

iv. The intensity of use increases

- e. Council is deemed to have granted discretionary approval to a use, or specific intensity of use, that becomes discretionary on a site as a result of the adoption or amendment of this Bylaw, as of the date that this Bylaw or amendment comes into effect.
- f. Where a decision is not made upon an application within 60 days of submission to the Administrator, the applicant is deemed refused and may be appealed. The period for a decision may be extended by mutual agreement between Council and the applicant.
- g. Where a person wishes to vary the development from the application as approved, with or without conditions, the person must submit a new application and obtain a new development permit providing for the variation, before the variation is made.
- h. A development permit is valid for twelve months unless otherwise stipulated when the permit is issued.

3.5 Building Permits, Licenses, and Compliance with Other Bylaws

- a. 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.
- b. A building permit, where required, shall not be issued for a development unless a required development permit has been issued. A building permit issued before a development permit is not valid until the required development permit has been issued.
- c. Where applicable, the Development Officer may apply other bylaws as conditions to a development permit.

3.6 Appeals

- a. Council shall appoint a Development Appeals Board (The Board) in accordance with Section 49 and 214 to 218 of *The Planning and Development Act, 2007* (the Act).
- b. The composition of the Board, the secretary, remuneration and expenses, powers, duties and responsibilities shall be as per Council's policy which shall be adopted by resolution.
- c. The Development Appeals Board has the authority to hear an appeal based on:

- i. The approval of development permit where it is alleged the Development Officer misapplied the zoning bylaw in approving the proposal
 - ii. The refusal of the Development Officer to issue a development permit because the proposal contravenes the zoning bylaw
 - iii. Council's approval of a discretionary use with development standards or conditions (only the conditions or standards may be appealed)
 - iv. An order to repair or correct contraventions under a Nuisance Bylaw, Property Maintenance Bylaw and/or Zoning Bylaw adopted under *The Municipalities Act* (Sections 364 and 365) or *The Planning and Development Act, 2007* (Section 242)
- d. The Development Appeals Board does not have the authority to hear an appeal based on:
- i. A discretionary use application is refused
 - ii. Council refuses to amend a zoning bylaw or rezone land
 - iii. A decision concerns a subdivision application
- e. Anyone starting an appeal must send written notice of appeal to the Secretary of the Development Appeals Board within:
- i. 30 days of a Development Officer's decision being issued;
 - ii. 30 days of the failure of a Council to make a decision;
 - iii. 30 days of receiving a permit with terms and conditions; or
 - iv. 15 days if appealed under *The Municipalities Act*, or 30 days under *The Planning and Development Act, 2007*, of an order being served to repair or correct contraventions.
- f. The Board must hold a public hearing on the appeal within 30 days of receiving a notice of appeal
- g. At least ten days before the hearing, the Board must notify affected parties about the hearing. The notice must be served by personal service, ordinary mail or registered mail.
- h. In making an appeal to the District Development Appeals Board, and hearing such appeal, the provisions of *The Planning and Development Act, 2007* shall apply.