
SECTION 3

DEVELOPMENT PERMITS RULES AND PROCEDURES

3.1 Control of Development

- (1) No development other than that indicated in Section 3.3 of this Bylaw shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.
- (2) No person shall perform any work differing from or enlarging any of the work for which a development permit has been issued.
- (3) If during the process of the work the applicant desires to deviate in any way from the terms of the original approved development permit, he shall notify the Development Authority and submit amended drawings, and if necessary, make application to the Development Authority for approval of the plan as amended.
- (4) No owner or developer shall assign addressing for a development. The Development Authority, at completion or near completion shall assign the civic address for each building, dwelling, unit or units. The Development Authority shall notify the postal service of the assigned addressing. Every residence shall have its house number clearly displayed near the front door entrance. The numbers shall be easily visible from the street and shall be a minimum of 100 millimetres tall.
- (5) In addition to the requirements of this Bylaw, an application must comply with any and all federal, provincial and municipal legislation including the requirements of a Development Permit or a Development Agreement. The applicant / landowner must also comply with the conditions of any easement, right-of-way or covenant that affects the development or subdivision; except where provisions of this Bylaw are not met, this Bylaw shall take precedence.
- (6) No person(s) shall be allowed to develop, construct, fence, park or store goods on any road allowances or undeveloped road allowances, berms or any other provincial or municipal lands, unless special provisions are made by a motion of council.

3.2 Restrictive Covenants

A landowner's restrictive covenant (registered) is not a planning document, nor is it required to be reviewed, approved or enforced by the municipality. A restrictive covenant shall not authorize, or grant variances to this bylaw or any other provincial legislation and municipal bylaws.

- (1) Council may impose conditions on land or a portion of the lands by registering a restrictive covenant through *Land Titles* to register easements, right-of-ways, and/ or other provincial or municipal legislation particularly affecting any lands or portion of lands;
- (2) A landowner/ developer may register a restrictive covenant to protect and maintain the characteristics of the subdivision or development area or a portion of lands based on exterior building materials, landscaping, building floor area and other cosmetic characteristics.

3.3 Development Not Requiring a Development Permit

The following development shall not require a development permit:

- (1) The carrying out of works of maintenance, repair, or renovation to any building, provided that such works do not include structural alterations or any development that would compromise safety codes or cause safety concerns;
- (2) The completion of a building which was lawfully under construction at the date of approval of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of said approval;
- (3) The use of any such buildings as referred to in subsection (2) for the purpose for which construction was commenced;
- (4) The construction, completion, alteration, maintenance, or repair of public works, public services, and public utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled;
- (5) The construction, completion, alteration, maintenance or repair of a road, lane or utility, undertaken upon a road right-of-way, utility easement or other lands or undertaken to connect the same with any lawful use of buildings or land;
- (6) The erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw, provided the temporary building or sign is removed within thirty (30) days of substantial completion or as determined by the Development Authority;

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- (7) The erection of campaign signs for federal, provincial, municipal, school board or other public elections on privately-owned lots for no more than thirty (30) days, or such time as regulated under provincial or federal legislation provided that:
 - (a) such signs are removed within three (3) days after the election date;
 - (b) such signs do not obstruct or impair vision or traffic; and
 - (c) such signs are not attached to fences, trees, or utility poles;
 - (d) such signs shall not be larger than 0.50 m^2 (5.4 ft^2) in area.
 - (8) The placement of one (1) sign on internal sites, or two (2) signs on corner sites advertising a residential property for sale or rent displayed on the property to which it (or they) pertain(s) during the time the property is being offered for sale, with removal to be within one (1) day after the sale or rental agreement has been entered into, provided that such signs are a maximum of 0.6 m^2 (6.5 ft^2) in area and provided further that such signs are placed or erected no closer than 3.0 m (9.8 ft) to a road right-of-way;
 - (9) The placement of signs in Commercial or Industrial Districts provided they are inside the window or inside the building;
 - (10) The placement of a portable sign on a site provided that the requirements of Section 1 of Part Three, of this Bylaw are satisfied;
 - (11) Hard-surfacing of any yard area in a Residential District for the purpose of providing vehicular access from a road to an on-site parking space, provided that such hard-surfacing does not exceed 8.0 m (26 ft) in width. All hard surfacing shall have proper drainage slopes to the satisfaction of the Development Authority.
 - (12) Accessory buildings that are accessory to a dwelling which are less than 10.0 m^2 (107.6 ft^2) in size, unless the accessory building does not meet the minimum distance requirements outlined in Section 2 of Part Two of this Bylaw;
 - (13) A patio in a Residential District that meets the minimum required yard requirements outlined in Section 2 of Part Two of this Bylaw;
 - (14) Development within a basement of a dwelling which does not change or add to the uses within the dwelling, excluding the development of a bedroom;
 - (15) Boarding and foster care within a dwelling unit, provided the use, in the opinion of the Development Authority, is not a boarding and lodging house, a day home, a day care facility, a group home, a family care facility, or a group care facility;
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- (16) The erection of satellite dishes with a diameter of 0.80 m (2.62 ft) or less;
 - (17) Extensive agriculture on lots 8 Hectares (20 acres) or more in area in an Urban Reserve (UR) District;
 - (18) Landscaping where the proposed grades will not adversely affect the subject or adjacent properties, except where landscaping forms part of a development which requires a development permit; and
 - (19) The demolition or removal of any building or structure for the erection of which a development permit would not be required pursuant to subsections (4) through (19) above, both inclusive.

