

Part 4: Application

4. Development Application Submission

4.1 General Conditions

1. For the purposes of this bylaw, applications for a development permit are not deemed received until the applicant has:
 - a. submitted all information required pursuant to Sections 4.2, 4.3 and 4.4 of this bylaw;
 - b. submitted any information specifically required pursuant to the regulations of the applicable Land Use Classification under Part 6 or other information required under Part 7 or Part 8 of this bylaw; and
 - c. paid the appropriate development permit application fee as set pursuant to Section 3.11 of this bylaw.
2. Notwithstanding clause (1) above, the Development Officer may consider an application if, the development is of such a nature as to enable a decision to be made on the application without all of the information required in this Section.
3. The Development Officer may require an applicant to submit such additional information, as they consider necessary to verify the compliance of the proposed Use or development with the regulations of this bylaw.
4. The approval of any application, drawing, or the issuing of a development permit shall not prevent the Development Officer from thereafter requiring the correction of errors, nor from prohibiting the development being carried out when the same is in violation of this bylaw.
5. In the event of a discrepancy between any written description and the drawings, the written description shall prevail.
6. Where an application for a development permit is determined to contain incorrect information, no development permit shall be issued until such information is corrected. Any development permit issued on the basis of incorrect information contained in the application shall be invalid.

7. Unless otherwise specified in this bylaw, all drawings submitted shall be drawn on substantial standard drafting material or submitted electronically to a scale of not less than 1:100 or such other scale as the Development Officer may approve, and shall be fully dimensioned, accurately figured, explicit and complete.

4.2 Development Permit Applications

1. An application for a development permit shall be accurately completed and be submitted either on the appropriate form or in an electronic format satisfactory to the Development Officer and include:
 - a. the municipal address of the site;
 - b. a legal description of the site on which the proposed development is proposed to occur;
 - c. the property owner's name, address, daytime phone number, and if applicable, fax number, cell phone number and email address;
 - d. the applicant's name, address, daytime phone number, interest in the proposed development, and if applicable, fax number, cell phone number and email address;
 - e. the owner's signature or a letter authorizing the applicant to apply for the proposed development;
 - f. the applicant's signature;
 - g. payment of the prescribed application fee;
 - h. the existing use(s) of the site;
 - i. the proposed use(s) pursuant to the application;
 - j. the Land Use Classification of the subject site;
 - k. the estimated market value of the proposed development;
 - l. and for permit applications other than a change in use class of an existing structure the applicant must include a detailed site plan, to the satisfaction of the Development Officer showing any or all of the following:
 - i. the north point;

- ii. the scale of the plan;
- iii. the legal description of the site;
- iv. the location of all easements registered on the site;
- v. the location of any existing structures on the site;
- vi. the location of the proposed development relative to the boundaries of the site;
- vii. the location, grade elevations, and style of existing and proposed curbs, sidewalks and medians on or adjacent to the site;
- viii. the grades and location of the adjacent streets and lanes;
- ix. the floor area of the proposed development, in square metres;
- x. the site area, in square metres;
- xi. the area of the site covered by buildings, in square metres;
- xii. the height of the proposed development, in metres;
- xiii. the number of floors or storeys of the proposed development;
- xiv. the proposed finish floor elevation(s);
- xv. the proposed finish grade elevations, at each corner of the building, each corner of the lot, and at points along the property lines where direction of surface drainage flow changes and drainage direction;
- xvi. the proposed bottom of footing grade elevation;
- xvii. the approved neighbourhood geodetic grade elevations for the site;
- xviii. the general location of all existing water service, sanitary sewer service, and storm sewer service connections to the site;
- xix. the location of any proposed new water service, sanitary sewer service, and storm sewer service connections to the site;
- xx. the distance to the nearest fire hydrant to the site;

- xxi. the location of any existing boulevard trees adjacent to the site;
- xxii. the location of all existing and proposed driveways;
- xxiii. the on site parking and loading requirement calculations;
- xxiv. the location and grade elevations of all proposed on site parking and loading facilities;
- xxv. the location of commercial garbage container placement areas.
- xxvi. two set of plans or electronic submission of plans satisfactory to the Development Officer showing floor plans, building elevations and if deemed required by the Development Officer a perspective relationship of the proposed development to the adjacent buildings;
- xxvii. a plan showing fire routes and lanes;

2. For comprehensive developments, if deemed necessary by the Development Officer, the applicant may be required to submit some or all of the following each completed by an appropriate professional:
 - a. a Traffic Impact Assessment Study;
 - b. a Storm Water Management Plan;
 - c. an Environmental Impact Assessment;
 - d. an Environmental Report;
 - e. a Topographical Survey;
 - f. a Geotechnical Engineering Report;
 - g. a Detailed Site Landscaping Plan;
 - h. a Utility Impact Assessment; and/or,
 - i. any other pertinent information or tests required by the Development Officer respecting the site or other lands in the vicinity.

