



## APPLYING FOR A DEVELOPMENT PERMIT

### A GENERAL GUIDE TO THE DEVELOPMENT PERMIT PROCESS



## Table of Contents

|   | <u>Page</u> |
|---|-------------|
| 1.0 PURPOSE.....  | 3           |
| 2.0 WHEN IS A DEVELOPMENT PERMIT REQUIRED? .....              | 3           |
| 3.0 HOW IS THE PROCESS INITIATED?.....                        | 4           |
| 4.0 WHAT IS THE PROCESS? .....                                | 4           |
| 5.0 DEVELOPMENT PERMIT (WHAT IS NEEDED)? .....                | 6           |
| 6.0 WHAT ARE THE NEXT STEPS?.....                             | 7           |
| 7.0 WHO MAKES THE DECISION ON MY APPLICATION? .....           | 7           |
| 8.0 HOW LONG DOES A DECISION TAKE?.....                       | 7           |
| 9.0 WHAT IF MY APPLICATION IS REFUSED OR IT IS APPEALED?..... | 8           |
| 10.0 APPROVED DEVELOPMENT PERMIT – NEXT STEPS .....           | 9           |

## 1.0 PURPOSE

This pamphlet has been designed to assist in applying for a development permit in the Town of Didsbury. Its intent is to complement information contained in applicable provincial legislation, specifically the *Municipal Government Act* and the Town of Didsbury *Land Use Bylaw*.

## 2.0 WHEN IS A DEVELOPMENT PERMIT REQUIRED?

A Development Permit is needed for most new construction or changes of use. Development permits within the Town of Didsbury are governed by the *Municipal Government Act (Part 17 – Division 5 Land Use)*, the *Municipal Development Plan*, the *Land Use Bylaw* and the *Central Core Heritage Plan* (where applicable), whereby the Development Officer or Municipal Planning Commission (MPC) is authorized as the development authority. Typical developments requiring a development permit are:

- Constructing, altering or renovating any building, garage or other accessory building;
- Expanding or renovating your store, shop, or office;
- Erecting or changing a sign;
- Opening or expanding a home occupation;
- Developing a secondary suite within your home;
- Demolition of or moving a building;
- Changing or intensifying the use of a lot or building (eg: from a restaurant to a barber shop)

Development permits are **not** required (as long as they meet the minimum standards contained in the land use bylaw - check the land use bylaw or speak to the Development Officer for further clarification) for:

- Minor repair or maintenance to a building (provided there are no structural changes);
- The erection or repair of a fence that is less than one metre in height in front yards and two metres in height in rear and side yards (note: there are setback requirements on corner lots and where line of sight will be involved on a public road);
- Decks less than 2.0 feet from grade;
- Accessory Buildings less than 144 ft<sup>2</sup>, less than 8.2 feet in height and used as a garden shed

Section 624 of the *Municipal Government Act* requires a municipality to designate a development authority to exercise development powers and perform duties on behalf of the municipality. The Town of Didsbury Development Authority Bylaw establishes the Municipal Planning Commission (MPC) and Development Officers as this development authority. It is the Development Officer's responsibility to review development proposals on behalf of the Town and make a recommendation to the MPC if necessary.

Before any construction can begin on a site, an application must be provided to the Development Officer for a **Development Permit**. This ensures that the proposed structure or use conforms to the applicable regulations outlined in the *Land Use Bylaw* and all other applicable statutory plans for that site. Uses identified in each land use district in the Land Use Bylaw are grouped into two development classifications to reflect the impacts or intensity of the proposed development or use:

**Permitted** uses are those that are considered to be the most appropriate for lands subject to a particular District. Section 642 (1) of the *Municipal Government Act* identifies that if a development permit application is made for a permitted use in a District, and if the proposed development conforms to all of the applicable regulations of the Land Use Bylaw, the Town must issue the permit to the applicant.

**Discretionary** uses are those that may be considered appropriate on a particular site; however, depending on the nature of the application, and the type of development surrounding the site in question, a discretionary use may be deemed inappropriate for that site by the Town, and the permit may not be approved. Section 642 (2) of the Act indicates that a municipality may issue a permit to an applicant for a discretionary use. It is not obliged to approve the development.



