

## Part Four Development Application

### Section 15 Control of Development

- 15.1 Except as provided in Section 16, no person shall commence a development in the City unless a development permit has first been issued pursuant to this Bylaw and the development is in accordance with the terms and conditions of the development permit.
- 15.2 In addition to meeting the requirements of this Bylaw, it is the responsibility of an applicant to obtain all other approvals or licenses that may be required by City, Provincial or Federal departments or agencies.

### Section 16 When a Development Permit is Not Required

- 16.1 A Development Permit is not required for the following developments provided that the proposed development complies with the applicable regulations of this Bylaw:
- a. Maintaining or repairing any building, provided that the work does not include structural alterations;
  - b. Temporary use of a building for election or census purposes;
  - c. The construction of gates, fences, walls or other means of enclosure 0.9m or less in height in front yards and 1.9m or less in height in side and rear yards pursuant to Section 39.1;
  - d. A solid 2.4m high fence may be permitted, pursuant to Section 45.1d, to provide noise attenuation and a visual barrier and will not require a Development Permit if in the opinion of the Development Authority, a lot is located in proximity to an arterial road as identified by the Municipal Development Plan;
  - e. A temporary building not to be used for residential purposes, such as a construction trailer, where the sole purpose of the building is incidental to the erection or alteration of a permanent building for which a permit has been issued under this Bylaw. This does not include a real estate sales office, show home or similar facility;
  - f. A temporary shipping/storage container provided it is not located on the site for more than 60 days;
  - g. Construction or installation of an Accessory Building or Structure that does not exceed 20m<sup>2</sup>, including uncovered and unenclosed decks regardless of surface area in accordance with Section 40, unless a variance is required;
- (Bylaw C-1260-61 - December 12, 2016)**
- h. The installation of a Satellite Antenna less than 0.9m in diameter, if it is attached to an existing structure;
  - i. Internal alteration to a residential building as long as the alterations do not result in an increase in the number of dwelling units or a change of use;
  - j. The occupancy by a permitted use of a vacant space in an existing or approved Commercial Business Centre including Local, Major and Minor, or Industrial Business Centre;

**(Bylaw C-1260-79 - February 25, 2019)**

- k. The maintenance and repair of public utilities; Hard surfacing of a site that is part of a development for which a Development Permit has been issued, for the purpose of providing vehicular or pedestrian access or parking where such access or the parking area does not drain onto adjacent properties;
- l. Stripping, site grading or excavation that is part of a development for which a Development Permit has been issued;
- m. Erection of towers, flagpoles and other poles not exceeding 4.6m in height from grade in any Residential District;

- n. Landscaping where the proposed grades will not adversely affect the subject or adjacent properties, except where a Development Permit allows for such landscaping;
- o. Railways, pipelines, irrigation ditches, conduit flumes and utility lines not integral to an approved development;

**(Bylaw C-1260-79 - February 25, 2019)**

- p. Pursuant to Section 40, Low Level Deck located in a residential district;
- q. Landings and patios,
- r. **Deleted by Bylaw C-1260-61 - December 12, 2016.**
- s. Erection of temporary structures less than 175m<sup>2</sup> for the purpose of an event held in a parking lot for a maximum of six (6) months. Any structure equal to or greater than 175m<sup>2</sup> for the purpose of an event held in a parking lot requires a Development Permit;
- t. Residential Support Home - Type 1;
- t.1 Signs pursuant to Section 2.2 of Schedule B - Signs;

**(Bylaw C-1260-36 - March 7, 2016)**

- u. Any other development deemed not to require a Development Permit as determined by the Development Authority;
- v. A Solar Collector in conformance with Section 59.