3.4 Non-Conforming Buildings and Uses

- (1) As stated in the *Municipal Government Act*, in Section 643, If a development permit has been issued on or before the day on which this Land Use Bylaw or an amendment thereto comes into effect, and the Bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the Bylaw or the amendment.
- (2) A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform to this Bylaw.
- (3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- (4) A non-conforming use of part of a lot or site may not be exceeded or transferred in whole or in part to any other part of the lot or site except by approval of the Development Authority.
- (5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
 - (a) to make it a conforming building; or
 - (b) for the routine maintenance of the building, if the Development Authority considers it necessary.

- (6) If a non-conforming building is damaged or destroyed to the extent of more than 75% per cent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
- (7) The land use or the use of a building is not affected by a change of ownership or tenancy, of the land or building.

3.5 Compliance Certificate

- (1) The Development Authority may at its discretion, issue a certification of compliance, upon request, for properties within the Town of Vegreville. All requests shall be accompanied by an original Real Property Report (RPR) signed by a certified professional land surveyor, a copy of the current Land Title and the fee established by Council. The Real Property Report shall be no older than one (1) year from the date of the survey.
- (2) Real Property Report's exceeding the one (1) year may be accepted for review and shall be accompanied by a sworn Statutory Declaration indicating that no additional buildings or structures have been added to the parcel since the date of the survey.

3.6 Encroachments

Any encroachment must be authorized by a development permit. If approval is granted for the encroachment, the property owner must enter into an encroachment agreement with the Town and shall be registered on the property's title. All applicable fees, costs, liabilities and any other risks associated with an authorized encroachment shall be borne by the property owner.

- (1) Encroachments onto reserves, municipal reserves, public utility lots/ lanes, environmental reserves, school reserves, municipal and school reserves shall not be permitted in accordance with the *Municipal Government Act*;
- (2) Encroachments onto Public lands such as roads, boulevards and lanes may be permitted, at the discretion of the Development Authority on a case-by-case basis.
- (3) In the case, where a public utility is located directly on a property line and interferes with the placement of a fence, the Development Authority may authorize an encroachment onto public lands.
- (4) Encroachments which are not authorized by the Town shall be removed at the expense of the property owner. If an encroachment is unauthorized or refused, the Town may take action to remove the encroachment and seek

reimbursement from the property owner for all such costs in accordance with the *Municipal Government Act*;

- (5) An authorized encroachment does not relieve an owner from the responsibility to comply with all applicable federal, provincial and municipal statutes, regulations, orders, bylaws and policies.
- (6) A property owner may appeal the refusal of an encroachment in writing to the Subdivision and Development Appeal Board.

