

FOUR: Development Permits

Section 13: Control of Development

- 13.1 No development other than that designated in Section 15 shall be undertaken within the Municipality unless an application for it has been approved and a development permit has been issued.

Section 14: Fees

- 14.1 The fees to be charged by the Town on all applications and other matters arising under this Bylaw are set forth via Town policy. Council may at anytime by resolution revise any fee or any other matter arising under this Bylaw.

Section 15: When a Development Permit is Not Required

- 15.1 A Development Permit is not required for the following developments provided that the proposed development complies with all applicable regulations of this Bylaw:
- 15.1.1 Altering, maintaining or repairing any building, provided that the work does not include structural alterations or does not result in an increase in the number of dwelling units;
 - 15.1.2 The completion of any development which has lawfully commenced before the passage of the Land Use Bylaw or any amendment thereof, provided that the development is completed in accordance with the terms of any permit granted in respect of it, and provided that it has commenced within 12 months of the date of commencement;
 - 15.1.3 The use of any such development as is referred to in subsection (15.1.2) for the purpose for which the development was commenced;
 - 15.1.4 The construction or maintenance of gates, fences, walls or other means of enclosure less than 1.22 m (4 ft.) in height in front yards and less than 2.0 m (6.56 FT.) in height in side and rear yards, except where corner lot restrictions apply;
 - 15.1.5 The temporary erection, installation or use of machinery, structures or buildings such as a construction trailer, that is incidental to the erection or alteration of a permanent development for which a permit has been issued under this Bylaw. This does not include a real estate sales office, show home or similar facility;
 - 15.1.6 The temporary use of a parcel not exceeding six months per year for the sole purpose of mobile commercial sales, providing a business license is obtained from the municipality and the location of the business is to the satisfaction of the Development Officer;
 - 15.1.7 The maintenance and repair of public works, services or utilities carried out by or on behalf of federal, provincial or municipal authorities;
 - 15.1.8 Development specified in Section 618 of the Municipal Government Act;
 - 15.1.9 Any development carried out by or on behalf of the municipality provided that such development complies with all applicable provisions of this Land Use Bylaw;
 - 15.1.10 The construction or installation of an accessory building that does not exceed 9.5 m²

in area and 2.5 m in height, provided that the structure is portable and not fixed on a permanent foundation or concrete pad; and construction of an unenclosed deck that does not exceed 15 m² in area and does not exceed 0.76 m in height.

- 15.1.11 Any development carried out by or on behalf of the Crown but not including that carried out by or on behalf of a Crown Corporation;
- 15.1.12 The erection of an on-site sign offering for sale, lease or rent any land or building pursuant to the regulations contained in this Bylaw;
- 15.1.13 The erection of one unilluminated sign for non-residential uses of the following nature and size for use within a building or on a parcel, provided such signs do not resemble traffic signs: a fascia sign for the purpose of identification, direction and warning not exceeding 0.2 m²; a fascia sign relating to a person, partnership or company carrying on a profession, business or trade not exceeding 0.3 m²; and a fascia or freestanding sign relating to a religious, educational, cultural, recreational or similar institution, or to an apartment not exceeding 1.0 m²;
- 15.1.14 Demolition of buildings with a floor area less than 56 square metres;
- 15.1.15 Erection of towers, flagpoles and other poles not exceeding 4.5 m in height from grade in any Residential District;
- 15.1.16 Landscaping where the proposed grades will not adversely affect the subject or adjacent properties, except where a Development Permit allows for such landscaping;
- 15.1.17 The installation of a satellite dish antenna less than 1.0 m in diameter, if it is attached to an existing structure in a Residential District; and
- 15.1.18 Stripping, site grading or excavation that is part of a development for which a Development Permit has been issued;

Section 16: Non-Conforming Buildings and Uses

- 16.1 Developments which are considered to be a non-conforming building or use shall be dealt with as provided for under the Municipal Government Act.

