

DUTIES AND RESPONSIBILITIES OF THE APPROVAL AUTHORITIES

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35.1 Development Officer

35.1.1 The Development Officer shall:

- (a) advise, assist and provide recommendations to the Municipal Planning Commission and Council where applicable, in regard to the planning of orderly and economical development;
- (b) ensure that any proposed development is in accordance with this Bylaw and is consistent with the Municipal Development Plan, other municipal statutory plans and adopted municipal policies;
- (c) receive and process all applications for development permits;
- (d) perform such duties as established by Council to enforce this Bylaw in conformance with the Act;
- (e) keep and maintain for the inspection of the public during office hours, a copy of this Bylaw and all amendments thereto and ensure that copies of the same are available to the public at the cost established by Council;
- (f) keep a register of all applications for development, including the decisions thereon and where applicable the reasons therefore, and all orders, for the period established in the Records Retention Schedule Bylaw;
- (g) refer all development permit applications within a Direct Control District to Council;
- (h) refer for comment applications for development permits to those authorities and agencies prescribed within the Subdivision and Development Regulations;
- (i) refer for comment development permit applications for intensive agriculture, industrial or recreational uses which are within 1.6 km (1.0 mile) of an adjacent municipal or government authority corporate boundary, or any other application that the Development Officer may deem to have an effect on the adjacent municipal or government authority environs;
- (j) consider and decide on applications for a development permit for:
 - (i) permitted uses;
 - (ii) discretionary uses that will occupy a bay in a building for which a development permit has been issued;
 - (iii) temporary uses and buildings;
 - (iv) time extensions or amendments to development permits which the Development Officer issued; and
- (k) sign and issue all development permits.



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- 35.1.2 The Development Officer may:
 - (a) refer any development permit application to the Municipal Planning Commission;
 - (b) refer any other planning and development matter to the Municipal Planning Commission for its review, support or advice; and
 - (c) complete an office consolidation of this Bylaw and any amendments thereto.
- 35.1.3 The Development Officer is a Designated Officer in accordance with the Act for the purposes of this Bylaw.

35.2 Municipal Planning Commission

- 35.2.1 The Municipal Planning Commission shall:
 - (a) advise, assist and provide recommendations to Council in regard to the planning of orderly and economical development;
 - (b) ensure that any proposed development is in accordance with this Bylaw and is consistent with the Municipal Development Plan, other municipal statutory plans and adopted municipal policies;
 - (c) consider and decide on applications for a development permit:
 - (i) which are listed as discretionary uses by this Bylaw, excepting such discretionary uses which are assigned to the Development Officer pursuant to Section 35.1.1(j) above;
 - (ii) which have been referred to it by the Development Officer;
 - (iii) for uses, which in the opinion of the Municipal Planning Commission, are similar to those uses listed as a permitted or discretionary use and conform to the general purpose and intent of the applicable land use district;
 - (iv) for time extensions or amendments to development permits which have been referred to it by the Development Officer or for permits in which the original decision was made by the Municipal Planning Commission.

35.3 Variance Powers of the Development Authority

- 35.3.1 Notwithstanding 35.1 and 35.2 above, the Development Authority may approve an application that does not comply with this Bylaw, if in the opinion of the Development Authority:
 - (a) the proposed development would not unduly interfere with the amenities of the neighbourhood, or materially affect the use, enjoyment or value of neighbouring parcels of land; and
 - (b) the proposed development conforms to the use prescribed for the land use district in which it is located.



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- 35.3.2 Subject to 35.3.1 above, the Development Officer may approve an application for a development permit for a permitted use requiring a minor variance to:
- (a) 5% of the maximum building height; and
 - (b) 10% of all other minimum or maximum development standards, excepting there shall be no variance to the minimum number of parking stalls required.
- 35.3.3 Subject to 35.3.1 above, the Municipal Planning Commission may approve an application for a development permit requiring a variance to:
- (a) 10% of the maximum building height;
 - (b) 30% of the minimum required front and rear yard setbacks; and
 - (c) 20% of all other minimum or maximum development standards, excepting there shall be no variance to the minimum number of parking stalls required.
- 35.3.4 In addition to the variance powers granted to the Municipal Planning Commission as set out above, the Municipal Planning Commission shall have the ability to relax any required yard setback to a minimum distance of 3.0 m (9.8 ft) on leases of Crown land, including road allowances, provided that such relaxation will not adversely affect the existing or potential future use of lands adjacent to the lease because of the remoteness of the subject area and the low intensity of development in that area.
- 35.3.5 Any variance which is approved is subject to an appeal in accordance with the Act.

35.4 Subdivision Authority

- 35.4.1 The Subdivision Authority shall perform such duties as prescribed in the Subdivision Authority Bylaw, in addition to any duties prescribed in this Bylaw, the Act and the Subdivision and Development Regulation.

35.5 Subdivision and Development Appeal Board

- 35.5.1 The Subdivision and Development Appeal Board shall perform such duties as prescribed in the Subdivision and Development Appeal Board Bylaw, this Bylaw and the Act.

