



BYLAW

Delegation Bylaw

No. 350, 1999

Consolidated for convenience only August 2019

This Consolidation includes the following Bylaw Amendments:

350-2, 2011

Note: 350-1, 2008 was not proceeded with

This version of this bylaw is a consolidation of amendments to the original bylaw as of the date specified. This consolidation is done for the convenience of users and accurately reflects the status of this bylaw as of the specified date but must not be construed as the original bylaw and is not admissible in Court unless specifically certified by the Corporate Officer for the District of Sechelt. Persons interested in the definitive wording of this bylaw and its amendments should view the original bylaws at the District of Sechelt.

DISTRICT OF SEHELDT

BYLAW NO. 350, 1999

A Bylaw to Delegate the Issuance of Development Permits

WHEREAS Section 920 of the Municipal Act provides that Council may issue Development Permits for new development within specified Development Permit Areas which contain guidelines respecting architectural design, geotechnical and environmental constraints;

AND WHEREAS Sections 176 and 920 (12) of the Municipal Act provide that Council may delegate the issuance of Development Permits to a designated employee of a municipality under certain conditions;

AND WHEREAS the District of Sechelt wishes to delegate the issuance of minor Development Permits to reduce the processing time for such Development Permits so as to encourage development which meets Development Permit Area guidelines;

NOW THEREFORE, the Council of the District of Sechelt in open meeting assembled, enacts as follows:

1. TITLE:

This bylaw may be cited for all purposes as District of Sechelt "Delegation Bylaw No. 350", 1999.

2. DEFINITIONS:

"**District**" means the District of Sechelt, a municipality incorporated under the Municipal Act.

"**Council**" means the elected Council of the District.

3. DELEGATION OF ISSUANCE OF DEVELOPMENT PERMITS:

Council hereby delegates to the Director of Planning and Development all of the powers, duties and functions of Council under Section 920 of the Municipal Act in respect of minor Development Permit applications, as follows:

- (1) Commercial, Industrial and Multiple-Family Development Permit applications are considered minor when:
 - a) the floor area of new construction is less than 100m²; or
 - b) exterior alterations are under \$40,000 in value.

- (2) Environmentally Sensitive, Natural Hazards and Steep Slopes Development Permit applications are considered minor when:
- a) the floor area of new construction is less than 100m²; or
 - b) not more than 1 additional single family residential lot is created; or
 - c) alteration of land is being undertaken in association with a single family residential building permit; or
 - d) the development permit is for construction or alteration of a single family residence.

4. RECONSIDERATION BY COUNCIL:

- (1) Any owner of property that is subject to a decision under Section 3 who is dissatisfied with the decision is entitled to have the decision reconsidered by Council in accordance with this section.
- (2) An owner who wishes to have a decision reconsidered by Council must apply for the reconsideration by delivering to the Municipal Clerk, within 30 days after the decision is communicated in writing to the owner, a reconsideration application in writing, which must set out all of the following:
- a) the name of the delegate who made the decision, the date of the decision and the nature of the decision;
 - b) reasons why the owner wishes the decision to be reconsidered by Council;
 - c) the decision the owner requests be made by Council, with brief reasons in support of the requested decision; and
 - d) a copy of any materials considered by the owner to be relevant to the reconsideration by Council.
- (3) A reconsideration application must be considered by Council at a regular meeting of Council held at least three weeks after the date on which the reconsideration application is delivered to the District Clerk.
- (4) The Municipal Clerk must:
- (i) place each reconsideration application on the agenda for a regular meeting of Council in accordance with Section 4(3);
 - (ii) before each reconsideration by Council, deliver to each Council member a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered.

- (5) In reconsidering a decision the Council must consider the material that was considered by the delegate in making the decision.
- (6) At a reconsideration of a decision, the owner and any other person who is interested in the decision are entitled to be heard by Council.
- (7) Council is entitled to adjourn a reconsideration of a decision.
- (8) After having reconsidered a decision, Council may either confirm the decision or may set aside the decision and substitute the decision of Council.

5. SCOPE OF BYLAW:

For clarity, subject to the Municipal Act, unless a power, duty or function of Council has been expressly delegated by this Bylaw or another District Bylaw, all of the powers, duties and functions of Council remain with Council.

6. DELEGATION TO PERSONS HOLDING POSITION:

Where this Bylaw delegates a power, duty or function to a named position, the delegation of the power, duty or function is to the person who from time to time holds the position and to any persons who from time to time is the deputy of that person so appointed by Council.

7. NO DELEGATION BY A DELEGATE:

For clarity, a person to whom a power, duty or function has been delegated under this Bylaw has no authority to further delegate to another person any power, duty or function that has been delegated by this Bylaw.

READ A FIRST TIME THIS 17th DAY OF MARCH, 1999

READ A SECOND TIME THIS 17th DAY OF MARCH, 1999

READ A THIRD TIME THIS 17th DAY OF MARCH, 1999

RECONSIDERED AND FINALLY ADOPTED BY AN AFFIRMATIVE VOTE OF AT LEAST 2/3 OF VOTES CAST THIS 7th DAY OF APRIL, 1999

Mayor

Municipal Clerk