Section 17: Application for Development Permit

- 17.1 A Development Permit application shall be made to the Development Officer on the prescribed form and shall be signed by the applicant or his agent.
- 17.2 Each application for a development permit shall be accompanied by a fee as established by Section 14 of this Bylaw.
- 17.3 In addition to the completed application form, the following may be required:
 - 17.3.1 Duplicate site plans at a scale of 1:100, unless otherwise acceptable to the Development Officer, showing:
 - (a) North arrow;
 - (b) Scale of plan;
 - (c) Legal description of property;
 - (d) Municipal address;
 - (e) Lot lines shown with dimensions;

- (f) Proposed front, side and rear yards shown with dimensions;
 - (g) Location of existing and proposed municipal and private local improvements, principal building and other structures including accessory building, garages, carports, parking spaces, fences, driveways, paved areas, exterior lighting and major landscaped areas including buffering and screening areas where provided;
 - (h) The grades of adjacent streets, lanes and sewers servicing the property;
 - (i) Development density, site coverage calculations, height by metres and number of storeys according to the definitions of this Bylaw
 - (j) Dimension layout of existing and proposed parking areas, entrances and exits abutting roads shown and labelled;
 - (k) Site topography, drainage patterns, grades and special conditions; and
 - (l) Location of all registered utility easements and rights-of-way.
- 17.3.2 A copy of the Certificate of Title indicating ownership; and
- 17.3.3 A signed consent form allowing right-of-entry on the property by the Development Officer.
- 17.4 In addition, the Development Officer may also require any of the following:
- 17.4.1 Photographic prints or slides showing the site in its existing state;
 - 17.4.2 A Plan of Survey prepared by an Alberta Land Surveyor showing the site to be developed;
 - 17.4.3 A geotechnical or floodplain study prepared by a qualified engineer recognized by APEGGA if in the opinion of the Development Officer the site is potentially hazardous or unstable;
 - 17.4.4 A reclamation plan for aggregate extraction or other major surface disturbance;
 - 17.4.5 A Phase 1 Environmental Site Assessment, conducted according to Canadian Standards Association (CSA) guidelines, to determine potential contamination and mitigation;
 - 17.4.6 An Environmental Impact Review prepared by a qualified professional if the proposed development may, in the opinion of the Development Officer, result in potentially significant environmental effects;
 - 17.4.7 Detailed studies regarding the potential impact and approach to dealing with traffic, utilities and storm drainage prepared by a qualified engineer or engineering technologist recognized by APEGGA;
 - 17.4.8 Elevations of any signs proposed for the development;
 - 17.4.9 A letter of security and/or performance bond for the cost of construction of certain elements of the development such as municipal infrastructure (servicing, access construction, road work and etc.) and on site infrastructure (pavement, curb, drainage, landscaping and etc.) to ensure satisfactory completion of the development; and
 - 17.4.10 Such other information that is deemed necessary by the Development Officer and/or Municipal Planning Commission.
- 17.5 The Development Officer may deal with an application without all of the required information if, in the opinion of the Development Officer, a decision can be properly made on the application without that information.

Section 18: Application for Demolition

- 18.1 Notwithstanding Section 15 and in addition to the requirements of Section 15, an application for a development permit for the demolition of a non-residential building shall include the following information:
- 18.1.1 The purpose for the building demolition and the type of structure to replace the demolished building;
 - 18.1.2 A work schedule of the demolition and site cleanup;
 - 18.1.3 The destination of debris materials; and
 - 18.1.4 The length of time before the site is to be redeveloped and the treatment of the site after demolition is completed prior to development.
 - 18.1.5 Verification that all services have been deactivated and properly removed prior to demolition including removal of the Town's water meter.
- 18.2 The building to be demolished must be inspected by the Town's Building Inspector prior to demolition.

Section 19: Decision

- 19.1 The Development Officer and/or Municipal Planning Commission may issue a development permit with any condition deemed necessary to ensure that the development complies with the Municipal Government Act, this bylaw and any or all statutory plans.
- 19.2 In making a decision on a Development Permit application for a Permitted Use, the Development Officer:
- 19.2.1 Shall approve, with or without conditions, the application if the proposed development conforms with this Bylaw; and
 - 19.2.2 May require security from the applicant to secure performance of any of the conditions of a development permit; and
 - 19.2.3 May require as a condition of issuing the development permit, that the applicant enter into an agreement with Council to construct or pay for the construction of public roadways, pedestrian walkways, parking and loading facilities, and any off-site levy or redevelopment levy imposed by Bylaw. To ensure compliance with the conditions in the agreement, the Town may register a caveat against the said lands in favour of the Town; or
 - 19.2.4 Refer to the Municipal Planning Commission those applications for development specified in the list of permitted uses, but which in the opinion of the Development Officer, should be directed to the Municipal Planning Commission; or
 - 19.2.5 Shall refuse the application if the proposed development does not conform to this Bylaw.
- 19.3 In making a decision on a Development Permit application for a Discretionary Use, the Municipal Planning Commission:

