

Section 3: Administration**3.1 Authority and Responsibility of the Development Officer**

The Development Officer shall have the legal authority to interpret, administer and enforce the Zoning Bylaw as per Section 15(1) of *The Planning and Development Act, 2007*.

3.2 Compliance with Other Legislation

Compliance with any of the requirements contained in this Bylaw does not exempt or preclude further compliance with:

1. The requirements of any other relevant federal, provincial or municipal legislation or regulation; or
2. Any order, permit, license, permission, approval, easement, covenant, agreement, contract, or similar legal document affecting a development.

3.3 Permit Required

1. Except for developments identified in Section 3.4 of this Bylaw, no person shall undertake a development without having first obtained the necessary permit.
2. Where a development is not listed as Permitted, Discretionary Use – Development Officer, or Discretionary Use – Council in a zoning district, the use shall be considered prohibited and shall not be undertaken.

3.4 Developments Not Requiring a Permit

A development permit or sign permit may not be required prior to the commencement of any of the following, provided such development or sign complies with all applicable provisions of this Bylaw:

1. The relocation, construction, renovation or external addition to a One Unit or Two Unit Dwelling, except:
 - a) Where such dwelling or proposed change is considered a discretionary use; or
 - b) Where any proposed change increases the number of dwelling units within the building or on site;
2. The construction of an Accessory Building in any Residential Zoning District in accordance with Section 4.2 of this Bylaw;

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3. The construction of an Accessory Building up to 10 square metres in area, or the placement of shipping containers, in accordance with Section 4.2 of this Bylaw;
4. A change of use, where the previous and proposed use are both permitted, and the regulations pertaining to the proposed use are less than or equal to those of the previous use;
5. A Home Based Business in accordance with Section 6.1.8 of this Bylaw;
6. A Garage Suite or Secondary Suite in accordance with Sections 6.1.9 and 6.1.10 of this Bylaw;
7. The erection of any fence, wall or similar structure in accordance with Section 4.4 of this Bylaw;
8. A previously approved use that has been discontinued for less than 36 consecutive months where the intensity of use remains less than or equal to what was previously approved;
9. The maintenance or alteration of a building, excluding designated heritage properties, provided that such work does not result in an increase in intensity or a change of use;
10. The use of a temporary Accessory Building for the storage of tools or materials, incidental to the erection or alteration of a principal building, in accordance with Section 4.2 of this Bylaw;
11. The use of all or part of a building as a temporary polling station, returning officer's headquarters, candidates' campaign offices, and any other official temporary use in connection with a federal, provincial or municipal election, referendum or census;
12. The installation or maintenance of City services or utilities such as roads, traffic management projects, vehicular and pedestrian bridges, underground water, sewer and sanitary infrastructure, public park and boulevard landscaping, or any similar municipal project, at the discretion of the City's Director of Planning and Development Services;
13. The installation and maintenance of services and utilities by SaskPower, SaskEnergy, SaskTel, or any other similar public service provider, except for electrical transmission lines over 72,000 volts, communication towers, or any other surface infrastructure over a certain size, at the discretion of the Development Officer;
14. Any road project conducted by the provincial government;

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15. The excavation, stripping or grading of land up to 4,000 square metres in area, or when the excavation, stripping or grading of land is being undertaken as part of an approved development permit;
16. Street numbers or letters displayed on a building, which do not exceed 1.2 square metres;
17. Signs located inside a building and not intended to be viewed from the outside;
18. The replacement of existing panel(s) within a freestanding sign or fascia sign;
19. Menu boards, drive-through entrance signs, and on-site directional or traffic signage; or
20. The demolition of buildings, except for municipal heritage properties, in accordance with Section 4.26 of this Bylaw.

3.5 Permit Application Requirements

A completed application for a development permit or sign permit shall be submitted to the Development Officer in accordance with the requirements of this Bylaw, and along with the necessary fee(s) as stated in Appendix A.

3.6 Development Permit Review Procedure – Permitted Use

1. Applicants shall submit a complete development permit application to the Development Officer, in accordance with Section 3.5 of this Bylaw.
2. The application shall be reviewed by the Development Officer, and any other party deemed necessary, for conformity to the OCP, this Bylaw and any other applicable bylaws and legislation.
3. The development permit may be approved if the development conforms to the requirements of the zoning district in which the development is proposed, and to any other applicable bylaws or legislation.
4. The Development Officer shall notify the applicant in writing of the decision by ordinary mail.

3.7 Development Permit Review Procedure – Discretionary Use - Development Officer

1. Applicants shall submit a complete development permit application to the Development Officer, in accordance with Section 3.5 of this Bylaw.

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2. The application shall be reviewed by the Development Officer, and any other party deemed necessary, for conformity to the OCP, this Bylaw and any other applicable bylaws and legislation.
3. Once the application has met the necessary requirements, public notice shall be issued, in accordance with the City Public Notice Bylaw.
4. Upon completion of the public notice, the Development Officer shall consider the application, along with any written submissions, and render a decision. The Development Officer may approve the application, and impose additional conditions as part of the approval, or deny the application.
5. If the Development Officer imposes additional conditions, these conditions shall be in accordance with Section 56(3) of *The Planning and Development Act, 2007*.
6. The Development Officer shall notify the applicant in writing of the decision, which shall include the applicant's right to appeal to City Council, in accordance with Section 58 and 59(2) of *The Planning and Development Act, 2007*.

