do not result in a change of use or an increase in the number of dwelling units within the building or on the site;
- c) All Other Buildings
- d) Internal alterations and maintenance to other buildings, including mechanical or electrical work, provided that the use, or intensity of use of the building, does not change.

#### 3.4.5 Landscaping

Landscaped areas, driveways and parking lots, provided the natural or designed drainage pattern of the site and adjacent sites are not adversely impacted.

### **3.5 DEVELOPMENT PERMIT PROCEDURE**

Where an application for a Development Permit is made for a permitted use in conformity with this Bylaw, *The Planning and Development Act, 2007*, and all other Resort Village Bylaws, the Council shall hereby direct the Development Officer to issue a Development Permit.

#### **3.5.1 Discretionary Use Application**

- 3.5.1.1 Where an application for a Development Permit is made for a discretionary use, the Development Officer shall advise the Council as soon as practicable.
- 3.5.1.2 As soon as practicable after Council is advised that an application has been made for a Development Permit for a discretionary use, Council shall consider the application. Prior to making a decision, Council may refer the application to whichever Government Agencies or interested groups, as Council may consider appropriate. Council also may require the application to be reviewed by planning, engineering, legal, or other professionals, with the cost of this review to be borne by the applicant.
- 3.5.1.3 Upon approval of a discretionary use by resolution of Council, the Development Officer shall issue a Development Permit for the discretionary use at the location and under such terms and development standards specified by Council in its resolution.

#### **3.5.2 Development Permit Decision**

- 3.5.2.1 The applicant shall be notified in writing of the decision of their application within 30 days of all required information being submitted to the Development Officer. The applicant shall be advised of their right to appeal a decision on a permitted use application and any terms and conditions attached to a discretionary use application to the Development Appeals Board subject to the provisions of *The Planning and Development Act, 2007*.
- 3.5.2.2 If the proposal conforms to the provisions of this Bylaw, a Development Permit shall be issued, subject to any development standards, special regulations, or performance standards that may be required.



### **3.6 DEVELOPMENT PERMIT: VALIDITY**

- 3.6.1 A Development Permit is valid for a period of twelve months unless otherwise stipulated when the permit is issued.
- 3.6.2 Where the Development Officer determines that a development is being carried out in contravention of any condition of a Development Permit or any provision of this Bylaw, the Development Officer shall suspend or revoke the Development Permit and notify the permit holder that the permit is no longer in force.
- 3.6.3 Where the Council is satisfied that a development, the permit for which has been suspended or revoked, will be carried out in conformity with the conditions of the Permit and the requirements of this Bylaw the Council may reinstate the Development Permit and notify the permit holder that the permit is valid and in force.

### **3.7 DEVELOPMENT PERMIT APPLICATION FEES**

- 3.7.1 An applicant seeking the approval of a development permit application shall pay the current fee under Bylaw 23/2013 which may be amended pursuant to Section 51 of the *Planning and Development Act, 2007* and will be available at the Resort Village of Glen Harbour office.
- 3.7.1 There shall be no development permit application fee for accessory buildings to a residential use, sign permits, licenses for home occupations or other forms of business licenses.

### **3.8 DISCRETIONARY USE APPLICATION AND FEES**

- 3.8.1 An applicant seeking a discretionary use approval shall pay the current fee under Bylaw No. 23/2013 which may be amended pursuant to Section 51 of the *Planning and Development Act, 2007* and will be available at the Resort Village of Glen Harbour office.
- 3.8.1 The Development Officer shall direct the applicant for a discretionary use, or carry out on behalf of the applicant, the advertisement of the proposed use by posting a notice of the application at the entrance to the property in question and by mailing a copy of the notice to the assessed owner of each abutting property and each assessed owner of property within a 75.0 meter radius of the proposed development.
- 3.8.2 The Development Officer shall publish a notice of the application in accordance with the provisions of *The Planning and Development Act, 2007*, whereby the applicant shall pay to the municipality a fee equal to the costs associated with the public advertisement.

### **3.9 FEE FOR ZONING AMENDMENT APPLICATION**

When an application is made to Council for an amendment to this Bylaw, the applicant making the request shall bear the actual cost of advertising such zoning amendment as permitted by *The Planning and Development Act, 2007*. Council also may require the applicant to pay all costs incurred in professional review of the application and in carrying out a public hearing.

### **3.10 CONCURRENT PROCESSING OF DEVELOPMENT PERMITS, BUILDING PERMITS AND BUSINESS LICENSES**

A Building Permit, where required, shall not be issued unless a Development Permit has been issued, or is issued concurrently. However, in accordance with Section 3.4, when a Development Permit is not required, nothing in this Bylaw shall exempt any person from complying with a building Bylaw, or any other Bylaw in force within The Municipality, or from obtaining any permission required by this, or any other Bylaw of The Municipality, the Province or the Federal Government.

### **3.11 REFERRAL UNDER THE PUBLIC HEALTH ACT**

The Development Officer shall make available, in addition to plumbing permits and plan information, a copy of all approved Development Permit applications involving installation of water and sanitary services, should such information be requested by provincial officials under *The Public Health Act and Regulations*.

