

APPLICATION NO. \_\_\_\_\_

FORM A

**APPLICATION FOR A DEVELOPMENT PERMIT**

Address of Property:		
Lot:	Block:	Registered Plan: or Certificate of Title:
Applicant:		
Address:		
Telephone Number:		
Registered Owner <i>(if different from above)</i> :		
Address:		
Telephone Number:		
Existing Development:		
Proposed Development:		

**(1) Main Building**

Front Yard:	Side Yards:	Rear Yard:
Floor Area:	Height:	Number of Off-street Parking Stalls:

**(2) Accessory Building**

Height:	Side Yards:	Rear Yard:
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Estimated Project Cost:	
Estimated Commencement Date:	
Estimated Completion Date:	

Applicant's Signature: \_\_\_\_\_

Owner's Signature *(if different from above)*: \_\_\_\_\_

Date of Application: \_\_\_\_\_

<b>FOR OFFICE USE ONLY</b>		
Application Fee:		Receipt No.
Date Application Received:		
Land Use District:		

***(This is not a Building Permit Application)***  
**IMPORTANT NOTES ON REVERSE SIDE**

**FORM A (continued)**

Applications shall be accompanied by the following:

- (1) A non-returnable processing fee;
- (2) A scaled site plan in duplicate showing the treatment of landscaped areas (if required), the legal description, the front, rear and side yards (if any), any provision of off-street loading and parking, and driveways;
- (3) Scaled floor plans, elevations and building sections in duplicate; and
- (4) A copy of the Certificate of Title indicating ownership and encumbrances.

***FURTHER INFORMATION MAY ALSO BE REQUIRED***

NOTE:

- (1) The Development Officer may refuse to accept an application for a development permit where the required information is not supplied or where, in his opinion, the quality of the material supplied is inadequate to properly evaluate the application.
- (2) The Development Officer may deal with an application without all of the information required, if he is of the opinion that a decision on the application can be properly made without such information.

CAUTION:

There may be underground installations in or near the proposal. Before commencing construction the applicant or his agent shall investigate the matter and contact the relevant company and/or telephone "Alberta First Call."

## 2.4 PERMISSION FOR DEVELOPMENT

- (1) An application for a development permit shall be made to the Development Authority in writing on the application form provided, and shall:
- (a) be signed by the registered owner or his or her agent where a person other than the owner is authorized by the owner to make application. The correctness of the information supplied shall, when required by the Development Authority, be verified by a Statutory Declaration;
  - (b) state the proposed use or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Authority;
  - (c) at the discretion of the Development Authority and in addition to the application form, include parcel plans in duplicate at a scale satisfactory to the Development Authority, showing any or all of the following:
    - i) north point,
    - ii) legal description of parcel,
    - iii) location of principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided,
    - iv) outlines of the roof overhangs on all buildings,
    - v) front, side and rear yards,
    - vi) the provision of off-street loading and vehicle parking,
    - vii) access and egress points to and from the parcel,
    - viii) the exterior elevations showing height, horizontal dimensions and finishing materials of all buildings, existing and proposed,
    - ix) a parcel grading plan indicating the elevations of the parcel at all corners and the grade at all corners of the proposed development as well as the grades of the adjacent streets, lanes and sewers servicing the parcel,
    - x) storm drainage plan,
    - xi) the location of existing and proposed municipal and private local improvements as well as an estimation of the installation thereof,

