Development Approvals Process
(Development Permits)

4.1 Introduction

Once land has been re-designated (or re-zoned) through the Land Use Re-designation process, 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.

4.2 Land Use Bylaw 5700

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 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 district. These can include items such as minimum parcel size requirement, building height requirements, building setback requirements, landscaping requirements, and parking and signage requirements.

### 4.3 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 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 of the application, if the Development Authority agrees with the proposal, a development permit can be approved. A permit is subject to a time limit and will expire under specified circumstances. 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 applicant’s to talk to neighbours about the project to find out any concerns they might have. This may save time later, and most 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 land title and details of any restrictive covenants or other restrictions on the title. This title must have been searched within the last two months (Note: you can obtain a copy of title from any Alberta Registries Office)
- A Letter authorizing you to make application if you are not the title holder
- A cover letter/submission detailing what is proposed and responding to the relevant provisions of the Land Use Bylaw
- Three sets of clear and properly drafted site layout and elevation plans generally at 1:100 scale

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 4.3 of Land Use Bylaw 5700 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 14 days from the date the notice of an approval decision to file an appeal application to the SDAB. If no appeal is filed within the 14 days, the permit becomes valid.

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

If, as applicant, your application is refused, you have 14 days from the date that notice of the refusal is given to apply to SDAB for a review of the decision.

Step 5: Appealing a Decision

The SDAB independently reviews decisions made by the Development Authority about development permit applications and other planning matters. The SDAB consists of two City Councilors and 5 members of the public at large.

SDAB conducts public hearings and considers submissions made by all the parties. SDAB makes its assessment of the proposal's planning merits and decides whether a permit should be granted, and what permit conditions are appropriate.

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 a planner may represent parties, but this is not essential, and many permit applicants and objectors present their own submissions.

An appeal involves a considerable amount of time, effort and expense, and should be carefully considered.

For more information contact the City Clerk’s Department 403-329-7329 or visit City Hall between 8.00am and 4.30pm Monday to Friday.
4.4 APPEALS

- An applicant may appeal a refusal of a development application 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 the decision will have negative impacts to them. The decision is not final until the Subdivision and Development Appeal Board (SDAB) has made a ruling.
Overview of the Process

Pre-application

Application

Preliminary Review

Circulation

Neighborhood Notification

Final Review

Decision

Possible Appeal

Time may be taken up with need to submit additional or more

Once the application is determined complete a 40-day time frame

typically 2 weeks\(^5\) if needed

Typically 2 weeks if needed (may be concurrent or overlap with

Typically 1 week or, if determined to go to MPC for a decision add 3

Permit or Refusal letter typically issued within 2 days of decision

Public Appeal period is 2 weeks from date of newspaper advertising, add 4 weeks if permit is appealed

Once a valid Development Permit is obtained a Building Permit may be applied for.

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\(^5\) Two weeks based on 10 working days.