3.7 Development Permit Applications

- (1) An application for a development permit shall be made to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
 - (a) a site plan in duplicate showing:
 - (i) north arrow and scale indicated. Legal description and street address;
 - (ii) the boundaries of the site including any lots that may make up the site;
 - (iii) all of the existing and proposed buildings on the site;
 - (iv) the front, rear, and side yards, if any;
 - (v) any provision for off-street loading, vehicle standing, and parking areas; and
 - (vi) access and egress points to the site;
 - (b) proposed uses;
 - (c) ownership of the land and the interest of the applicant therein.
 - (d) floor plans and elevations
 - (e) any such other information as may be required by the Development Authority.
- (2) Each application for a development permit shall be accompanied by a fee as established in the Planning and Development Departments Fees and Charges

Bylaw passed by Council and may be amended from time to time by resolution of Council.

- (3) The Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include:
- (a) the location of existing and proposed municipal and private storm and sanitary sewage collection and disposal, and water supply and distribution utilities, landscaped areas and buffering and screening;
 - (b) the height and horizontal dimensions of all existing and proposed buildings;
 - (c) outlines of roof overhangs on all buildings;
 - (d) existing and proposed grades on the site and on adjacent sites, roads and lanes;
 - (e) floor plans, elevations and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;
 - (f) landscaping plans, including the location of existing and proposed trees, shrubs, grassed areas, fences, screenings, and outdoor furniture on the site and on adjacent boulevards within road rights-of-way;
 - (g) drainage plans;
 - (h) in a Residential District, the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
 - (i) future development plans for a site which is to be partially developed through the applicable development permit;
 - (j) in the case of a proposed home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week;
 - (k) in the case of the placement of an already constructed or partially constructed building on a site, information relating to the age and condition of the building and its compatibility with the District in which it is to be located, including photographs of the building;

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- (l) any other information or tests required by the Development Authority, at his sole discretion, respecting the site or adjacent lands, including an environmental screening of the site;
 - (m) a statutory declaration indicating that the information supplied is accurate; and
 - (n) other pertinent information or tests required by the Development Authority and produced by a qualified registered professional that may include:
 - (i) a geotechnical report to determine potential hazardous or unstable areas;
 - (ii) a biophysical assessment to determine impacts on sensitive or important ecosystems;
 - (iii) a hydrogeological report to determine impacts on watersheds and aquifers;
 - (iv) a site grading plan;
 - (v) an environmental site assessment to determine potential contamination and mitigation;
 - (vi) an environmental impact assessment to determine potential environmental effects;
 - (vii) a landscaping plan showing proposed surface improvements;
 - (viii) a stormwater management plan;
 - (ix) a floodplain management plan;
 - (x) Area Structure Plan; or
 - (xi) any other information deemed necessary by the Development Authority to adequately assess the proposal.
- (4) Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority may refuse to accept an application for a development permit where, in the sole opinion, the information supplied by the applicant in accordance with Subsections (1) and (3) hereof is insufficient or of insufficient quality to properly evaluate the application. If this is the case, the Development Authority shall notify the applicant in writing of any deficiencies in the

application. The time period for consideration of a development permit application shall not commence until the Development Authority is satisfied, in the sole opinion, that the development permit application is complete.

- (5) Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority may make a decision on a development permit application without all of the information required by Subsections (1) and (3) hereof or where, in the sole opinion, the information supplied by the applicant is sufficient to properly evaluate the application.
- (6) In making a decision on a Permitted or Discretionary Use, the Development Authority may impose conditions it considers appropriate, either on a permanent basis or for a limited time period, in order to approve a development permit application.
- (7) The Development Authority may impose any conditions it deems appropriate to ensure compatibility with the amenities of the neighbourhood and the use, enjoyment and value of neighbouring parcels of land, including but not limited to the following:
 - (a) the applicant must comply with all provisions of this Bylaw and all other municipal Bylaws and policies;
 - (b) a building permit must be obtained prior to construction and the structure must comply with all other provincial regulations;
 - (c) confirmation of Alberta Environmental approval;
 - (d) all primary and secondary utility locates are the responsibility of the developer and making suitable arrangements for services and/or necessary easements;
 - (e) ensure final grading is adequate to direct surface water to drain to municipal lands;
 - (f) installation and/ or removal of all services is the responsibility of the owner, including location, depth, elevation and existence of any and all deep services;
 - (g) the proposed development must be constructed and located in accordance with the approved plan;
 - (h) repair any damages to sidewalks, curbs, and all public property if any are damaged during project development;

