



CITY OF
Lethbridge

Development Approvals Process (Development Permits)

Introduction

Once land has proper zoning in place and has been sufficiently subdivided and serviced it is possible to begin using it for the purposes outlined in the specified zone subject to the requirements of the *Land Use Bylaw*. The Land Use Bylaw consists of text, which explains the process and rules for each of the districts (or zones), and the zoning map, which identifies every property in the city and what set of rules apply to each property (zoning). The means by which the rules are applied is the *Development Permit*, which grants permission to carry out an activity or build a building on a particular piece of property.

Land Use Bylaw 6300

The Land Use Bylaw (LUB) provides a basic framework for decision-making that attempts to balance both certainty and choice. The text of the Land Use Bylaw is divided into Operational and Procedural Rules and General and Specific Rules. The Operational Rules explain the development application procedure and decision process, the bylaw amendment process, and the bylaw enforcement process. The General Rules define the specific land use districts operative in the City (e.g. residential, commercial etc.) and the rules that apply to those districts.

The rules for the specific individual districts in the LUB are usually organized and described in the same way, beginning with a district purpose statement and followed by two lists of land uses that are allowed in the district. These uses include:

- a. Permitted Uses – are land uses that are allowed in the district ‘as of right’ i.e. as long as the proposed development complies with the development rules for the district an application for a permitted use must be approved. A development permit for a permitted use that complies with the Land Use Bylaw cannot be appealed. A development permit for a permitted use wherein a waiver of some aspect of the Land Use Bylaw has been granted can be appealed.

- b. **Discretionary Uses** – are land uses that are allowed in the district provided that the details of the proposed development ‘fit’ with the circumstances of the neighbourhood for which it is proposed. A development permit for a discretionary use can be appealed.

Following the Permitted and Discretionary Use lists are a number of items forming the actual development rules for the districts. These can include items such as minimum parcel size, building heights, building setbacks, landscaping, parking and signage requirements.

The Development Permit Process

A development permit is a legal document that gives permission for use or development of a particular piece of land. Unless specifically exempt, all development in the city requires a development permit. To obtain a permit, a landowner or his agent (such as an architect or contractor or building tenant) must make a development application.

Note: A development permit must be obtained before a business license or a building permit can be obtained.

An application for development will be reviewed by the Development Authority, which is a Development Officer or in the case of more complex applications, the Municipal Planning Commission (MPC).

Note: The length of review can be influenced by a number of factors including: whether waivers of Land Use Bylaw requirements are being contemplated, neighbourhood notifications are sent out, and whether the application must be reviewed by Municipal Planning Commission.

After considering all aspects and merits of the application, a development permit or a decision can be issued. Development shall commence within one year of the date of validity of a development permit, unless otherwise stated on the permit. The steps are as follows:

Step 1: Pre-Application Discussions

Applicants are encouraged to discuss their development plans with a Development Officer prior to making a formal development application. This will help ensure that a submitted development application is complete and the review process can proceed smoothly.

It is also useful for applicants to speak with neighbours about the project to hear any concerns they might have. This may save time later, and most neighbours appreciate the opportunity to discuss plans before the formal process commences.

Step 2: Development Application

A development application must be accompanied by the required information outlined in the Land Use Bylaw, and the fee. The information that you will need to include will vary depending on what you are seeking a permit for but generally includes:

- Properly completed permit application form
- Full payment of appropriate application fee
- A current and full copy of the land title and any instruments that are registered against the land title, which may include details of any restrictive covenants or other restrictions on the title. This title must have been searched within the last 30 days (Note: you can obtain a copy of title from any Alberta Registries Office)
- A Letter authorizing you to make an application if you are not the landowner or the landowner must sign the application form
- A cover letter/submission detailing what is proposed and responding to the relevant provisions of the Land Use Bylaw
- One set of clear and properly drafted site plan, elevations, floor plans, landscape plans and a civil site plan, at a scale that provides for legibility and scalability; one PDF version of the drawings and an abandoned well confirmation form.

Please refer to the City's Land Use Bylaw and checklists for specific information about what needs to be included for different types of development permit applications. Section 14 of Land Use Bylaw 6300 identifies the general submission requirements. Development fees are established by City Council Bylaw.

Step 3: Development Application Review

The Development Officer will conduct a preliminary review to confirm the information is complete and accurate enough to evaluate the proposal and to ascertain general compliance with the Land Use Bylaw. If information is missing or incorrect revised plans will be requested.

- Depending on the type and intensity of the development proposal the application may be circulated to other City departments for their review.
- Depending on the type of development proposed and the anticipated impact on neighbouring properties a neighbourhood letter may be sent to neighbouring landowners within a 60m or greater radius of the subject property.
- Following the circulation and notification the Development Officer will conduct a more in-depth review of the proposal for compliance with the Land Use Bylaw and may require submission of revised plans based on that review and/or the circulation and notification comments.

Step 4: Decision

The Development Officer may make the decision for approval or refusal, or, if appropriate, may refer the development application to the Municipal Planning Commission (MPC) for a decision. Neighbours within a 60m or greater radius are notified of the MPC meeting.

Approval (with or without conditions) - If the decision is for approval there are often conditions of approval that are cited on the permit that may require the applicant to do additional things in order to be in compliance with the approval.

Objectors have 21 days from the date of advertising of an approval decision to file an appeal to the SDAB. If no appeal is filed within the 21 days, the permit becomes valid.

Refusal - The Development Authority may refuse the application. The grounds for the refusal will be listed on the refusal decision.

If, as applicant, your application is refused, the applicant notification shall be deemed received within 7 days of the date of decision and it will indicate the right to appeal the decision within 21 days of the date of the decision. The applicant may appeal the decision to the SDAB and they will review of the decision.