- 19.3.1 May approve the application if it meets the requirements of this Bylaw, with or without conditions, based on the merits of the application including any approved statutory plan or approved policy affecting the site; or,
 - 19.3.2 May refuse the application even though it meets the requirements of this Bylaw; or,
 - 19.3.3 Shall refuse the application if the proposed development does not conform to this Bylaw.
- 19.4 In reviewing a development permit application for a Discretionary Use, the Municipal Planning Commission shall have regard to:
- 19.4.1 The circumstances and merits of the application, including but not limited to:
 - (a) The impact on properties in the vicinity of such nuisance factors as smoke, airborne emissions, odours and noise;
 - (b) The design, character and appearance of the proposed development and in particular whether it is compatible with the surrounding properties; and,
 - (c) The servicing requirements for the proposed development.
 - (d) The purpose and intent of any statutory plan adopted by the Town; and,
 - (e) The purpose and intent of any non-statutory plan or pertinent policy adopted by the Town.
- 19.5 Notwithstanding any provisions or requirements of this Bylaw, the Municipal Planning Commission may establish a more stringent standard for a Discretionary Use when the Municipal Planning Commission deems it necessary to do so.
- 19.6 The Municipal Planning Commission shall refuse a development permit for a use or development that is not listed as a Permitted or Discretionary Use.
- 19.7 Only one development permit application shall be allowed for any one use on a site at any one time.
- 19.8 An application for a development permit shall be deemed to be refused when a decision is not made by the Development authority within forty (40) days after receipt of the application by the Development Officer, unless an agreement to extend the forty (40) day period is established between the applicant(s) and the Development Officer and/or Municipal Planning Commission.

Section 20: Temporary Permits

- 20.1 A development permit may be issued on a temporary basis and the Development Officer and/or Municipal Planning Commission may specify the length of time that the permit remains in effect.
- 20.2 Where a temporary permit is issued, the Development Officer and/or Municipal Planning Commission shall:
 - 20.2.1 Require that the use be stopped or the temporary development removed once the permit expires;

- 20.2.2 Impose a condition that the Town is not liable for any costs incurred in removing the development.
- 20.3 The Development Officer and/or Municipal Planning Commission may require that the applicant enter into an agreement with the Town guaranteeing the removal of the temporary development when the intended use is changed or discontinued. The agreement may require the applicant to post a security guaranteeing the removal of the development.
- 20.4 Upon expiry of a temporary development permit, a new application is required. Such application shall be considered as a first application and the Development Officer and/or Municipal Planning Commission is not obliged to approve it on the basis that a previous permit was issued.

Section 21: Variance Authority

- 21.1 The Municipal Planning Commission may allow a variance of any standard prescribed in this bylaw provided the variance complies with the requirements of the Alberta Building Code, and the variance does not:
 - 21.1.1 unduly affect the neighbourhood which includes variances for non-conforming buildings.
 - 21.1.2 materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
 - 21.1.3 the proposed development conforms to the use prescribed for the land in this bylaw.
- 21.2 In considering a variance the Municipal Planning Commission shall:
 - 21.2.1 Not grant a variance which would infringe the Airport zoning regulations; and
 - 21.2.2 Not grant a variance which would infringe the floodway/flood fringe regulations; and
 - 21.2.3 Have regard to the purpose and intent of the district and the nature and value of developments on adjacent properties.
- 21.3 Pursuant to section 21.1 and 21.2 the Development Officer may allow a variance of any minimum and maximum development standard in this Bylaw less than 10% of the stated standard.
- 21.4 If a variance is granted, the Development Authority shall specify its nature in the development permit approval.

Section 22: Notice of a Proposed Development

- 22.1 The Development Officer may refer a development permit application to any Town department and to any external agency for comment, advice, and further information.

- 22.2 On receipt of a complete application for a development permit for a development listed as a Discretionary Use or a development permit that requires a Variance, the Development Officer may send a written notice to adjacent property owners indicating the location and nature of the proposed development, and ask for comment.
- 22.3 After 30 days from the date of referral to any Town department or any external agency, the Development Officer and/or Municipal Planning Commission may deal with the application whether or not comments have been provided.