### **3.12 DEVELOPMENT APPEALS BOARD**

**3.12.1** Council shall appoint a Development Appeals Board consisting of five members, to hear and determine appeals in accordance with Section 213 to 227 inclusive, of *The Planning and Development Act 2007*.

#### **3.12.2 RIGHT OF APPEAL**

- a) Where an application for a permitted use has been denied, the applicant shall be advised of the right of appeal to the Development Appeals Board.
- b) Appellants also may appeal where they are of the opinion that development standards prescribed by Council with respect to a discretionary use exceed those necessary to secure the objectives of the Zoning Bylaw.
- c) The Development Officer shall make available to all interested persons copies of the provisions of *The Planning and Development Act, 2007*, respecting decisions of the Development Officer and the right of appeal.



### 3.13 MINOR VARIANCES

3.13.1 The Development Officer may vary the requirements of this Bylaw subject to the following requirements:

- a) A minor variance may be granted for the following only:
  - i. Minimum required distance of a building from a lot line; and
  - ii. The minimum required distance of a building from any other building on the lot.
- b) The maximum amount of a minor variance shall be 10% variation from the Requirements of this Bylaw.
- c) The development must conform to all other requirements of this Bylaw.
- d) The relaxation of the Bylaw requirement must not injuriously affect a neighbouring property.
- e) No minor variance shall be granted for a discretionary use or form of development, or in connection with an agreement to rezone pursuant to Section 60 of *The Planning and Development Act 2007*.
- f) Minor variances shall be granted only in relation to residential properties.

2.13.2 An application form for a minor variance shall be in a form prescribed by the Development Officer and shall be accompanied by the current fee under Bylaw No. 23/ 2013 which may be amended pursuant to Section 51 of *the Planning and Development Act, 2007* and will be available at the Resort Village of Glen Harbour office.

3.13.3 Upon receipt of a minor variance application the Development Officer may:

- a) Approve the minor variance;
- b) Approve the minor variance and impose terms and conditions on the approval; or
- c) Deny the minor variance.

3.13.4 Terms and conditions imposed by the Development Officer shall be consistent with the general development standards in this Bylaw.

3.13.5 Where a minor variance is refused, the Development Officer shall notify the applicant in writing, providing reasons for the refusal.

3.13.6 Where a minor variance is approved, with or without terms, the Development Officer shall provide written notice to the applicant and to the assessed owners of the property having a common boundary with the applicant's land that is the subject of the approval.

3.13.7 The written notice shall contain:

- A summary of the application;
- Reasons for and an effective date of the decision;
- Notice that an adjoining assessed owner has 20 days to lodge a written objection with the Development Officer, which, if received, will result in the approval of the minor variance being revoked; and
- Where there is an objection and the approval is revoked, the applicant shall be notified of the right to appeal to the Development Appeals Board.

- 3.13.8 A decision to approve a minor variance, with or without terms and conditions, does not take effect until 23 days from the date the notice was provided.
- 3.13.9 If an assessed owner of a property having an adjoining property with the applicants land objects to the minor variance in writing to the Development Officer within the prescribed 20 day time period, the approval is deemed to be revoked and the Development officer shall notify the applicant in writing:
- Of the revocation of the approval; and
  - Of the applicant's right to appeal the revocation to the Development Appeals Board within 30 days of receiving the notice.
  - If an application for a minor variance is refused or approved with terms or conditions, the applicant may appeal to the Development Appeals Board within 30 days of the date of that decision.

### 3.14 NON-CONFORMING BUILDINGS USES AND SITES

- 3.14.1 Any use of land or any building or structure lawfully existing at the time of passing this Bylaw that is rendered non-conforming by the enactment of this Bylaw or any subsequent amendments, may be continued, transferred, or sold in accordance with provisions of Section 88 to 93 inclusive, of *The Planning and Development Act, 2007*.
- 3.14.2 No enlargement, additions, or reconstruction of a non-conforming use, building or structure shall be undertaken, except in conformance with these provisions.
- 3.14.3 No existing use, building or structure shall be deemed to be nonconforming by reason only of the conversion of this Bylaw from the Metric System of Measurement to the Imperial System of Measurement where such non-conformity is resultant solely from such change and is reasonably equivalent to the metric standard herein established.
- 3.14.4 No existing site shall be deemed to be non-conforming by reason only of its dimensions or area failing to at least equal the standards prescribed for proposed sites in the zoning district in which the site is located.
- 3.14.5 No Recreational Vehicles shall be used as a residence on a residential lot.
- 3.14.6 Any existing use referred in Section 3.14.5 will be considered a non-conforming use.

### 3.15 DEVELOPMENT PERMIT – INVALID

A development permit shall be automatically invalid and development shall cease, as the case may be:

- If the proposed development is not commenced within the period for which the Permit is valid;
- If the proposed development is legally suspended, or discontinued, for a period of six or more months, unless otherwise indicated by Council or the Development Officer, or
- When development is undertaken in contravention of this bylaw, the development permit and specified development standards, and/or
- When a written appeal notice is received by the Development Appeals Board secretary regarding the development permit.