**(Bylaw C-1260-84 - December 4, 2017)**

## **Section 17 Application for Development Permit**

- 17.1 A Development Permit application shall be made to the Development Authority on the prescribed form and shall be signed by the applicant or his agent.
- 17.2 In addition to the completed application form the following are required:
  - a. Two (2) copies of a site plan, one of which is to an Engineer or Architect scale, and the other not larger than 11" x 17". If the site plan is larger than 11" x 17" the applicant shall submit a digital copy showing the following information:
    - i) North arrow;
    - ii) Scale of plan;
    - iii) Legal description of property;
    - iv) Municipal address;
    - v) Lot lines shown with dimensions;
    - vi) All required yards shown with dimensions;
    - vii) Location of sidewalks and curbs;
    - viii) Site topography, drainage patterns, grades and special conditions;
    - ix) Location of existing and proposed municipal and other private service connections;
    - x) Location and widths of all registered utility easements and rights-of-way;
    - xi) Location and size of buildings dimensioned to lot lines;
    - xii) Retaining walls, trees, landscaping and other physical features both existing and proposed on a site and adjoining boulevards including size and species for trees;
    - xiii) Dimension layout of existing and proposed parking areas, entrances and exits abutting streets, avenues and lanes shown and labelled;
    - xiv) Pre-approved access location(s);
    - xv) Pre-approved Lot Grading and Drainage plan; and,
    - xvi) Use of the building;
  - b. Plans showing elevations, floor plan and the perspective of the proposed development including a description of the exterior finishing materials and colours;

- c. A vicinity map indicating the location of the proposed development in relation to nearby streets and other significant physical features which may have implications on the proposed development;
- d. A map showing the designated land use of the project site and all properties within 90.0m of the boundaries of the site;
- e. The applicable development permit application fee shown in the Planning & Development and Engineering Services Fees and Charges Bylaw C-1325;

**(Bylaw C-1260-69 - May 29, 2017)**

- f. If the applicant is an agent of the landowner, a letter from the landowner verifying the agent's authority to make the application;
- g. A copy of the Certificate of Title indicating ownership;
- h. Copies of all easements and right-of-ways registered against the Certificate of Title.

17.3 The Development Authority may also require any of the following:

- a. Images showing the site in its existing state;
- b. Images which show to the satisfaction of the Development Authority by way of superimposed position, overlays or otherwise:
  - i) How the form, mass and character of the proposed development will relate to neighbouring properties; and,
  - ii) How the design, materials and finish of the principal facade of the proposed development will relate to existing or planned facades of neighbouring buildings;
- c. Copies of a Survey or Real Property Report prepared by an Alberta Land Surveyor showing the site to be developed if there are existing developments on the site;
- d. A valid geotechnical or floodplain study prepared by a qualified engineer recognized by APEGA if in the opinion of the Development Authority the site is adjacent the top-of-the-bank, or is potentially flood prone, hazardous or unstable. If there is no expiry date on the study, it must have been conducted within five (5) years of the application for a Development Permit. The Development Authority may request a new study at any time should there be an element of risk or an extreme act of nature;

- e. A reclamation plan for aggregate extraction or other major surface disturbance;
- f. A Phase One and/or Phase Two Environmental Site Assessment (ESA), conducted according to Canadian Standards Association (CSA) guidelines, to determine potential contamination and mitigation. If the Phase One and/or Phase Two ESA indicates possible contamination, the Development Authority shall require evidence from a qualified environmental professional as recognized by Alberta Environment and Sustainable Resource Development that appropriate remediation measures have been carried out on the property prior to issuing a development permit for the subject site;

**(Bylaw C-1260-27 - April 20, 2015)**

- g. An environmental impact assessment prepared by a qualified professional if the proposed development may, in the opinion of the Development Authority, result in potentially significant environmental effects;
- h. The servicing requirements for the proposed development;
- i. Information to assist in assessing the impact the proposed development may have on utilities, services, traffic circulation within the site and on adjacent public roadways, land use, community facilities, and other matters;
- j. A report showing the effect of wind and shadow produced by the proposed development;
- k. Samples of exterior finishing materials;
- l. Elevations of any signs proposed for the development;

