



APPLYING FOR A DEVELOPMENT PERMIT

**A GENERAL GUIDE TO THE DEVELOPMENT PERMIT
PROCESS**



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1.0 PURPOSE

This document has been designed to assist you in applying for a Development Permit within the Village of Linden. The intent is to complement information contained in applicable provincial legislation, specifically the *Municipal Government Act* and the Village of Linden *Land Use Bylaw*.

2.0 WHEN IS A DEVELOPMENT PERMIT REQUIRED?

A Development Permit is needed for most new construction and/or changes of use. Development permits within the Village of Linden are governed by the *Municipal Government Act (Part 17 – Division 5 Land Use)* and the *Land Use Bylaw*, whereby the Development Officer or Municipal Planning Commission (MPC) is authorized as the Development Authority. It is not necessary to obtain a Development Permit prior to commencement of the following developments provided that the development complies with the applicable provisions and requirements of the Village of Linden *Land Use Bylaw* - *check the Land Use Bylaw or speak to the Development Officer for further clarification*) for:

- fences
- walls
- gates
- parking pads
- sheds (does not exceed 100 sq ft or 9.3 m²)



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 Development Authority is the Development Officer and/or the Municipal Planning Commission (MPC).

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* for that site. Uses identified in each land use District 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 Village 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 Village, and the permit

may not be approved. Section 642 (2) of the Act indicates that a municipality may issue a development permit with or without conditions, 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 requested to arrange a pre-application meeting with the Village Planning and Development staff. **Note that this meeting is mandatory in order to review application requirements prior to submission and to ensure a timely process.** To arrange such a meeting, please call 403-546-3888. 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?

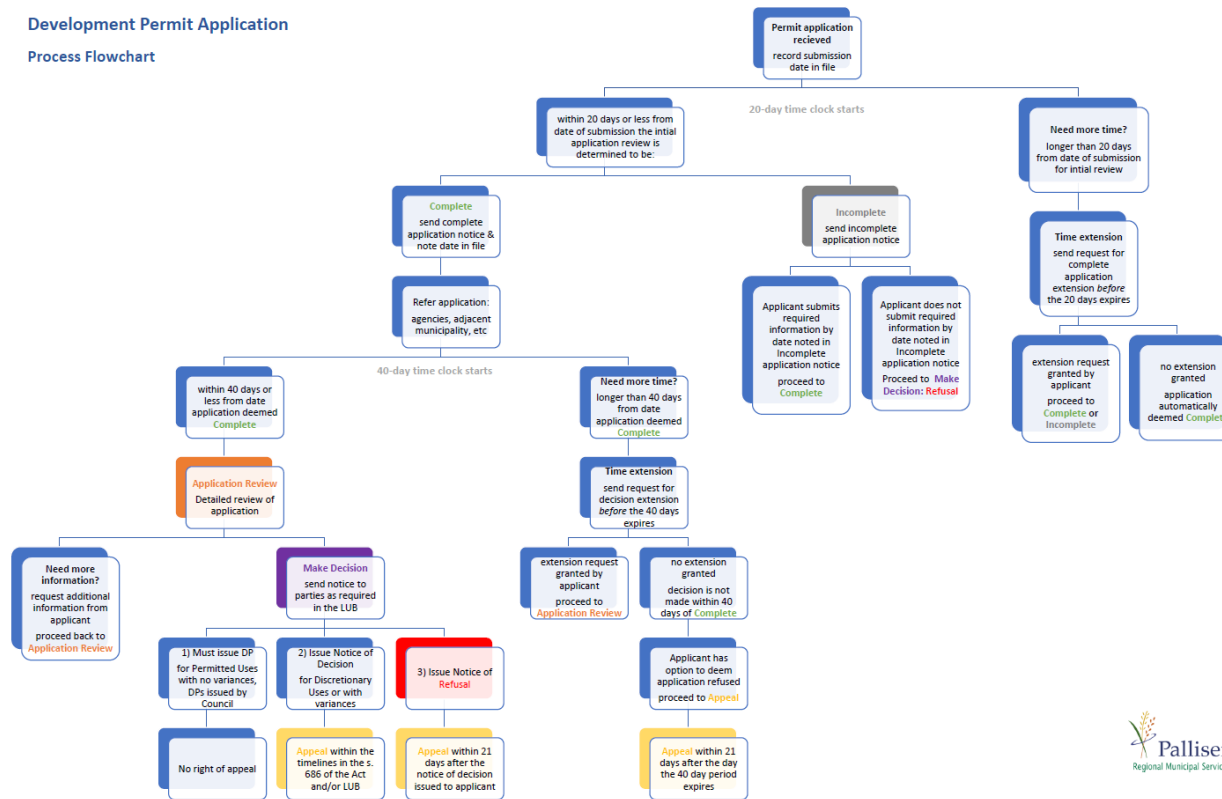
The process from pre-application to decision is summarized in the chart, on the following page.

5.0 DEVELOPMENT PERMIT (WHAT IS NEEDED)?

The Village 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 (available from the Village Office). **Note that incomplete applications will not be accepted by the Village 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 Village Office), payable to the Village of Linden;
- Current Certificate of Title of subject lands (no older than 30 days);

**Development Permit Application
Process Flowchart**



Two copies 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 staff in the Village Administration or other agencies for feedback (e.g. on issues such as traffic and access, utility requirements, etc.).



There is no statutory obligation on the development authority to conduct a hearing on development permit applications. Some municipalities post sites with a notice if their land use bylaw specifies this is



a requirement. This notice must be posted no less than seven days prior to the development authority's decision. Any objections that are raised as a result of the notice posting are to be taken into account.

7.0 WHO MAKES THE DECISION ON MY APPLICATION?

Municipal Planning Commission/Development Officer:

After the review of the application by the Village Administration and other interested agencies is complete, the development permit will have a decision rendered on it by the Municipal Planning Commission (discretionary use, relocation of buildings) or the Development Officer (permitted use).



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 21 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 Village 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 Village office. Note that the time extension can be requested by the applicant or by Village administration.

The development authority may give notice of the decision by advertisement in a local newspaper (discretionary) and/or mailing the notice to owners of property in the immediate area; however, this is left to the discretion of Council.



Conditional Approval

If an application for a development permit is approved by the Development Officer or Municipal Planning Commission, a letter outlining the conditions of the approval is provided to the applicant. All decisions on a development permit application by the Municipal Planning Commission are subject to a 21 day appeal period, commencing on the date of the decision.

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 proposed a variance to one or more regulations of the Land Use Bylaw, a 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 Village 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 a 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 Development Appeal Board within 21 days of receipt of the written decision of the Development Officer or Commission.

Any member of the public who feels they are affected by a development permit approval may also file an appeal against the decision of the Development Officer or the Municipal Planning Commission. The appeal must be filed with the Development Appeal Board within 21 days of the decision of the Development Officer. A Notice of Appeal Form can be requested from the Village Office.

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 Alberta Building Code. Construction on a site cannot begin until the applicable building, electrical, gas, and plumbing permits have been obtained. Applicants should contact the Village Office for more information on these permits. These permits are issued by Palliser Regional Municipal Services – www.palliserservices.ca/safety-codes-forms.

