

**ROLES OF PLANNING ADVISORY COMMITTEE, DEVELOPMENT OFFICER, AND
BUILDING INSPECTOR**

NOTE: The following roles have been prepared by the Sustainable Planning Branch of the Department of Environment and Local Governance relative to the *Community Planning Act*. These roles are intended to outline the respective duties and may not address a specific situation

ESTABLISHED: JULY 5, 2021 REGULAR COUNCIL MEETING

Revised October 21, 2021

1. PLANNING ADVISORY COMMITTEE (PAC)

- 1.1. To be a member of the Planning Advisory Committee (PAC), a person is appointed by Council and shall be a resident of the Municipality or Rural Community – 6(4).
- 1.2. Advise Council on any matter relating to community planning. – 13(b)
- 1.3. Give its views to Council on a proposed By-Law or on any change to a proposed By-Law after having given its views on the initial proposed By-Law. – 66(1) [refer to 66(2) for additional information on PAC-Council relationship on advice issue]
- 1.4. PAC shall be deemed to have approved a proposed By-Law if it fails to give its views within 30 days of such request, or within such longer period as the Council may decide. – 66(3)
- 1.5. Prohibit the erection of any building or structure on any site where it would otherwise be permitted when, in its opinion, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography. – 34(3)(g) [if delegated this authority within the Zoning By-Law]
- 1.6. Permit a prohibited development for a temporary period not exceeding 1 year or for an additional temporary period not exceeding 1 year. – 34(3)(h) [if delegated this authority within the Zoning By-Law]
- 1.7. Impose terms and conditions for a particular purpose if the purpose is so identified within the Zoning By-Law. – 34(4)(c)
- 1.8. Permit, subject to possible terms and conditions, a reasonable variance from the requirements of the Zoning By-Law relating to topics specified within paragraph 34(3)(a) if the Act. – 35(b) [refer to 36 on obtaining opinion of neighbours to propose variances]
- 1.9. Extend the normal discontinuance period of 10 months for consideration of a non-conforming use. – 40(2)(a)
- 1.10. Permit a structure to be repaired or restored if the property has non-conforming rights and destroyed greater than 50%. – 40(2)(b)
- 1.11. Provide consent for a non-conforming use to extend into a portion of a structure constructed after the By-Law came into effect. – 40(3)
- 1.12. Provide consent for a non-conforming use to be changed to a similar non-conforming use. – 40(4)
- 1.13. If given the authority to do so within the Subdivision By-Law, approve such access to a proposed subdivision, other than by way of a public street, that is considered advisable for the development of the land. -0 42(3)(c)
- 1.14. If given the authority to do so within the Subdivision By-Law, the development officer shall not approve a subdivision plan if, in the **officer's** and PAC's opinion:

- 1.14.1. The land is not suited to be the purpose for which it is intended or may not reasonable be expected to be used for that purpose within a reasonable time after the subdivision plan is approved, or
- 1.14.2. The proposed manner of subdividing will prejudice the possibility of further subdividing the land or the convenient subdividing of adjoining land. – 42(3)(k).
- 1.15. If given the authority to do so within the Subdivision By-Law, approve the naming of streets in subdivisions. – 42(3)(l)
- 1.16. Permit a reasonable variance, subject to possible terms and conditions from the requirements of the Subdivision By-Law. – 46(1)(a) [refer to 46(2) on obtaining opinion of neighbours to proposed variances]
- 1.17. Development Officer may refuse to grant an exemption to the Subdivision By-Law permitted under subsection 48(1) of the *Act* if, in the Officer's and PAC's opinion, the proposed exemption is:
 - 1.17.1. Undesirable for development of the land or neighbouring land, or
 - 1.17.2. Not in accordance with the general intent of the *Act* or a By-Law under the *Act*. – 48(3).

2. DEVELOPMENT OFFICER

- 2.1. Administer Municipal Plan By-Law, or Rural Plan By-Law, and other By-Laws under the *Act*. – 2(h).
- 2.2. Review and approves all proposed developments. – 81(1)
- 2.3. May approve a good faith encroachment up to 60 cm from the required street set-back and up to 30 cm on a required side yard set-back by the construction of an approved building or structure. – 34(8) and 34(9)
- 2.4. If given the authority to do so within the Subdivision By-Law, the Development Officer shall not approve a subdivision plan if, in the Officer's and PAC's opinion:
 - 2.4.1. The land is not suited to the purpose for which it is intended or may not reasonably be expected to be used for that purpose within a reasonable time after the subdivision plan is approved, or
 - 2.4.2. The proposed manner of subdividing will prejudice the possibility of further subdividing the land or the convenient subdividing or adjoining land. – 42(3)(k).
- 2.5. Approves any subdivision that conforms with the Subdivision By-Law. – 44(1) [refer to 44(1) for additional duties with respect to a Subdivision By-Law]
- 2.6. May reduce the tentative plan requirements. – 44(1)(c)
- 2.7. Approves any instrument, and any plan attached, that transfers an interest in land, such as deeds, mortgages, and easements, not affected by the Subdivision By-Law. – 44(4)
- 2.8. May exempt a proposed subdivision from the requirements of the Subdivision By-Law provided the proposed subdivision conforms with the requirements of section 48 of the *Act*. – 48(1)

- 2.9. Development Officer may **refuse** to grant an exemption to the Subdivision By-Law permitted under subsection 48(1) of the *Act* if, in the Officer's and PAC's opinion, the proposed exemption is:
 - 2.9.1. Undesirable for development of the land or neighbouring land, or
 - 2.9.2. Not in accord with the general intent of the *Act* or By-Law under the *Act*. – 48(3)
- 2.10. May grant approvals for pipeline constructing for which the Officer is the approving authority under the *Gas Distribution act, 1999*. – 76.01
- 2.11. May delegate authority. – 81(6)
- 2.12. May enter at all reasonable times upon any property within Officer's jurisdiction for the administration of a By-Law under the *Act*. – 92(1)

3. BUILDING INSPECTOR

- 3.1. Upon review of proposed development by Development Officer, receives building permit applications.
- 3.2. Reviews the building permit application, with plans necessary, for conformity to the Building By-Law, that is, to National Building Code and possible supplementary Building Code of By-Law.
- 3.3. Issues building permit.
- 3.4. Inspects construction for conformity to National Building Code and possible supplementary Building Code of Building By-Law.

Regular Council Meeting: July 5, 2021

Motion: 252 – 07/21

Moved By: Councillor Heenan

Seconded By: Councillor Hirtle

That Council recommends the Rules and Procedures for the Saint Andrews Planning Advisory Committee.

Carried 6 - 0

Brad Henderson, Mayor

**Paul Nopper, Clerk – Senior
Administrator**