- m. Such other plans, photographs or other documents or information of any kind that the Development Authority may consider necessary to properly evaluate the proposed development;
  - n. A Noise Impact Study for residential uses, institutional uses, child care facilities, educational facilities and hotels adjacent to the rail line right-of-way. If required, the Noise Impact Study shall be prepared by a qualified engineer recognized by APEGA; and  
**(Bylaw C-1260-77 - September 18, 2017)**
  - o. A Vibration Impact Study for residential uses, institutional uses, child care facilities, educational facilities and hotels adjacent to the rail line right-of-way. If required, the Vibration Impact Study shall be prepared by a qualified engineer recognized by APEGA.  
**(Bylaw C-1260-77 - September 18, 2017)**
- 17.4 A traffic impact analysis, stamped by a Professional Engineer or a Registered Professional Technologist accredited by APEGA, may be required:
- a. If there is no TIA for the site; or,
  - b. The proposed development does not conform to the approved TIA. A TIA is generally required when 100 new trips/hr result from development or when the development is in a sensitive area. A sensitive area might be a geometric concern versus a traffic generation concern.
- 17.5 **Deleted by Bylaw C-1260-84 - December 4, 2017.**
- 17.6 Notwithstanding 17.2, the development permit application requirements for signs shall be in accordance with Schedule B - Signs.  
**(Bylaw C-1260-36 - March 7, 2016)**
- 17.7 The Development Authority shall issue an acknowledgement to the applicant within 30 days following the receipt of an application to confirm whether it is deemed complete, or to notify them of any deficiencies.  
**(Bylaw C-1260-86 - January 29, 2018)**
- 17.8 Notwithstanding 17.7, should the Development Authority determine that additional information is required for the application during the review process, the Development Authority may request such information or documentation beyond 30 days of receiving the application.  
**(Bylaw C-1260-86 - January 29, 2018)**
- 17.9 The Planning and Development Department shall determine the process for submitting, receiving, evaluating and reviewing Development Permit Applications for Retail Store, Cannabis.  
**(Bylaw C-1260-94 - June 18, 2018)**

## **Section 18 Decision**

- 18.1 The Development Authority, in making a decision on a Development Permit application for:
- a. A Permitted Use:
    - i) Shall approve, with or without conditions, the application if the proposed development conforms with this Bylaw; or,
    - ii) Shall refuse the application if the proposed development does not conform to this Bylaw.
  - b. A Discretionary Use:
    - i) 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;
    - ii) May refuse the application even though it meets the requirements of this Bylaw; or,

- iii) Shall refuse the application if the proposed development does not conform to this Bylaw.
- 18.2 In reviewing a development permit application for a Discretionary Use, the Development Authority shall have regard to:
  - a. The circumstances and merits of the application, including but not limited to:
    - i) The impact on properties in the vicinity of such nuisance factors as smoke, airborne emissions, odours and noise;
    - ii) The design, character and appearance of the proposed development and in particular whether it is compatible with and complementary to the surrounding properties; and,
  - b. The purpose and intent of any statutory plan adopted by the City; and,
  - c. The purpose and intent of any non-statutory plan and pertinent policy adopted by the City.
- 18.2.1 In reviewing a development permit application for a permitted or discretionary use, the Development Authority shall consider any technical study as may be required in Section 17.3 d, 17.3 e, 17.3 f, 17.3 g, 17.3 i, and 17.3 j; and based on those technical study results, may approve or refuse the application and/or impose such conditions that are considered necessary to mitigate any potential impacts;

**(Bylaw C-1260-27 - April 20, 2015)**

- 18.3 A development permit may be issued on a temporary basis for a period specified by the Development Authority.
- 18.4 Notwithstanding any provisions or requirements of this Bylaw, the Development Authority may establish a more stringent standard for a Discretionary Use when the Development Authority deems it necessary to do so.
- 18.5 The Development Authority shall refuse a development permit for a use or development that is not listed as a Permitted or Discretionary Use.
- 18.6 Notwithstanding Section 18.5, if a proposed use of land or a building is not listed as a Permitted Use or Discretionary Use in this Bylaw, the Development Authority may determine that such a use is similar in character and purpose to a use permitted in that land use district and may allow the development as a Discretionary Use.
- 18.7 An application for a development permit shall, at the option of the applicant, be deemed to be refused when the Development Authority does not make a decision within 40 days after receipt of the application that is deemed to be complete by the Development Authority, unless an agreement to extend the 40 day period is entered into between the applicant and the Development Authority.
- 18.8 Only one (1) development permit shall be allowed for any one use on a site at any one time.