- (i) any debris scattered on the streets or on private property from any development project shall be the responsibility of the permit holder or owner for the total clean-up within 12 hours;
- (j) contact the Town of Vegreville Public Works Department for a utility inspection prior to backfill of water and sanitary sewer service lines. Prior notification time of a project is a minimum of 24 hours and 1 hour notification for the actual inspection;
- (k) the applicants responsible for ensuring that all development is outside active utility right-of-ways;
- (l) provide confirmation of Alberta Transportation approval for any development influencing/ effecting traffic along Highway 16-A or Secondary 857;
- (m) ensure and provide verification that final grading is adequate to allow for surface water to drain to municipal lands and comply with the provisions outlined in this Bylaw;
- (n) the developer/owner must ensure that 2 weeks prior to construction or excavation that the invert of the main sewer line is confirmed by the contractor/ excavator and utilized in the design process.

3.8 Decision Process and Re-Application

- (1) The Development Authority shall:
 - (a) receive and review all applications for a development permit;
 - (b) refer, to the Council for its consideration and decision, all applications for a development permit in the Direct Control (DC) District, unless otherwise provided for in this Bylaw;
 - (c) consider and decide on all other applications for a development permit.
- (2) In making a decision, the Development Authority may;
 - (a) approve the application unconditionally,
 - (b) approve the application subject to those conditions that are considered appropriate,
 - (c) approve the application permanently or for a limited period of time, or

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- (d) refuse the application.
- (3) In making a decision within a Direct Control (DC) District, the Council may
- (a) approve the application unconditionally,
 - (b) approve the application subject to those conditions Council considers appropriate,
 - (c) approve the application permanently or for a limited period of time,
 - (d) refuse the application, or
 - (e) return the application to the Development Authority for decision, in which case the Development Authority shall act in accordance with Subsection (3) hereof.
- (4) The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement with the municipality
- (a) to construct or pay for the construction of a road 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;
 - (ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development;
 - (iii) or both.
 - (c) to install or pay for the installation of public utilities or works deep and shallow services and street lighting, that are necessary to serve the development;
 - (d) to construct or pay for the construction of:
 - (i) off-street or other parking facilities; and
 - (ii) loading and unloading facilities;
 - (e) to pay an off-site levy; and/or
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- (f) to give security to ensure that the terms of the agreement are carried out.
- (5) The Development Authority may require that as a condition of issuing a development permit, the applicant undertake construction in accordance with and complete the site plans, landscaping plans, drainage plans, and grading plans submitted, and undertake any remedial measures recommended or required by any engineering or environmental screening reports provided to the Development Authority during the development permit application process.
- (6) The erection of a building on any site may be prohibited where it would otherwise be allowed under this Bylaw when, in the opinion of the Development Authority, satisfactory arrangements have not been made by the developer for the supply of required improvements as specified under Subsection (4)(a-f), including payment of the costs of installing or constructing any such facilities by the developer.
- (7) In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for a particular District in Part Two.
- (8) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) calendar days after receipt of the application by the Development Authority unless the applicant has entered into a written agreement with the Development Authority to extend the forty (40) calendar day period. The person claiming to be affected may appeal in writing as provided for in Section 4 Part One of this Bylaw as though he has received a refusal at the end of the forty (40) day period or any agreed-to extension thereof as specified in this Subsection.
- (9) In the case where an application for a development permit has been refused pursuant to this Section or ultimately after appeal pursuant to Section Four of this Bylaw, at the discretion, the Development Authority may or may not accept the submission of another application for a permit on the same parcel of land and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal.
- (10) Notwithstanding any other provisions of this Bylaw to the contrary, if the Development Authority discovers that a decision made on a development permit application was either:
- (a) incorrect, that is, not in compliance with the provisions and requirements of this Bylaw; or
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- (b) based on information which was subsequently determined to be incorrect or misunderstood by the Development Authority.
 - (c) The Development Authority may rescind the approval of the development permit. In such a circumstance, the appeal period provided for under Section 4 of Part One of this Bylaw begins from the date the applicant is advised that the permit approval has been rescinded.
- (11) If the development authorized by a permit is not commenced within six (6) months from the date of the issue and completed within twelve (12) months of the date of the issue of the development permit, the permit is deemed to be void, unless an extension to this period is granted in writing by the Development Authority.
- (12) Where an application for a development permit is submitted whereby the development would occur in stages over a time period exceeding twelve (12) months, the Development Authority may:
- (a) issue a permit for the entire development upon submission of satisfactory information as to the proposed staging and corresponding time frame of each stage; or
 - (b) notwithstanding Subsection (12) above, extend the permit on a monthly basis up to a maximum period of five (5) years from the original date the permit is approved, provided that:
 - (i) no change in the original development permit application as approved is proposed; and
 - (ii) no significant change in the Land Use Bylaw affecting the development is deemed, in the sole opinion of the Development Authority, to have occurred.
- (13) In the case when municipal services are not available, the Development Authority may issue a Development Permit for a development to be serviced by a private sewer and or water system, only when the systems have been approved by the appropriate Municipal and Provincial Departments, this includes, but is not limited to:
- (a) septic tanks;
 - (b) cisterns;
 - (c) or any type of discharge pump out system.