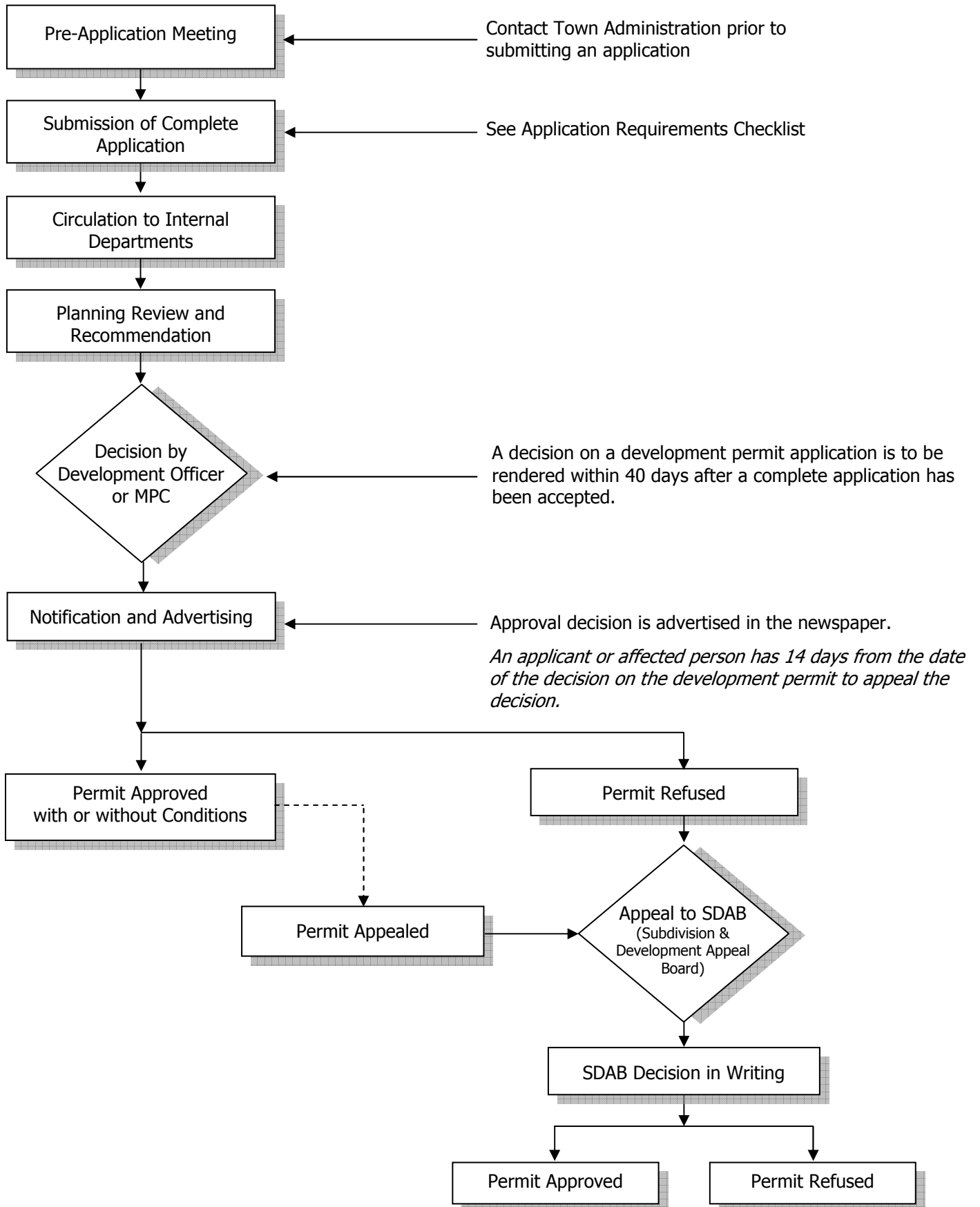
### **3.0 HOW IS THE PROCESS INITIATED?**

Potential applicants are encouraged to arrange a pre-application meeting with the Town Planning and Infrastructure staff. This meeting is beneficial in order to review application requirements prior to submission and to ensure a timely process. To arrange such a meeting, please call 403.335.3391. For this meeting, an applicant should have the legal description of the subject property and should be prepared to discuss the intent of the application.

### **4.0 WHAT IS THE PROCESS?**

The process from pre-application to decision is summarized in the chart, on the following page.

## Development Permit Process



## 5.0 DEVELOPMENT PERMIT (WHAT IS NEEDED)?

The Town can provide the appropriate Development Permit Checklist. The applicant should start compiling the following information to initiate the application (note that a comprehensive list is provided on the checklist):

- Completed Development Permit Application Form. **Note that incomplete applications will not be accepted by the Town administration, and will be returned to the applicant;**
- Letter of Authorization signed by the landowner (if application is submitted by a person other than the registered landowner);
- Application fee (available from the Town Office), payable to the Town of Didsbury;
- Current certificate of title of subject lands (no older than 30 days);
- One copy of a site plan showing the following:
  - the legal description and municipal address of the site;
  - the scale and a North arrow;
  - dimensions of the parcel, including total parcel area;
  - the residence and any other accessory buildings with dimensions of foundation/walls and any projections and/or cantilevers;
  - the perpendicular distance measured from adjacent front, rear, and side property lines to each corner of the foundation/walls and eaves of the proposed and any existing buildings;
  - location of access and egress points to the site;
  - location of off-street vehicular parking and loading areas; and
  - location of any registered utility rights-of-way (including Plan number).
- Two copies of building plans showing the following:
  - scale and dimensions of exterior walls and interior rooms (including cantilevers and projections);
  - floor plan(s) of the building, including all living space;
  - building elevation plans which indicate: front, rear, and side elevations; wall height (finished grade to eaves); roofing material; and roof pitch; and
  - building cross-section drawings.
- A statement of uses on the site, including information on the current districting of the site; and
- Any additional information requested by the Development Officer



## 6.0 WHAT ARE THE NEXT STEPS?

### *Application Review and Circulation:*

#### Application Review

An application for a development permit must be provided to the Development Officer for review. This review will include an analysis of how the proposed use or development complies with the related regulations in the applicable land use District, and any other related regulations in the Land Use Bylaw. The review will also consider the impact, if any, of a proposed development on surrounding properties. The Development Officer may provide copies of the application to other Town administrative staff or other agencies for feedback (e.g. on issues such as traffic and access, utility requirements, etc.).