**Section 19 Variance Authority**

- 19.1 Notwithstanding Sections 18.1a.ii) and 18.1b.iii), the Development Officer may allow a variance of up to 100% to any standard with the exception of FAR, density provisions, and in Schedule B, Section 2.3. A variance of up to 10% to any standard with the exception of FAR, density provisions, and variances for signs in Schedule B, Section 2.3, may be allowed without notifying the adjacent/affected landowners. This Section shall be read together with the tables in Sections 19.16a and 19.16b as well as the provisions in Section 24 including the tables in Sections 24.10.a and 24.10.b.

**(Bylaw C-1260-84 - December 4, 2017 and C-1260-97 - July 3, 2018)**

- 19.2 Any application requesting a variance exceeding 10% must follow the adjacent/affected landowner notification process in Section 24.3, as summarized in the table provided in Sections 19.16.a. and 19.16.b.

**(Bylaw C-1260-61 - December 12, 2016)**

19.3 Deleted by Bylaw C-1260-61 - December 12, 2016.

19.4 Deleted by Bylaw C-1260-61 - December 12, 2016.

19.5 Deleted by Bylaw C-1260-61 - December 12, 2016.

19.6 Deleted by Bylaw C-1260-61 - December 12, 2016.

- 19.7 Notwithstanding Section 19.1, the Development Officer may permit a variance up to 1.0% to any standard with the exception of FAR and density provisions without a variance application. This Section shall be read together with the other provisions of Section 19 including the tables in Sections 19.16.a and 19.16.b as well as the provisions of Section 24 including the tables in Sections 24.10.a and 24.10.b.

**(Bylaw C-1260-61 - December 12, 2016 and Bylaw C-1260-97 - July 3, 2018)**

- 19.8 Pursuant to Section 13.1b, the Development Officer may, at his/her discretion, refer any application to the Infrastructure and Protective Services Committee for decision.

**(Bylaw C-1260-84 - December 4, 2017)**

- 19.9 Notwithstanding Sections 18.1a.ii) and 18.1b.iii) the Infrastructure and Protective Services Committee may consider allowing a variance of any standard prescribed in this Bylaw with the exception of floor area ratios and density provisions.

**(Bylaw C-1260-12 - June 30, 2014 and Bylaw C-1260-84 - December 4, 2017)**

- 19.10 Notwithstanding Section 19.9, the Infrastructure and Protective Services Committee may allow a variance in regard to floor area ratios, and density provisions of up to 10%.

**(Bylaw C-1260-84 - December 4, 2017)**

- 19.11 Variances to standards in this Bylaw with regard to the affected property shall only be considered if:

- a. It is practically difficult to comply with the regulations of this Bylaw due to peculiar conditions or circumstances including, but not limited to, the area/shape of the property and/or environmental features;
- b. The proposed variance will not alter the character of the neighbourhood and will not negatively affect other properties or potential development in the surrounding area;
- c. The proposed variance does not interfere with or affect the use and enjoyment of adjacent/surrounding properties;
- d. The proposed variance will not restrict safe passage for pedestrians and vehicles on adjoining sidewalks and roadways;
- e. The proposed variance is the minimum deviation from the required standards of this Bylaw to relieve the effect of the peculiar conditions or circumstances; and
- f. The proposed variance is generally consistent with any applicable provision of the Municipal Development Plan (MDP), as well as any relevant Area Redevelopment Plan (ARP), Area Structure Plan (ASP), Outline Plan (OP) or this Bylaw.

**(Bylaw C-1260-61 - December 12, 2016)**

- 19.12 In considering a variance the Development Authority shall:

- a. Not grant a variance which would infringe the Airport zoning regulations; and
- b. Have regard to the purpose and intent of the district and the nature of developments on adjacent properties.