- xii) the lowest finished floor elevation in either the basement or main floor in the principal and accessory buildings where applicable,
  - xiii) on a vacant parcel in a residential land use district, the suggested location for a future driveway and garage or carport, if the application itself does not include such building as part of the proposal,
  - xiv) estimated cost of the project, excluding land prices, and
  - xv) any other pertinent information or tests required by the Development Authority respecting the parcel or adjacent lands.
- (2) Each application for a development permit shall be accompanied by a fee as established by Council.
  - (3) The Development Authority may also require with an application for a development permit information prepared by a Professional Engineer describing the potential of a subject site being flooded from a 1:100 year flood event, the potential subsidence or erosion of a subject site, and the ground compaction of a subject site, and further information describing the mitigative measures necessary to eliminate the defined flood, subsidence, erosion hazard or to resolve any ground compaction concerns.
  - (4) The Development Authority may also require a biophysical assessment to assess the impact of a proposed development on the environment or any phase of environmental site assessment to determine the possible contamination of a subject site and the mitigative measures necessary to eliminate such contamination.
  - (5) Where a proposed development is to occur adjacent to a railway, the Development Authority may require a vibration study to ascertain whether the proposed development can withstand the vibration produced by the railway.
  - (6) Where physical constraints can be overcome by using engineering techniques such as the construction of pilings or retaining walls, or the installation of pumps or recharging wells, the Development Authority may issue a development permit based on the implementation of a plan or report presenting the solution and bearing the signature and seal of a qualified, professional engineer.
  - (7) In making a decision, the Development Authority may impose such conditions as are required to ensure compliance with this Bylaw including both the verification by either an official appointed by the Village or by certification by either an engineer or an Alberta Land Surveyor that the implementation of any technical studies requested by the Development Authority have been completed in accordance with the Development Authority's approval, as well as the undertaking of any mitigative or elimination measures described in the reports and information indicated in 2.4(1), (3) and (5) above.

- (m) an indication that the local Fire Chief has been consulted for determining the fire safety plan required, and
  - (n) an indication that any tanks containing flammable or combustible liquids must be removed before demolition begins and be purged of inert materials.
- (2) Before consideration of a development permit application for demolition, the Development Authority may also require the applicant to complete:
- (a) a Hazardous Materials Assessment Report, and/or
  - (b) any phase of an environmental site assessment in order to determine whether the site is contaminated and the mitigative measures necessary to eliminate such contamination.
- (3) As a condition of approving a development permit for the demolition of a building, the Development Authority may, in addition to other requirements, require that the applicant undertake any and all actions he deems, in his sole opinion, necessary to ensure the complete and safe demolition of the building, disposal of materials and debris, and site cleanup.

## 2.6 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS

### (1) Permitted Use Applications

- (a) Upon receipt of a completed application for a development permit for a permitted use, the Development Authority shall approve, with or without conditions, an application for a permitted use where the proposed development conforms to this Bylaw and may:
  - i) require a Real Property Report, signed by an Alberta Land Surveyor, along with a signed authorization form or letter from the Alberta Land Surveyor stating that the Village may utilize the Surveyor's Real Property Report for evaluating the compliance of the proposed or existing development against all land use regulations relating to the use and building(s) that is (are) the subject of the development permit application;
  - ii) prior to making a decision, refer any application for a permitted use to any municipal department or external agency for comment;
  - iii) require, as a condition of issuing a development permit, that the applicant enter into an agreement with the Village of Wabamun to construct or pay for the construction of public roadways, pedestrian walkways, parking and loading facilities, and any off-site levy or redevelopment levy imposed by Bylaw. To ensure compliance with the conditions in the agreement, the

Village of Wabamun may be protected by caveat registered in favour of the Village of Wabamun;