Step 5: Appealing a Decision

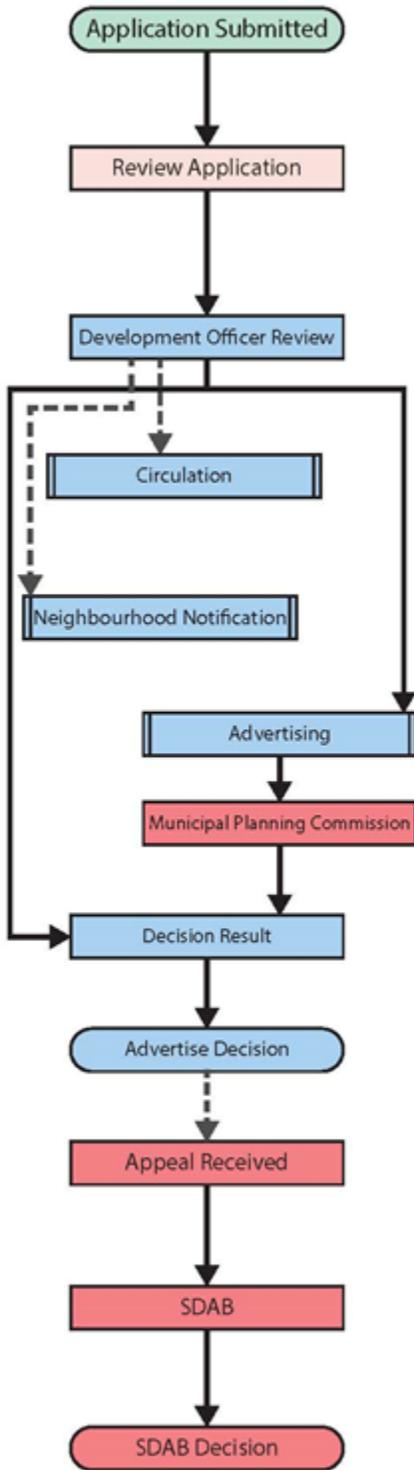
The Subdivision and Development Appeal Board (SDAB) is a quasi-judicial board who independently reviews decisions made by the Development Authority and other planning matters. The SDAB consists of five members of the public at large.

SDAB conducts public hearings and considers submissions made by all the parties. SDAB makes its assessment on the proposal's planning merits.

SDAB hearings are conducted in a structured, formal way. Courteous behavior is required and people are not allowed to interrupt or ask questions during another's presentation. A lawyer or consultant may represent the parties, but this is not essential. Many applicants and/or affected neighbours present their own submissions to the Board.

- An applicant may appeal a refusal of a development decision or a condition of approval on an issued development permit. There are time limits to the appeal period that are identified on the bottom of the development permit or decision letter.
- A permit for a discretionary use or a permit where a waiver has been granted may also be appealed by anyone that feels negatively affected by the decision. The decision is not final until the SDAB has made a ruling.

For more information on the appeal process contact the Secretary to the Subdivision and Development Appeal Board through the City Clerk's Department at 403-329-7329, or by attending in person to the 2nd Floor, City Hall.



The **Permit Application** can be submitted by the applicant online by completing a PDF form and emailing the information to Development Services or in person at City Hall. The permit fees are assessed and collected during the application process based on the project details provided by the applicant.

A Permit Technician will **Review the Application** for completeness to ensure that all of the necessary documentation has been provided. The reviewer has 21 days to determine if the application can be deemed complete. If information necessary for the review of the proposed development is missing, the applicant has up to 21 days to return the requested documentation. This process may go through several iterations before being deemed complete.

The **Development Officer Review** is completed to ensure that the proposed development is consistent with the Land-Use Bylaw. The Development Officer, based on feedback from the Neighbourhood Notification and Circulation, may decide to issue a decision or refer the matter to the Municipal Planning Commission.

When required, the Development Officer is responsible for overseeing the **Circulation** of the proposed development for feedback among internal stakeholders such as *Transportation, Waste & Recycling, Water & Wastewater, Electric Design, Fire Prevention, Building Inspection, Urban Construction, and Accessibility & Mobility.*

A **Neighbourhood Notification** may be required based on the scope and nature of the project. Neighbours are invited to send comments to the City of Lethbridge regarding the proposed development.

There will be **Advertising** of a Public Meeting If the Development Officer determines that the proposed development should be reviewed by the Municipal Planning Commission (MPC).

The referral to the **Municipal Planning Commission (MPC)**, a development and subdivision approving authority, allows for a public forum to hear concerns from residents or parties who may be impacted by the proposed development.

The **Decision Result** from either the Development Officer or the Municipal Planning Commission must be completed within 40 days after the application package is determined to be complete. An applicant has 28 days to file an appeal regarding the decision.

If the permit is approved the City of Lethbridge, based on the scope and nature of the development, may **Advertise the Decision**. The public is given 21 days to appeal the decisions through a written notice to the Subdivision and Appeal Board.

The Secretary to the Subdivision and Development Appeal Board will review any **Appeal Received** and determine its validity. This may also include an appeal from the applicant should the development application be refused. If the appeal is determined to be valid, the matter will be referred to the Subdivision and Appeal Board (SDAB).

The purpose of the **Subdivision and Development Appeal Board (SDAB)** is to hear appeals regarding decisions made by the Development Officer, Subdivision Authority, or the Municipal Planning Commission on development or subdivision applications. This will be scheduled up to 30 days after the receipt of notice of appeal.

The **Subdivision and Development Appeal Board (SDAB) Decision** is issued within 15 days of the public hearing's conclusion.