3. Applications for Cannabis Retail uses must be accompanied by:

- a. Proof of compliance with the Cannabis Retail Specific Use Regulation 8.33; and
- b. Proof of an application to the Alberta Gaming and Liquor Commission (AGLC).

4.3 Discretionary Use Permits

1. In addition to the information required in Section 4.2, for development applications for a use(s) listed in the District Regulations as a Discretionary Use, other than a building style, the applicant shall include a letter clearly describing the nature of the proposed use(s) in order to determine proper classification.
2. In addition to the information required in Section 4.2, for development applications for requiring a variance to be issued the applicant shall provide a letter requesting the Development Officer to consider the variance including the reasons the applicant feels the requested variance is suited to the site; and, photographs, as evidence, of adjacent properties.

4.4 Sign Development Permit Applications

1. Applications for all signs shall include the following information in duplicate and the appropriate application form shall be fully and accurately completed:
 - a. the municipal address of the land or building where the sign is to be erected, if any;
 - b. the legal description of the land on which the proposed sign is to be erected;
 - c. the zoning classification of the land on which the proposed sign is to be erected;
 - d. the applicant's name, address, telephone number and interest in the land;
 - e. the landowners name, address, telephone number;
 - f. the name of the advertised business or development where the sign is to be erected;
 - g. whether the development where the sign is to be erected is a single occupancy or multiple occupancy development;

- h. a letter from the owner of the property on which the sign is to be erected, or their agent, authorizing the applicant's sign development application;
 - i. the name of the company the sign is to be installed or erected by;
 - j. the party responsible for compliance with the regulations;
 - k. the type of sign as defined in these regulations;
 - l. the detailed dimensions of the sign;
 - m. the wording to be placed on the sign;
 - n. the distances from all roads, intersections, driveways, property lines and other signs;
 - o. and if deemed required by the Development Authority, detailed site plans showing:
 - i. the overall dimensions of the sign, including all sign boxes and cabinets;
 - ii. a description or illustration of the copy to be displayed on the sign;
 - iii. the method of illumination (if any), including the use of animation;
 - iv. the materials from which the sign is to be constructed;
 - v. the method used to support the sign;
 - vi. the dimensions of any changeable copy panels;
 - vii. any rotating parts of the sign;
 - viii. the total height of the sign above grade; and
2. Applications for off-site freestanding signs shall include the following additional information:
- a. a photograph that shows the entire frontage of the site where the sign is proposed; and
 - b. a site plan showing:

- i. a north arrow;
- ii. the curb line, property line and location of any existing or proposed buildings;
- iii. the perpendicular distance from curb line to property line;
- iv. the perpendicular distance from property line to building;
- v. the location of the proposed sign on the site;
- vi. the location of any existing freestanding signs on the site, and whether such sign shall be replaced by the proposed sign;
- vii. the length of the frontage of the site where the sign is to be erected;
- viii. the horizontal separation distance between the proposed sign and other freestanding signs located on the site; and
- ix. for off-site signs, the horizontal distance from the proposed sign to the nearest existing off-site sign.

4.5 Decisions

4.5.1 Conditions Attached to Development Permit

1. The Development Officer may only impose conditions on the approval of a permitted development if the power to do so is clearly specified elsewhere in this bylaw. Nothing in this Section prevents a Development Officer from identifying on the development permit certain sections of this bylaw that the applicant would have to comply with in any event.
2. If an applicant applies for a development permit for a structure or a use that is intended to be temporary or that is inherently temporary, the Development Officer may impose conditions limiting the duration of the validity of the development permit. The Development Officer may exercise this power to add conditions to permitted and discretionary uses.
3. The Development Officer may, with respect to a discretionary development or a development in a Direct Control Provision, impose such conditions, as they deem appropriate, having regard to the regulations of this bylaw and the provisions of any Statutory Plan.