- iv) require financial guarantees, in a form and an amount acceptable to the Village, from the applicant to secure performance of any of the conditions of a development permit;
  - v) refuse to issue a development permit in the case where satisfactory arrangements have not been made by a developer for a proposed building on any parcel, where it would otherwise be permitted by the Bylaw, for the supply of water, electric power, sewerage and street access, or any of them, including payment of the costs of installing or constructing any such utility by the developer; and/or
  - vi) issue a temporary development permit where, in the opinion of the Development Authority, the proposed use is of a temporary nature. When a temporary permit is issued the permit shall specify the termination date of the permit.
- (b) In addition to subsection 2.6(1), in the case of new construction, the Development Authority may require, as a condition of approval, that a Real Property Report, signed by an Alberta Land Surveyor, along with a signed authorization from or letter from the Alberta Land Surveyor stating that the Village of Wabamun may utilize the Surveyor's Real Property Report for evaluating the compliance of the building(s) that is (are) the subject of the development permit application, be submitted by the owner/developer prior to the construction of the building foundation, or in the case of mobile and/or portable units sitting on permanent foundations, and prior to commencement of framing or further structural construction to ensure that the building(s) is (are) sited according to the provisions of the development permit and this Bylaw.
- (c) Upon receipt of a completed application for a development permit for a permitted use, the Development Authority Officer may refer to the Council of the Village of Wabamun those applications for development specified in the list of permitted uses that, in the opinion of the Development Authority Officer, should have Council's input.
- (d) Where development permit applications for permitted uses are referred to Council pursuant to subsection 2.6(1)(c), Council shall be subject to the same provisions that apply and are available to the Development Authority Officer as prescribed in subsection 2.6(1)(a) and (b).
- (2) Discretionary Use Applications

- (a) Upon receipt of a completed application for a development permit for a discretionary use, the Development Authority Officer may at his or her discretion, refer the application to Council for input.
- (b) The Development Authority may, prior to making a decision, refer any application for a discretionary use to any municipal department or external agency for comment.
- (c) The Development Authority shall approve, with or without conditions, or refuse the application, giving reasons for the refusal.
- (d) The Development Authority may require, as a condition of issuing a development permit, that:
  - i) the applicant provide financial guarantees, in a form and an amount acceptable to the Village of Wabamun, to secure performance of any of the conditions of a development permit;
  - ii) the applicant enter into an agreement with the Village of Wabamun to construct or pay for the construction of public roadways, pedestrian walkways, parking and loading facilities, and off-parcel levy or redevelopment levy imposed by Bylaw. To ensure compliance with the conditions in the agreement, the Village of Wabamun may be protected by caveat registered in favour of the Village of Wabamun; and/or
  - iii) the applicant provide a Real Property Report, signed by an Alberta Land Surveyor, along with a signed authorization from or letter from the Alberta Land Surveyor can utilize the Surveyor's Real Property Report, relating to the building(s) that is (are) the subject of the development permit application.
- (e) Notwithstanding Subsection 2.6(2)(d)(iii), in the case of new construction, the Development Authority may require, as a condition of approval, that a Real Property Report, signed by an Alberta Land Surveyor, along with a signed authorization from or letter from the Alberta Land Surveyor stating that Village of Wabamun can utilize the Surveyor's Real Property Report, relating to the building(s) that is (are) the subject of the development permit application, be submitted by the owner/developer prior to construction of the building foundation, or sitting in the case of mobile and/or portable units on permanent foundations, and prior to commencement of framing or further structural construction to ensure that the building(s) is (are) sited according to the provisions of the development permit and this Bylaw.
- (f) The Development Authority may issue a temporary development permit where the Development Authority is of the opinion that the discretionary use is of a

temporary nature. When a temporary permit is issued the permit shall specify the termination date of the permit.

- (g) Where any use is proposed which is not specifically shown in any land use district but is, in the opinion of the Development Authority, similar in character, intent and purpose to other uses of land and buildings provided by the Bylaw in the land use district in which such use is proposed, the Development Authority may, if requested by the applicant, rule that the proposed use is a discretionary use in the land use district in which such use is proposed.
- (h) The Development Authority may refuse, or approve with conditions, any development if, in the opinion of the Development Authority the proposed development will detract from the character or appearance of the general development in the area.

(3) Direct Control District Applications

- (a) Upon receipt of a completed application for a development permit pursuant to a Direct Control District, the Council may, prior to making a decision, refer the application to the Development Authority Officer or any municipal department or external agency for comment.
- (b) At some point, as determined by Council, prior to deciding upon the development permit application before it, the Council will provide public notice, through means and to whom it considers necessary, that a decision on a development permit pursuant to a Direct Control District is to be made and the Council will afford an opportunity to any interested person to make representation on the application and shall take into account any such representations made when giving final consideration to the said application.
- (c) Public notice referred to in Section 2.6(3)(b) may contain a statement to the effect that:
  - i) if no objection to the development is received within the time prescribed in the notice, then it will proceed without further notice; and
  - ii) if objection to the development is received, then comments will be heard at a regular Council meeting on the date and at the time and place specified in the notice.
- (d) The Council shall approve, with or without conditions, or refuse the application, giving reasons for the refusal.