- (14) When municipal services are available, the owner/ developer must tie into or connect to the municipal sanitary sewer and water lines and is responsible for the location, elevations, distance and slope to connect with all cost to the owner/ developer.

3.9 Development Permits and Notices

- (1) A permit granted pursuant to this Section does not come into effect until fifteen (15) days after the date notification is given of a decision on a development permit as described in Subsection (3) hereof, or until one (1) day after the completion of all conditions of approval for the permit, whichever is later. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) A permit granted pursuant to this Section for a permitted use where the development conforms to all of the regulations of this Bylaw and where the regulations are not to be determined at the discretion of the Development Authority shall come into effect one (1) day after it is issued, or one (1) day after the completion of all conditions of approval for the permit, whichever is the later date.
- (3) Where an appeal is made pursuant to Section 4 of Part One of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
- (4) When a development permit has been issued for discretionary use, the Development Authority may:
 - (a) post a notice of the decision conspicuously on the property for which the application has been made; and/or
 - (b) mail a notice in writing to all owners of land within 60 m (197 ft) of the subject site, and to those other owners of land who, in the sole opinion of the Development Authority, may be affected; and/or
 - (c) publish a notice of the decision in a newspaper circulating in the municipality.
- (5) The notice indicated in Subsection (4) shall state:
 - (a) the legal description and the street address of the site of the proposed development;
 - (b) the uses proposed for the subject development;

- (c) any discretion that was granted in the approval of the development, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the Development Authority when the development permit was approved;
 - (d) the date the development permit was issued; and
 - (e) how an appeal might be made to the Subdivision and Development Appeal Board and the deadline for such appeal.
- (6) When approval of a permit described in subsection (2) above has been given, no notification as described in subsection (4) above shall be done, except at the sole discretion of the Development Authority.
- (7) The decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
- (8) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

3.10 Developer's Responsibility

- (1) A person whom a development permit has been issued shall obtain from the appropriate authority where applicable, authorization relating to safety codes, grades, sewers, water mains, electricity, gas, and highways, and all other permits required in connection with the proposed development.
- (2) The applicant shall be financially responsible during construction for any damage by the applicant, their servants, suppliers, agents or contractors to any public or private property.
- (3) The applicant shall prevent soil or debris from being spilled on public roads, lanes and sidewalks, and shall not place soil or any other materials on adjacent lots without permission in writing from adjacent property owners.
- (4) No building or use shall be used or occupied and no change in the existing occupancy classification of a building shall be made until the developer, proposed user or proposed occupant of said building or use demonstrates that substantial completion, as determined by the Development Authority, has been undertaken.
- (5) A person in receipt of a final inspection report issued pursuant to the Alberta Safety Codes Act is not absolved from complying with or satisfying any conditions or requirements of a development permit or development agreement pursuant to this Bylaw.

- (6) A person in receipt of a development permit issued pursuant to this Bylaw requires the necessary permits issued pursuant to the Alberta Safety Codes Act, some of the regulations/provisions of which may not be consistent with the regulations/provisions of this Bylaw.
- (7) A development permit issued pursuant to this Bylaw does not exempt compliance with health regulations or any other municipal/provincial/federal acts or regulations.
- (8) Transfers:

A development permit is not transferable without the prior consent of:

- (a) the Development Authority; or
- (b) Council, if the permit was issued by Council with respect to development in a Direct Control land use district.