4. The Development Officer may, as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of water, electric power, sewer service, vehicular and pedestrian access, or any of them, including payment of the costs of installation or constructing any such utility or facility by the applicant.
5. The Development Officer may, as a condition of issuing a development permit require that an applicant enter into an agreement, which shall be attached to and form part of such development permit, to do all or any of the following:
 - a. to construct, or pay for the construction of, a public roadway required to give access to the development;
 - b. to construct or pay for the construction of:
 - i. a pedestrian walkway system to serve the development; or
 - ii. pedestrian walkways that will connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves, or is proposed to serve, an adjacent development, or both;
 - c. to specify the location and number of vehicular and pedestrian access points to sites from public roadways;
 - d. to install, or pay for the installation of, utilities that are necessary to serve the development;
 - e. to construct or pay for the construction of, off-street or other parking facilities, or loading and unloading facilities; or
 - f. to repair or reinstate, or to pay for the repair or reinstatement, to original condition, any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by development or building operations upon the site.
6. The Development Officer may, as a condition of issuing a development permit, require that an applicant enter into an agreement in a form satisfactory to the City, to pay an off-site levy or redevelopment levy, or both, imposed by a bylaw pursuant to the Act.
7. If an applicant applies for a development permit for a structure that encroaches on City owned property, the Development Officer may impose conditions requiring the applicant to mitigate the impact of the

encroachment, including compensation, indemnities, insurance and a duty to remove the encroaching structure on receipt of notice. If the Development Officer does not impose such a condition on an encroaching structure, this shall not be construed as granting the applicant a right to encroach and the applicant may require a separate encroachment agreement.

8. The Development Officer may require any agreement entered into pursuant to clauses (4) and (5) above to be filed against the title to the site at the Land Titles Office.
9. Proof of an application to the Alberta Gaming and Liquor Commission (AGLC).

4.5.2 Deemed Refusals

1. An application for a development permit is, at the option of the applicant, deemed to be refused if the decision of the Development Officer has not been made within forty (40) days of the receipt of the application unless the applicant has entered into an agreement with the Development Officer to extend the forty (40) day period.
2. The applicant may request confirmation in writing from the Development Officer that their application has been received.
3. If a subdivision authority fails or refuses to make a decision on an application for subdivision approval within the time prescribed in the subdivision and development regulations, the applicant may, within fourteen (14) days after the expiration of the time frame prescribed;
 - a. treat the application as refused and appeal it in accordance with Part 5; or,
 - b. enter into an agreement with the subdivision authority to extend the time prescribed in the subdivision and development regulations.

4.5.3 Validity of Development Permit

General Provisions

1. When an application for a development permit has been approved by the Development Officer, the development permit shall not be valid unless and until:
 - a. any conditions of approval have been fulfilled; and
 - b. no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the required time period.
2. When an application for a development permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until:
 - a. the Board has provided a written decision to the applicant that the permit application has been approved; and
 - b. any conditions of approval have been fulfilled.
3. The Development Officer shall suspend the development permit issued by the Subdivision and Development Appeal Board.
4. The development permit issued by the Subdivision and Development Appeal Board and suspended pursuant to the Act, remains suspended until:
 - a. the Alberta Court of Appeal denies leave to appeal and any appeal from that denial has been finally determined; or
 - b. the Alberta Court of Appeal has granted leave to appeal, heard the appeal on the merits, made its decision, and any appeal to the Supreme Court of Canada from that determination by the Alberta Court of Appeal has been finally determined.

4.5.4 Resubmission Interval

1. An application for a development permit for a use within the same use class of this bylaw, shall not be accepted by the Development Officer from the same or any other applicant for the same site:
 - a. within six (6) months of the date of a refusal by the Development Officer; or

- b. within six (6) months of the date of a written decision of the Subdivision and Development Appeal Board on a previous application, if the previous application was appealed to, and subsequently refused by, the Subdivision and Development Appeal Board; or
 - c. within six (6) months of the date of a written decision of the Alberta Court of Appeal on the previous application if the application has been appealed to the Alberta Court of Appeal; or
 - d. during the time prior to the decision of the Subdivision and Development Appeal Board or the Alberta Court of Appeal, if the application has been appealed to the Subdivision and Development Appeal Board or the Alberta Court of Appeal.
2. Subsection 4.5.4(1) shall not apply in the case of an Application for a development permit for a permitted use if the application complies with all the regulations of this bylaw.
3. If upon review of any application for a development permit, the Development Officer determines that Subsection 4.5.4(1) applies, then the application shall be returned to the applicant, along with any fees that have been submitted. The application shall not be considered as having been refused, but shall be deemed not to have been submitted.
4. Notwithstanding Subsection 4.5.4(1) above, if two (2) or more development permit applications for the same use class on the same site have been refused by the Development Officer, the Subdivision and Development Appeal Board, the Alberta Court of Appeal, or any combination of the above, the third and any subsequent development permit application for that use class on that site shall not be accepted by the Development Officer until one year from the date of the most recent refusal, unless that application is for a permitted use and complies in all respects with the Land Use Classification.