## 7.0 WHO MAKES THE DECISION ON MY APPLICATION?

### *Development Officer or Municipal Planning Commission:*

After the review of the application by the Town administration and other interested agencies is complete, the development permit will have a decision rendered on it by the Development Officer or if required, the Municipal Planning Commission.

## 8.0 HOW LONG DOES A DECISION TAKE?

A decision on a development permit application is to be rendered within 40 days after a complete application has been accepted by the Development Officer. If a decision is not rendered within the above time limits, an applicant may either file an appeal (called a deemed refusal) or enter into an agreement with the development authority to extend the time for the decision. The appeal is to be made within 14 days of the expiration of the time of the decision. A time extension extends the time of decision through a signed agreement (sometimes referred to as a Development Permit Time Extension Agreement) between the applicant and the Town prior to the expiration of the 40 day period. The time extension ensures a thorough review can be completed if circumstances require more time for circulation. This form can be requested from the Town office. Note that the time extension can be requested by the applicant or by Town administration.

If approved, the development authority will give notice of the decision by advertisement in a local newspaper, on the Town website and in writing to the applicant and property owner (if different than the applicant).

If refused, the development authority will give notice of the decision to the applicant only.

### ***Conditional Approval***

If an application for development permit is approved by the Development Officer or Municipal Planning Commission, a letter outlining the conditions, if any, of the approval is provided to the applicant. All decisions on a development permit application by the Municipal Planning Commission are subject to a 14 day appeal period, commencing on the date of the decision as advertised in the newspaper and Town website.

An owner/applicant must act on the development permit within 12 months of the issue date, or the permit will be deemed invalid. After this period, a new development permit application will be required. Many land use bylaws indicate that once development has started it must be carried on with reasonable diligence and if not the permit is lapsed. The land use bylaw can extend this time period or a new permit must be requested to renew the original application.

Upon the approval of a development permit application for a discretionary use, or a development that proposes a variance to one or more regulations of the Land Use Bylaw, written notification to all registered owners of land that, in the opinion of the Development Officer may be affected by the approval, will be provided. A notice shall also be published in a newspaper circulating in the Town stating the location of the property for which the application has been made, and the use and any variances approved.

### **9.0 WHAT IF MY APPLICATION IS REFUSED OR IT IS APPEALED?**

If an application for development permit is refused by the Development Officer or Municipal Planning Commission, a letter outlining the reasons for the refusal is provided to the applicant. The applicant then has the opportunity to file an appeal against the decision to refuse the application. An appeal may also be filed against a specific condition of approval of a development permit application, if the applicant does not agree with a requirement identified by the Development Officer or Commission. Any appeal must be filed with the Subdivision and Development Appeal Board (SDAB) within 14 days of receipt of the written decision of the Development Officer or Commission.

Any person affected by the issuance of decision or an Order may also file an appeal. The appeal must be filed with the SDAB within 14 days of the decision of the Development Officer, and the SDAB must hear the appeal within 30 days of receiving the Notice of Appeal.

The SDAB is a quasi-judicial committee appointed by the Town of Didsbury Council that has the authority to uphold, amend or overturn subdivision decisions and Development Permit decisions of the Municipal Planning Commission or a Development Officer.

The Town of Didsbury SDAB is composed of two members of Council (who do not sit on the Municipal Planning Commission) and three members at large that have been appointed from the community. No person who is a Development Officer or a member of the Municipal Planning Commission can serve on the SDAB.

Once an appeal has been heard and the decision has been issued in writing by the SDAB, any persons not satisfied with the decision may elect to appeal to the Alberta Court of Appeal however, appeals will only be heard here on a question of law or jurisdiction.

There are some decisions which cannot be appealed under any circumstances:

- Where an application is for redesignation (rezoning) of a property;
- When a property is zoned Direct Control District and Council has made a decision on Subdivision or Development;
- Where a development permit is issued for a permitted use and the bylaws were not relaxed, misinterpreted or varied in any way.

## **10.0 APPROVED DEVELOPMENT PERMIT – NEXT STEPS**

The next step for the applicant is to apply for the required building, electrical, gas, and plumbing permits. These permits review the actual construction and mechanical plans for the proposed development against the Safety Codes Act. Construction on a site cannot begin until the applicable building, electrical, gas, and plumbing permits have been obtained.

A building permit may be applied for separately or in conjunction with the development permit. Applicants should contact the Town Office for more information on these permits. Electrical, gas and plumbing permits must be applied for through the Town of Didsbury's contracted agency, IJD Inspections Ltd. at 1.877.617.8776.

Before proceeding with any type of development, the Town of Didsbury encourages applicants to contact Alberta One Call at 1.800.242.3447.