3.8 Development Permit Review Procedure – Discretionary Use - Council

1. Applicants shall submit a complete development permit application to the Development Officer, in accordance with Section 3.5 of this Bylaw.
2. The application shall be reviewed by the Development Officer, and any other party deemed necessary, for conformity to the OCP, this Bylaw and any other applicable bylaws and legislation.
3. Once the application has met the necessary requirements, public notice shall be issued in accordance with the Public Notice Bylaw.
4. Upon completion of the public notice, City Council shall consider the application along with any written submissions or verbal presentations, and render a decision. City Council may approve the application, and impose additional conditions as part of the approval, or deny the application.
5. If an applicant disagrees with the additional conditions imposed by City Council, the applicant may appeal the decision to the Development Appeals Board, in accordance with Section 58 of *the Planning and Development Act, 2007*. The applicant shall not have the right to appeal an application that has been denied by City Council.
6. The Development Officer shall notify the applicant in writing of the decision, which shall include the applicant's right to appeal, in accordance with the Public Notice Bylaw.

3.9 Sign Permit Review Procedure – Development Officer

1. Applicants shall submit a complete sign permit application to the Development Officer, in accordance with Section 3.5 of this Bylaw.
2. The application shall be reviewed by the Development Officer, and any other party deemed necessary, for conformity to the OCP, this Bylaw and any other applicable bylaws and legislation.
3. The application shall be approved for a sign that conforms to the requirements of Section 13 of this Bylaw, the zoning district in which the development is proposed to occur, and any other applicable bylaws or legislation.
4. The Development Officer shall notify the applicant in writing of the decision by ordinary mail.

3.10 Sign Permit Review Procedure – City Council

1. Applicants shall submit a complete sign permit application to the Development Officer, in accordance with Section 3.5 of this Bylaw.
2. The application shall be reviewed by the Development Officer, and any other party deemed necessary, for conformity to the OCP, this Bylaw and any other applicable bylaws or legislation.
3. Upon completion of a review by the Development Officer, the application will be forwarded to City Council for consideration. City Council may approve the application, and impose additional conditions as part of the approval, or deny the application.
4. The Development Officer shall notify the applicant in writing of the decision by ordinary mail.

3.11 Expiry of a Permit

1. A development permit or sign permit shall cease to be valid, or expire, 12 months from the date of approval, except where, prior to expiry, a building permit has been issued, work related to the development has begun, or the development is complete or operating.
2. If a development permit or sign permit expires, the Development Officer shall notify the applicant and the owner, if not the same, of the expiry in writing by registered mail.
3. Any person who causes, allows or continues to undertake any development with an expired permit, and the expiry notice is deemed to be received, shall

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be subject to the compliance and enforcement regulations contained in Section 3.12 of this Bylaw.

4. Notwithstanding the regulations contained in Section 3.12 of this Bylaw, if an active, approved, sign permit has been revoked, work may continue if it is deemed by the Development Officer, that the sign is a public safety hazard.

3.12 Compliance and Enforcement

1. Inspections of any land, building or premises by the Development Officer under this Bylaw shall be carried out in accordance with Section 242 of *The Planning and Development Act, 2007*.
2. In the event that non-conformity with this Bylaw is determined by the Development Officer, written notification shall be provided by ordinary mail to the applicant and owner, if not the same, that identifies:
 - a) The non-conformity;
 - b) The final date that the non-conformity shall be remedied by; and
 - c) That if the non-conformity is not addressed by the final date, an Order to Remedy Contravention shall be issued.
3. An Order to Remedy Contravention under this Bylaw shall be enforced in accordance with the provisions of Sections 242 to 244 inclusive of *The Planning and Development Act, 2007*.

3.13 Minor Variances

1. Unless otherwise determined by the Development Officer, an application for a minor variance shall be submitted to the Development Officer in accordance with Section 60 of *The Planning and Development Act, 2007*. The applicant shall pay the fee(s) as stated in Appendix A at the time of application.
2. The Development Officer may approve a variance of up to 10% in either of the following instances:
 - a) The minimum required distance of a building from the lot line; or
 - b) The minimum required distance of a building to any other building.
3. The minor variance procedure shall be in accordance with Section 60 of *The Planning and Development Act, 2007*.

3.14 Development Appeals Board

1. In accordance with Sections 213 to 227 inclusive of *The Planning and Development Act, 2007*, City Council shall appoint:
 - a) A Development Appeals Board to undertake, and determine development appeals, as required; and
 - b) A Secretary of the board, who shall administer the development appeals processes, as required.
2. The development appeal procedure shall be in accordance with Sections 219 to 227 inclusive of *The Planning and Development Act, 2007*.

3.15 Non-Conforming Uses, Buildings and Sites

1. As per Section 88 of *The Planning and Development Act, 2007*, any use of land or any building or structure lawfully existing at the time of the passing of this Bylaw that is rendered "non-conforming" by the enactment of this Bylaw or any subsequent amendments, may be continued, transferred, or sold.
2. The increase of intensity, enlargement, addition, or reconstruction of a non-conforming use, building or structure may be undertaken, at the discretion of the Development Officer, in accordance with Sections 88 to 93 of *The Planning and Development Act, 2007*.
3. Beyond the provision of accessible municipal records, the burden of establishing that a development, use, building or structure was lawfully established and remains as a legal non-conforming development, use, building or structure shall be upon the owner.
4. Notwithstanding Sections 3.15.1 through 3.15.3, no lawfully existing use, building or structure shall be deemed to be non-conforming as a result of the construction or widening of a registered road or right-of-way.

3.16 Zoning Bylaw Amendments

An application to amend the Zoning Bylaw may be made to the Development Officer in accordance with Section 75, 76, 207 to 212 inclusive of *The Planning and Development Act, 2007*. The applicant shall pay the fee as stated in Appendix A when applying for the amendment.

(16 of 2020, s.1.rrrr; 13 of 2022, s.1a.&b.)