19.13 If a variance is granted, the Development Authority shall specify its nature in the development permit approval.

19.14 Any variance that is approved is subject to Sections 24.3 and 24.4.

19.15 Variance authority for signs shall be in accordance with Section 2.3 of Schedule B - Signs.

**(Bylaw C-1260-36 - March 7, 2016)**

19.16 This Section summarizes the Variance Authority regulations under Section 19 and Notice of Decision regulations under Section 24. Section 19.16.a applies to all standards except for FAR, density, and variances for signs as per Section 2.3 of Schedule B. The two (2) tables under both Sections 19.16.a and 19.16.b shall be read together with the other provisions of Section 19 as well as the provisions of Section 24 including the tables of Section 24.10.a and 24.10.b.

**(Bylaw C-1260-84 - December 4, 2017)**

**Section 19.16.a**

Variance Authority (Section 19)			Notice of Decision (Section 24)				
Standard	Percentage rounded to one decimal place	Development Authority	Notification Process				
			Letter to adjacent landowners prior to decision (Bylaw C-1260-86-January 29, 2018)	Letter to adjacent landowners after decision	Sign posted on property after decision (Bylaw C-1260-86-January 29, 2018)	Notice in newspaper	Notice on City website
All, except for FAR and density	0.0-1.0%	Development Officer, no Variance application required	N/A (Notice of Decision in only provided to the applicant) (Bylaw C-1260-86-January 29, 2018)				
All, except for FAR and density	1.1-10.0%	Development Officer	No	No	No	No	Yes
All, except for FAR and density	10.1-100%	Development Officer/ Infrastructure and Protective Services Committee	Yes (Bylaw C-1260-84-December 4, 2017)	Yes	Yes	Yes	Yes

**(Bylaw C-1260-97 - July 3, 2018)**

**Section 19.16.b**

Variance Authority (Section 19)			Notice of Decision (Section 24)				
Standard	Percentage rounded to one decimal place	Development Authority	Notification Process				
			Letter to adjacent landowners prior to decision (Bylaw C-1260-86-January 29, 2018)	Letter to adjacent landowners after decision	Sign posted on property after decision (Bylaw C-1260-86-January 29, 2018)	Notice in newspaper	Notice on City website
FAR and density	0.0-10.0%	Infrastructure and Protective Services Committee (Bylaw C-1260-84 December 4, 2017)	Yes	Yes	Yes	Yes	Yes
FAR and density	10.1% +	Council	Yes	Yes	Yes	Yes	Yes

**(Bylaw C-1260-61 - December 12, 2016)**

**Section 20 Fees**

The fees to be charged on all applications and other matters arising under this Bylaw shall be the amounts identified in the Planning & Development and Engineering Services Fees and Charges Bylaw C-1325.

**(Bylaw C-1260-69 - May 29, 2017)**

**Section 21 Development Permit Process**

- 21.1 The Development Officer may refer a development application to any City department and to any external agency for comment and advice.
- 21.2 Upon receipt of a complete application for development of a use listed as a Discretionary Use, the Development Officer shall send a written notice to all adjacent landowners or to a greater circulation area specified by the Development Authority. The notice shall indicate:
  - a. The location and nature of the development proposal;
  - b. The time and date a decision will be rendered on the application;
  - c. Copies of relevant drawings; and,
  - d. A location and date to submit comments.
- 21.3 After ten (10) business days from the date of referral to any City department or any external agency, the Development Authority may deal with the application whether or not comments or recommendations have been received.



## **Section 22 Intermunicipal Referrals**

- 22.1 In accordance with the Grande Prairie Intermunicipal Development Plan, the Development Authority shall refer the following to the County of Grande Prairie:
- a. All non-residential development permit applications that affect lands located in the City's Referral Area as defined in the Intermunicipal Development Plan;
  - b. Any Development Permit application for a Contentious Use; and,
  - c. Land Use Bylaw amendments that affect lands located in the City's Referral Area as defined in the Intermunicipal Development Plan.
- 22.2 In making a decision the Development Authority will give due consideration to any recommendations or comments received from the County of Grande Prairie.
- 22.3 After ten (10) business days from the date of the referral, the Development Authority may deal with the application whether or not comments or recommendations have been received from the County of Grande Prairie. The Development Authority may grant a time extension.