Section 23: Notice and Validity of Decision

- 23.1 A decision of the Development Officer and/or Municipal Planning Commission on an application for a development permit shall be given in writing and sent by regular mail to the applicant.
- 23.2 Where a development permit application is refused, the reason(s) for the refusal shall be stated in the decision letter.
- 23.3 When a development permit is approved, the Development Officer shall publicize a notice of decision in any or all of the forms as described as follows:
- 23.3.1 Mail a notice of the decision to all persons whose use, enjoyment or value of the property may, in the opinion of the Development Officer, be affected; and/or
 - 23.3.2 Post a notice of the decision conspicuously on the property for which the application has been made; and/or
 - 23.3.3 Publish in a newspaper circulating in the municipality a notice of the decision.
- 23.4 A permit does not come into effect until 14 days after the date the approval is published in the newspaper. If an appeal is lodged with the SDAB, no development shall be commenced until the appeal is finally determined and the issuance of the development permit is upheld.
- 23.5 A development permit issued is not valid until all the conditions of the permit, except those of a continuing nature, have been met and no notice of appeal has been filed with the Subdivision and Development Appeal Board within the appeal period.
- 23.6 If the development authorized by a permit is not commenced within twelve (12) months from the date of its issue, or carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development authority. The maximum extension period shall be one year.

- 23.7 If an application for a development permit has been refused, by the Development Officer, Municipal Planning Commission or by a decision of the Subdivision and Development Appeal Board, another application for a permit may not be submitted on the same property, for the same or similar use of the land, by the same or any other applicant, for six (6) months after the date of the previous refusal or appeal decision, unless in the opinion of the Development Officer / Municipal Planning Commission the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

Section 24: Cancellation

- 24.1 The Municipal Planning Commission and/or Development Officer may cancel a development permit if: the permit was issued in error; or the permit was issued on the basis of incorrect information.

Section 25: Appealing a Decision

- 25.1 The applicant for a development permit may appeal to the Board if the Development Officer and/or Municipal Planning Commission:
- 25.1.1 Refuses or fails to make a decision on a development permit within 40 days of receipt of a completed application; or
 - 25.1.2 Issues a development permit subject to conditions.
- 25.2 In addition to the applicant, any person affected by a development permit or the decision on it, may appeal to the Board.
- 25.3 Notwithstanding 25.1 and 25.2 no appeal lies in respect of the issuance of a development permit for a Permitted Use unless the provisions of this Bylaw are relaxed, varied, or misinterpreted.
- 25.4 An appeal by an applicant must be commenced within 14 days of the notification of the decision or when the 40 day period or any time extension expires. An appeal by any other affected person must be made within 14 days of the notice of the issuance of the permit was given.
- 25.5 A decision on a development application within a Direct Control District may be appealed only if the Development Officer and/or Municipal Planning Commission did not follow the directions of Council. If the Board finds that the Development Officer and/or Municipal Planning Commission did not follow Council's directions, it may, in accordance with Council's directions, substitute its decision for that of the Development Officer and/or Municipal Planning Commission.

Section 26: The Appeal Process

- 26.1 The Subdivision and Development Appeal Board shall consider and make decisions on appeals pursuant to the provisions of the Municipal Government Act.

- 26.2 If a notice of appeal of a decision on a development permit application is served on the Secretary of the Subdivision and Development Appeal Board, the permit shall not be effective until:
- 26.2.1 The decision to approve the permit is upheld by the Subdivision and Development Appeal Board; or,
 - 26.2.2 The Secretary of the Subdivision and Development Appeal Board receives written notice from the appellant withdrawing the appeal.
- 26.3 If a decision to approve a development permit is reversed by the Board, the development permit shall be null and void.
- 26.4 If a decision to refuse a development permit application is reversed by the Board, the Board shall direct the Development Officer to issue a development permit in accordance with its decision.
- 26.5 If a decision to approve a development permit application is varied by the Board, the Board shall direct the Development Officer to issue a development permit in accordance with its decision.
- 26.6 The decision of the Board is binding except on a question of jurisdiction or law, in which case the appellant may appeal to the Court of Appeal as provided in the Act.