4.5.5 Expiry of Permit

1. A development permit shall expire and shall no longer be valid after one (1) year from the date of approval of the permit, if no construction has been initiated. Construction includes, but is not limited to, site surface preparation or excavation. Furthermore:

- a. work such as engineering studies, geotechnical investigations, site surveys, soils analysis, environmental assessment and the like shall not be considered as construction in the context of this Subsection; and
 - b. in the case of a change of use within an existing structure, where no significant construction or reconstruction is necessary, the applicant shall have the new Use in operation within one (1) year of the approval of the development permit.
2. Notwithstanding clause (1) above, if a building permit is issued for the development within the twelve (12) month period, the development permit issued therefore shall not lapse unless and until the building permit so issued is cancelled or allowed to lapse by virtue of work not having commenced within the statutory minimum period.
3. Where a development permit is issued for a site where any other development permit has been approved, all previous permits shall be invalid if the physical aspects of the development conflict, or both could not occur simultaneously upon the site, in conformity with the regulations of this bylaw.
4. Notwithstanding Subsection 4.5.5 time shall not run during an appeal of the development permit to the Subdivision and Development Appeal Board and any consequent court proceedings until:
 - a. the Subdivision and Development Appeal Board has issued a written decision of its approval of the development permit and there is no appeal from this decision of the Subdivision and Development Appeal Board; or
 - b. the Alberta Court of Appeal denies leave to appeal and any appeal from that denial has been fully determined; or
 - c. the Alberta Court of Appeal has granted leave to appeal, heard the appeal on the merits, made its decision, and any appeal to the Supreme Court of Canada from that determination by the Alberta Court of Appeal has been finally determined.

4.6 Notification

4.6.1 Notification of Issuance of Development Permits

1. For permitted use permits, where no variance has been granted, the Development Officer requires no notification of issuance, other than to each assessed owner of the site and the permit applicant.

2. Within seven (7) days of the issuance of a development permit for discretionary use permits issued by the Development Officer, or permits issued pursuant to Section 3.5 by the Development Officer;
 - a. the Development Officer shall send notice by regular mail to:
 - i. each assessed owner of the site or a part of the site of the development;
 - ii. each assessed owner of land, wholly or partly within a distance of 76m of the boundary of the site;
 - b. the notice shall include, but not be limited to:
 - i. the development permit number;
 - ii. the legal description and civic address of the site;
 - iii. a description of the proposed development or use for the site;
 - iv. the permit application date and permit issuance date;
 - v. the conditions of approval for the permit;
 - vi. the appeal deadline;
 - vii. the name and office phone number of the Development Officer,
 - viii. the office address and hours where the development permit file may be reviewed;
 - ix. the right of appeal; and
 - x. the appeal initiation procedure.
3. During any cessation of ordinary mail delivery, the written notice described above shall be given by such other alternative means as the Development Officer may specify.
4. The Development Officer at their sole discretion may, if they deem necessary, notify other owners beyond the 76m distance from the site.

4.6.2 Notification of Refusals of Development Permits

1. Where the Development Officer has reviewed a development permit application and has chosen to refuse the application the Development

Officer shall send notice by regular mail to the development permit applicant and to each owner of the site or a part of the site of the proposed development.

2. The notice shall include, but not be limited to:
 - a. the development permit application number;
 - b. the legal description and civic address of the proposed site;
 - c. a description of the proposed development or use for the site;
 - d. include the permit application date and permit refusal date;
 - e. the reasons for the refusal of the application;
 - f. the decision appeal deadline;
 - g. the name and office phone number of the Development Officer,
 - h. the office address and hours where the development permit file may be reviewed;
 - i. the right of appeal; and
 - j. the appeal initiation procedure.

4.6.3 Notification of Applications of Direct Control Development Permit Applications

1. An application for a development permit in respect of development of land or a building in a Direct Control District shall require that each assessed owner of land within 76m of the site, or such greater distance as determined by the Development Authority, shall be given notice of the application by regular mail or be delivered in person by the Development Officer.
2. Further to Subsection (1), the Development Authority may also determine that other owners of land or persons may be affected by the proposed development and shall give notice of the application by mail or in person.
3. The above-mentioned notice shall state:
 - a. the proposed use of the building or site;

- b. the location of the property (both legal and street address, if available) for which the application has been made;
- c. a method whereby public opinion can be received by City Council with respect to the application; and
- d. that comments on the application are requested within six (6) days of the date of the delivery of the notice, or such greater time as determined by the Development Authority.