### 3.16 CANCELLATION

Council or the Development Officer may cancel a Development Permit, and when cancelled, development shall cease:

- Where the Development Officer or Council is satisfied that a development permit was issued based on false or mistaken information,
- Where new information is identified pertaining to environmental protection, flood potential, or slope instability, and/or
- When a developer requests a development permit modification.

### 3.17 STOP-WORK

The Development Officer may authorize action to stop any development which does not conform to this Bylaw, a development or servicing agreement, a development permit or condition, or a caveat under this Bylaw.

### 3.18 INTERPRETATION

- Where any provision of this Bylaw appears unclear, Council shall make the final Bylaw interpretation.
- All Bylaw requirements shall be based on the stated metric units. The imperial units shown in this Bylaw shall be approximate guidelines only.

### 3.19 OFFENCES AND PENALTIES

Any person who violates this Bylaw may be charged and liable on summary conviction to the penalties in *The Planning and Development Act, 2007*.

### 3.20 INSPECTION OF PREMISES

The Development Officer, or any official or employee of the Municipality acting under their direction, is hereby authorized to enter, at all reasonable hours, upon any property or premises in or about which there is reason to believe that provisions of this Bylaw are not being complied with, and for the purpose of carrying out their duties under this Bylaw.

### 3.21 BYLAW COMPLIANCE



Errors and/or omissions by any person administering or required to comply with the provisions of this Bylaw do not relieve any person from liability for failure to comply with the provisions of this Bylaw.

### **3.22 MOVING OF BUILDINGS**

No building shall be moved within or into or out of the area covered by this Bylaw without obtaining a Development Permit from the Development Officer, unless such building is exempt under Section 3.4 of this Bylaw.

### **3.23 DEMOLITION OF BUILDINGS**

No building shall be demolished without first obtaining a Development Permit from the Development Officer. Such Permit shall not be issued unless a proposal for the interim or long-term use or redevelopment of the site is also submitted, and the proposed use is in conformity with this Bylaw. A separate Development Permit is required for any redevelopment of the site.

### **3.24 TEMPORARY DEVELOPMENT PERMITS**

- 3.24.1 The Development Officer may issue a temporary Development Permit, with specified conditions for a specified period of time, to accommodate developments incidental to approved construction, temporary accommodation, or temporary gravel operations or asphalt plants. Nothing in this Bylaw shall prevent the use of land, or the erection or use of any building or structure for a construction camp, work camp, tool shed, scaffold, or other building or structure incidental to and necessary for construction work on the premises, but only for so long as such use, building, or structure is necessary for such construction work as has not been finished or abandoned.

### **3.25 DEVELOPMENT AGREEMENTS**

- 3.25.1 Council may request a developer to enter into a development agreement to ensure development conformity with the Official Community Plan and this Bylaw, pursuant to Section 171 to 176 inclusive, *The Planning and Development Act, 2007*.
- 3.25.2 A development agreement is mandatory for approval of an accessory dwelling.

### **3.26 SERVICING AGREEMENTS**

- 3.26.1 Where a development proposal involves subdivision, Council may require a developer to enter into a servicing agreement to ensure appropriate servicing pursuant to *The Planning and Development Act, 2007*. Council may direct the Administration to vary the agreement on a case-by-case basis, or not require it.
- 3.26.2 In accordance with Sections 172 to 176 inclusive, *The Planning and Development Act, 2007*, the agreement may provide for:
- The undertaking and installation of storm sewers, sanitary sewers, drains, water mains and laterals, hydrants, sidewalks, boulevards, curbs, gutters, street lights, graded, graveled or paved streets and lanes, connections to existing services, area grading and leveling of land, street name plates, connecting and boundary streets, landscaping of parks and boulevards, public recreation facilities, or other works that Council may require, including both on-site and off-site servicing;
  - The payment of levies and charges, in whole or in part, for the capital cost of providing, altering, expanding or upgrading sewage, water, drainage and other utility services, public highway facilities or park and recreation space and facilities located within or outside the proposed subdivision and that directly or indirectly serve the proposed subdivision.
  - The payment of levies and charges as outlined above, shall be in the amount prescribed by the current Fee Bylaw No.23/ 2013 which may be amended pursuant to *the Planning and Development Act, 2007* and will be available at the Resort Village of Glen Harbour office.

### 3.27 PERFORMANCE BONDS

Council may require a developer, including host owners of property where an accessory dwelling is located, to post and maintain a performance bond to ensure developer performance and to protect the public interest.

### 3.28 LIABILITY INSURANCE

Council may require developers to provide and maintain liability insurance to protect the municipality, developer and public.

### 3.29 INTERESTS

Council may require that development and servicing agreements and other documents may be registered as an interest on affected lands, to protect municipal and public interests.