## **Section 23 Development Permit Conditions**

- 23.1 As a condition of development permit approval, the Development Authority may require that the applicant enter into a development agreement with the City, in accordance with the Act and Municipal Development Plan, which, in addition to other matters, may require the applicant:
- a. To construct or pay for the construction of:
    - i) A road required to give access to the development;
    - ii) A pedestrian walkway system to serve the development or to give access to an adjacent development, or both; and,
    - iii) Off-street or other parking facilities and loading and unloading facilities;
  - b. To construct, install or pay for any local improvements and Public Utilities which are needed to serve the development and any required easements, and joint drainage and access requirements;
  - c. Pay a Redevelopment Levy;
  - d. To repair or reinstate, to original condition, any street furniture, curbing, sidewalk, boulevard landscaping or trees which may be damaged or destroyed or otherwise harmed by development or building operations upon the site;
  - e. To provide an irrevocable letter of credit, or other form of security acceptable to the Development Authority, to guarantee performance of the conditions of the Development Permit; and,
  - f. To attend to all other matters the Development Authority considers appropriate.
- 23.2 To ensure compliance with a development agreement the City may register a caveat against the property being developed which shall be discharged upon the terms of the agreement being met.
- 23.3 Subject to this Bylaw, any statutory plan and the Act the Development Authority may, attach whatever conditions it considers appropriate to a development permit for either a discretionary use or permitted use, including but not limited to the following:
- a. Landscaping requirements;
  - b. Noise attenuation;
  - c. Special parking provisions;
  - d. Location, appearance and character of a building;
  - e. Grading of a site to protect adjacent properties; and,
  - f. Ensuring the proposed development is compatible with surrounding land uses.

- 23.4 The applicant for a development permit shall make satisfactory arrangements for the supply of any and all required Public Utilities, vehicular access; or any other required service, with the appropriate department, agency or utility.

## **Section 24 Notice of Decision**

- 24.1 A decision of the Development Authority on a development permit application shall be in writing and sent to the applicant.
- 24.2 If a development permit application is refused, the reason for the refusal shall be stated in the decision.
- 24.3 If a decision is issued for a Permitted Use for which a variance exceeding 10% has been granted pursuant to Section 19, the Development Authority shall:
- a. Publish a notice in the newspaper circulating in the City and on the City's website stating the nature of the variance and the legal description and/or municipal address of the site, in accordance with the provisions of Section 19 including the tables in Sections 19.16.a and 19.16.b as well as the other provisions of Section 24 including the tables in Sections 24.10.a and 24.10.b; and
  - b. On or before the date the notice appears on the City's website, send notice of the decision by regular mail to all adjacent landowners, as determined by the Development Authority, in accordance with the provisions of Section 19 including the tables in Sections 19.16.a and 19.16.b as well as the provisions of Section 24 including the tables in Sections 24.10.a and 24.10.b.
  - c. **(Bylaw C-1260-86 - January 29, 2018)**  
**(Bylaw C-1260-61 - December 12, 2016)**
- 24.4 If a decision is issued for a Permitted Use for which a variance has been granted pursuant to Section 19.9, or a Discretionary Use pursuant to Section 49, the Development Authority shall:
- a. Publish a notice in the newspaper circulating in the City and on the City's web site stating the nature of the variance and the development and the legal description and/or municipal address of the site;
  - b. On or before the date the notice appears in the newspaper, send notice of the decision by regular mail to all adjacent landowners and, for all variances granted by the Infrastructure and Protective Services Committee, to all landowners within an area specified by the Committee, and  
**(Bylaw C-1260-84 - December 4, 2017)**
  - c. Require the applicant to erect one information sign on each 270m of street frontage of the site on or before the date in which the notice appears in the newspaper. Each sign shall:
    - i) Be erected in a location on the site directed by the Development Authority, which shall be visible from the flanking roadway, readable from a distance of 15m, and maintained in a reasonable and legible condition until the appeal period expires;
    - ii) Be a maximum height above the ground of 3.0m, with a minimum area of 0.5m<sup>2</sup> within the RR, RS and RG Districts and, for all other districts as directed by the Development Authority to a maximum area of 3.0m<sup>2</sup>; and
    - iii) Contain a general description of the approved use, the variance, location of the site and the phone number of the City's Development Services Department for more information.
    - iv) **(Bylaw C-1260-86 - January 29, 2018)**
- 24.5 Notwithstanding Section 24.3, if a decision is issued for a Discretionary Use and/or a Discretionary Use for which a variance has been granted, the Development Authority shall:

- a. Publish a notice in the newspaper circulating in the City and on the City's web site stating the nature of the variance and the development and the legal description and/or municipal address of the site;
- b. On or before the date the notice appears in the newspaper, send notice of the decision by regular mail to all adjacent landowners or, at the discretion of the Development Authority, a greater distance, and;
- c. Require the applicant to erect one information sign on each 100m of street frontage of the site on or before the date in which the notice appears in the newspaper. Each sign shall:
  - i) Be erected in a location on the site approved by the Development Authority, which shall be visible from the flanking roadway, readable from a distance of 15m, and maintained in a reasonable and legible condition until the appeal period expires;
  - ii) Be a maximum height above the ground of 3.0m, with a minimum area of 1.5m<sup>2</sup> and a maximum area of 3.0m<sup>2</sup>; and
  - iii) Contain a general description of the approved use, the variance, location of the site and the phone number of the City's Development Services Department for more information.
  - iv) **(Bylaw C-1260-86 - January 29, 2018)**

24.6 A permit issued for a Discretionary Use or a Permitted Use where a variance has been granted, does not come into effect until 21 days after the date of the approval. If an appeal is lodged with the Board, no development shall be commenced unless the appeal decision is to uphold the issuance of the Development Permit.

**(Bylaw C-1260-86 - January 29, 2018)**

24.7 If an authorized development is not commenced within twelve (12) months from the date that the permit is issued, the permit shall be deemed void, unless an extension is granted. The applicant must request an extension within thirty (30) days prior to the end of the twelve (12) month period by providing a written request. The Development Authority may grant a one (1) year extension, at its discretion. The Development Authority may also grant additional one (1) year extensions in consideration of circumstances where changes may have occurred to the site or its surroundings that delayed the proposed development.

**(Bylaw C-1260-60 - Sept 6/16; Bylaw C-1260-84 - Dec 4/17 and Bylaw C-1260-79 - Feb 25/19)**

24.7.1 Completion of Development

- a. Completion of development shall be within three (3) years of the date that the development permit is issued;
- b. Notwithstanding subsection a., where in the opinion of the Development Authority a development is of such a size or scale that completion of the development will take longer than three (3) years as specified in subsection a., the Development Authority may authorize a longer period to complete the development by specifying a required completion date on the development permit;
- c. For single detached, semi-detached and duplex dwelling developments the building exterior shall be completed within two (2) years of the date that the development permit is issued; and;
- d. Once development authorized by a development permit has commenced it shall be carried on with reasonable continuity.

**(Bylaw C-1260-93 - July 16, 2018)**

- 24.8 If an application for a development permit has been refused, either by the Development Authority or by a decision of the Board, the Development Authority will not accept another application for a permit for the same property, for the same or similar use, by the same or any other applicant, during the period of six (6) months after the date of refusal, unless the applicant demonstrates, to the satisfaction of the Development Authority, that the new application addresses the reasons for refusal.
- 24.9 If a development permit application for a residential use is approved, the Development Authority shall, where applicable, include in the written notice advice that the approved residential use is located adjacent to an agricultural operation.
- 24.10 This section summarizes the Variance Authority regulations under Section 19 and the Notice of Decision regulations under Section 24. Section 24.10.a applies to all standards except for FAR and density. Section 24.10.b applies to FAR and density. The two (2) tables under both Sections 24.10.a and 24.10.b shall be read together with the other provisions of Section 24 as well as the provisions of Section 19 including the tables in Sections 19.16.a and 19.16.b.