(4) Variance Provisions



- (a) The Development Authority may, in deciding upon an application for a permitted or discretionary use, allow a minor variance to a maximum of 30% of the stated setback or other provision provided such variance does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels.
- (b) The Development Authority may approve or conditionally approve a discretionary use or a permitted use that does not comply with this Bylaw if, in the opinion of the Development Authority,
  - i) the proposed development would not
    - 1. unduly interfere with the amenities of the neighbourhood, or
    - 2. materially interfere with or affect the use, enjoyment or value of neighbouring parcel, and
  - ii) the proposed development conforms with the use prescribed for that land or building in this Bylaw.

(5) Limitations on Variance Provisions

In approving an application for a development permit under Section 2.6(4), the Development Authority shall adhere to the general purpose and intent of the appropriate land use district and to the following:

- (a) A variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building which are not generally common to other land in the same land use district.
- (b) Except as otherwise provided in this Bylaw, there shall be no variance from the regulations prescribing density.
- (c) Where the issuance of a development permit for any use involves the exercise of any specified discretion of the Development Authority to relax a regulation of a land use district or any other regulation of this Bylaw, they shall not permit any variance from that regulation other than that contained in Section 2.6 (4).

(6) Additional Provisions:

The Development Authority may impose such conditions on the approval of an application that are considered necessary by the Development Authority to:

- (a) uphold the intent and objectives of any area structure plan or other statutory plan or land use regulation as adopted or amended from time to time; and

- (b) ensure the orderly and economic development of land within the Village of Wabamun.

## 2.7 NOTICE OF DECISION

- (1) All decisions on applications for a development permit shall be given in writing to the applicant.
- (2) If an application is refused or conditionally approved by the Development Authority, the notice of decision shall contain the reasons for the refusal or the conditions imposed as part of the approval.
- (3) When a decision on a development permit for a permitted use is made, the Development Authority shall require the developer to immediately post a notice, for no less than fourteen (14) days, conspicuously on the parcel on which the proposed development has been permitted.
- (4) When a decision on a development permit for a permitted or discretionary use is made, the Development Authority Officer may undertake or be directed to undertake by Council, as the case may be, any or all of the following:
  - (a) publish a notice in a newspaper circulating in the municipal area; and/or
  - (b) immediately mail a notice to all assessed property owners within 30.0 m of the parcel with respect to which the application has been made and to those assessed property owners who, in the opinion of the Development Authority, may be affected; and/or
  - (c) post a notice conspicuously on the parcel with respect to which the application has been made, for a period of no less than fourteen (14) days after the day the permit was issued.
- (5) The notices issued pursuant to Sections 2.7(3), or (4) shall indicate:
  - (a) the date a decision on the development permit application was made;
  - (b) the location and use of the parcel in respect of which the application has been made and the decision of either the Development Authority Officer, or Council; and
  - (c) that an appeal may be made by a person affected by the decision by serving written notice of the appeal to the Subdivision and Development Appeal Board before the effective date of the development permit as determined pursuant to Section 2.8 of this Bylaw.

## 2.8 EFFECTIVE DATE OF PERMIT

The decision on a development permit application shall come into effect,

- (a) if it is made by the Development Authority, on the fifteenth (15th) day after the date of the issue of the Notice of Decision by the Development Authority, or
- (b) if an appeal is made, on the date that the appeal is finally determined.

ANY DEVELOPMENT CARRIED OUT PRIOR TO THE EFFECTIVE DATE OF THE APPROPRIATE DEVELOPMENT PERMIT IS DONE SOLELY AT THE RISK OF THE APPLICANT.

## 2.9 VALIDITY OF DEVELOPMENT PERMITS

- (1) A development permit is valid unless:
  - (a) it is suspended or cancelled; or
  - (b) the development that is the subject of the development permit is not commenced within twelve (12) months from the date of the issuance of the development permit, or not completed within twenty four (24) months from the date of issuance of the development permit; or
  - (c) the development that is the subject of the development permit is not commenced within a shorter time period than that indicated in Section 2.9(1)(b) or not carried out with reasonable diligence, if the Development Authority has specified that the development permit is to remain in effect for less than twelve (12) months.
- (2) The Development Authority may extend the period of time that a development permit is specified to be valid in accordance with in Section 2.9(1)(b) and (c) if, in their opinion, circumstances warrant such a time extension.

## 2.10 DEEMED REFUSALS

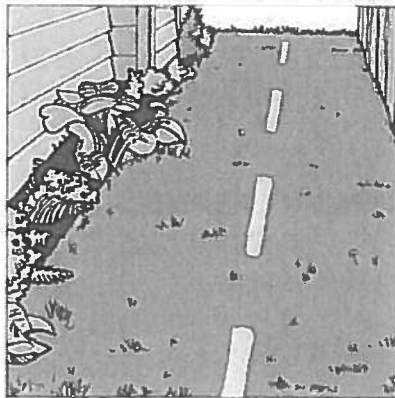
In accordance with Section 684 of the Act, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Authority is not made within forty (40) days of the completed application being received by the Development Authority unless an agreement to extend the 40-day period herein described is established between the applicant(s) and the Development Authority.

## 2.11 SUBSEQUENT APPLICATIONS

## Dig safely around natural gas lines

### Where is my natural gas line?

The yellow markings show the **approximate** location of the buried gas lines on your property. The markings will look like one or more of the following and are **valid for 14 days** from the date on the locate slip.

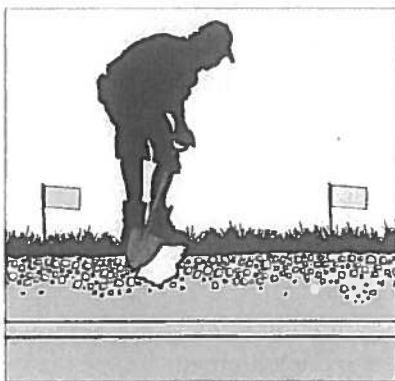


### Natural gas lines can be shallower than you think.

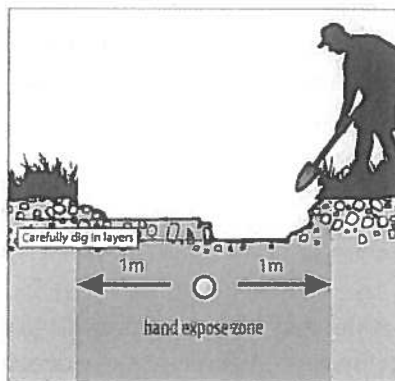
Never assume that a gas line is deeper than your planned ground disturbance. The depth of the gas line can change over time due to grading, settling and erosion.

### Dig carefully.

It can take very little effort to puncture a natural gas line. **Avoid digging within one metre of either side of the outside of the markings**, unless absolutely necessary. If you must dig within this area, do so carefully, using a shovel.



When using a shovel to dig around a buried gas line, make sure your shovel is at a shallow angle. Carefully dig with the face of the shovel pointed towards the locate markings.



Remove small amounts of dirt at a time until the buried gas line is exposed or you reach the desired depth. Do not step or jump aggressively on your shovel.



Once the gas line is exposed, use your hand to clear away any excess dirt.

There may be times when ATCO Gas needs to access the natural gas lines on your property. Do not build any permanent structures such as garage pads, decks or additions on top of your gas line.

For more information about digging safely around natural gas lines go to: [www.atcogas.com](http://www.atcogas.com) or call 310-5678