**(Bylaw C-1260-61 - December 12, 2016)**

**Section 24.10.a**

Variance Authority (Section 19)			Notice of Decision (Section 24)				
Standard	Percentage rounded to one decimal place	Development Authority	Notification Process				
			Letter to adjacent landowners prior to decision (Bylaw C-1260-86-January 29, 2018)	Letter to adjacent landowners after decision	Sign posted on property after decision (Bylaw C-1260-86-January 29, 2018)	Notice in newspaper	Notice on City website
All, except for FAR and density	0.0-1.0%	Development Officer, no Variance application required	N/A (Notice of Decision in only provided to the applicant) (Bylaw C-1260-86-January 29, 2018)				
All, except FAR and density	1.1-10.0%	Development Officer	No	No	No	No	Yes
All, except for FAR and density	10.1-100%	Development Officer/ Infrastructure and Protective Services Committee	Yes (Bylaw C-1260-84-December 4, 2017)	Yes	Yes	Yes	Yes

**(Bylaw C-1260-97 - July 3, 2018)**

**Section 24.10.b**

Variance Authority (Section 19)			Notice of Decision (Section 24)				
Standard	Percentage rounded to one decimal place	Development Authority	Notification Process				
			Letter to adjacent landowners prior to decision (Bylaw C-1260-86-January 29, 2018)	Letter to adjacent landowners after decision	Sign posted on property after decision (Bylaw C-1260-86-January 29, 2018)	Notice in newspaper	Notice on City website
FAR and density	0.0-10.0%	Infrastructure and Protective Services Committee (Bylaw C-1260-84 December 4, 2017)	Yes	Yes	Yes	Yes	Yes
FAR and density	10.1% +	Council	Yes	Yes	Yes	Yes	Yes

**(Bylaw C-1260-61 - December 12, 2016)**

**24.11 Cancellation or Suspension of a Development Permit**

- a. The Development Officer may cancel or suspend a Development Permit following its approval if:
  - i) the application for the Development Permit contained a material misrepresentation;
  - ii) material facts were not disclosed in the application for the Development Permit;
  - iii) the Development Permit was issued as a result of a material error;
  - iv) the landowner requests, by way of written notice to the Development Officer, the cancellation of the Development Permit; or
  - v) in the opinion of the Development Authority the development has not been carried on with reasonable continuity in accordance with Section 24.7.1 d.
- b. If the Development Officer cancels or suspends a development permit, the Development Officer must provide written notice of the cancellation or suspension to the applicant; and
- c. All development and activities continuing after the Development Permit has been cancelled or suspended shall be deemed to be development occurring without a Development Permit.

**(Bylaw C-1260-93 - July 16, 2018)**

**Section 25 Appealing a Decision**

25.1 The applicant for a development permit may appeal to the Board if the Development Authority:

- a. Refuses or fails to make a decision on a development permit within 40 days of receipt of a completed application; or
- b. 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 Sections 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 shall be commenced by filing a notice of appeal, containing reasons, with the Secretary of the Board within 21 days:
- a. In the case of an appeal by the applicant, after:
    - i) The date the applicant is notified of the decision; or,
    - ii) If no decision is made on the development permit application within 40 days of the application being made, the date that period of any extension of it expires;
  - b. In the case of an appeal by a person affected, after the date on which the City publishes notice of the development permit decision in a newspaper circulating in the City.

**(Bylaw C-1260-86 - January 29, 2018)**

- 25.5 A decision on a development application within a Direct Control District cannot be appealed unless the appeal is limited to whether or not the Development Authority followed the directions of Council. If the Board finds that the Development Authority did not follow Council's directions, it may, in accordance with Council's directions, substitute its decision for that of the Development Authority.