



Policy No. D-01	Section: Development	Page # 1 of 13
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Title	Development Permit Policy
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Legislation Reference	Land Use Bylaw 007-18
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Purpose: To outline the procedures and requirements to applying for a Development Permit in the Town of Smoky Lake.

1.0 STATEMENT

- 1.1 Development Permits are issued by the Town of Smoky Lake, pursuant to Land Use Bylaw 007-18 as amended. If site work has already begun, then you are advised that no further work on the development is to occur until a permit is issued. Any access to, site servicing of, or construction started on the property prior to the issuance of a development permit, and completion of the expiry of the appeal period, is at the Applicant's risk and is subject to a fine under the Land Use Bylaw.

2.0 PROCEDURES

- 2.1 Application Forms are available at the Town Office and from the Town website at <http://www.smokylake.ca/document-category/forms/>.
- 2.2 A Development Permit Application must be completed and submitted to the Town Office, accompanied with a fee as set out in the "Schedule A-Development Permit Application Package"
- 2.3 All applications must be in issued in accordance with the Land Use Bylaw.

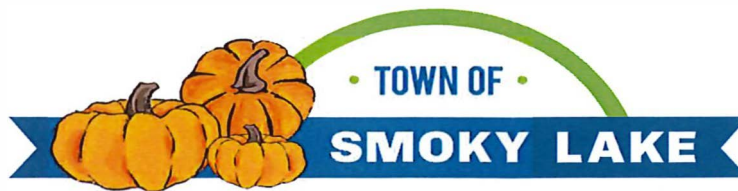


DEVELOPMENT PERMIT INSTRUCTIONS

It is important to read and understand the following instructions prior to completing this application form.

- 1) Every application for a development permit shall be submitted in complete form, accompanied by the appropriate fees set forth pursuant to Land Use Bylaw 007-18, as amended. If site work has already begun, then you are advised that no further work on the development is to occur until a permit is issued. Any access to, site servicing of, or construction started on the property prior to the issuance of a development permit, and completion of the expiry of the appeal period, is at the Applicant's risk and is subject to a fine under the Land Use Bylaw.
- 2) The Development Authority requires an applicant to include the following support information when submitting an application for a development permit in accordance with Section 2.0: Development Permit, Rules, and Procedures of the Land Use Bylaw 007-18 and amendments thereto. Please follow sample site plan provided in this package.
- 3) Failure to complete this form and to supply the required supporting information, may result in delays in the processing of the application. If more information or other reports are required to be submitted, you will be notified in writing of same. Application is not deemed accepted and complete until full information is received.
- 4) A permit granted under the provisions of the Bylaw does not become effective until fourteen (14) days or a longer period at the discretion of the Development Authority after the date of issue of the notice of decision, in accordance with the appeal process outlined in items 6, 7, 8 and 9 below.
- 5) If an application is refused, the applicant may exercise the right of appeal. Written notice of appeal must be submitted to the Secretary of the Subdivision and Development Appeal Board (SDAB) of Smoky Lake within fourteen (14) days after the notice of the decision is given. The Subdivision and Development Appeal Board will then give reasonable notice of the appeal hearing to the appellant and those, who in the opinion of the Subdivision and Development Appeal Board, may be affected.

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- 6) Where an appeal is made within the fourteen (14) day period, outlined in item 5 above, by a person claiming to be affected by the approval or refusal of an application for development, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit confirmed, modified or nullified by the Subdivision and Development Appeal Board (SDAB).
- 7) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision is not made by a Development Authority within forty (40) days after the receipt of the application in its complete and final form by a Development Authority, and the person claiming to be affected may appeal in writing as though they had received refusal at the end of the period specified in this item.
- 8) A decision of the Subdivision and Development Appeal Board is final and binding on all parties; and all persons subject to the provisions of the Municipal Government Act, as amended.
- 9) All information and design criteria as it relates to the application for Development Permit shall be in conformance with the provisions of the Land Use Bylaw 007-18 and amendments thereto.
- 10) It is your responsibility to accurately locate any public oil, gas, power and telephone lines on your property prior to undertaking any excavation work by contacting Alberta One-Call at 1-800-242-3447 / albertaonecall.com. To locate private lines, you must contact a private line locator (ie. Second Call).
- 11) If you have any questions regards this application package, please contact the Town of Smoky Lake at 780-656-3674.
- 12) Any excavation within 2 feet (0.61 meters) of Town utilities must be supervised by a Town employee during regular business hours, from 8:00a.m. to 4:30p.m. The rates for after-hours emergencies can be found in the Master Rates Bylaw No. 006-19.

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A DEVELOPMENT PERMIT IS REQUIRED FOR:

- A. The carrying out of any construction or excavation.
- B. The making of any change in the use or the intensity of use of any land, buildings or premises, and, without restricting the generality of the foregoing, includes the removal and/or placement of topsoil.
- C. In a building or on a parcel used for dwelling purposes, any increase in the number of families occupying and living in the building or on the parcel; and any alteration or additions which provide for an increase in the number of dwelling units within the building or on the parcel;
- D. The placing of refuse or waste material on any land;
- E. An excavation or stockpile and the creation of either of them;
- F. A building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land;
- G. The resumption of the use for which land or buildings had previously been utilized;
- H. The use of the land for the storage or repair of motor vehicles or other machinery or equipment;
- I. The continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect;
- J. The more frequent or intensive use of land for the parking of trailers, bunkhouses, portable dwellings, skid shacks or any other type of portable building whatsoever whether or not the same has been placed or affixed to the land in any way;
- K. The placement of an already constructed or a partially constructed building on a parcel of land;
- L. The erection of signs, and
- M. The construction of fences.



HOW LONG DOES IT TAKE TO GET A DEVELOPMENT PERMIT?

It is important to plan ahead and submit your application well in advance of starting the development. According to the Municipal Government Act, a Development Authority has 40 days in which to make a decision on a completed development permit application. The 40 days begins after the necessary information has been provided.

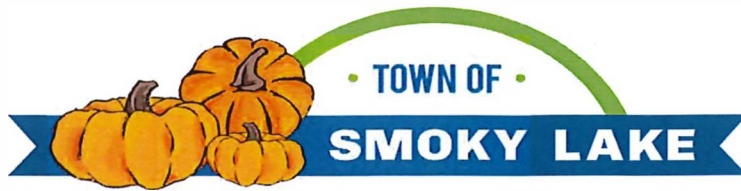
If your proposed development falls into the Permitted Use classification, a Development Permit can typically be issued within the 40 day time limit. Although, if your proposed development falls into the Discretionary Use classification according to the Land Use Bylaw, approximately 2-4 months may be required to obtain a Development Permit (including the appeal period).

WHY DO I NEED A DEVELOPMENT PERMIT?

The Town's Land Use Bylaw requires development permit approval prior to the commencement of many types of development. The development permit can ensure that the development is set back the appropriate distances from property lines. Setbacks are also required to ensure that the development is located in a safe place so that it isn't too close to a road, steep slope, water body, oil and gas facilities, etc.

WHEN DOES MY DEVELOPMENT PERMIT EXPIRE?

A Development Permit is valid for a period of ninety (90) days from the date of issue. An extension may be requested in writing if needed (there is a fee for this service), however there is no guarantee that an extension will be granted.



Roll Number: _____

Applicant Information

Applicant/Agent: _____ Phone: _____
 Address: _____ Fax: _____
 City/Prov. _____
 Postal Code: _____
 Email Address: _____

Signature: _____

Registered Landowner Information *Owner same as applicant*

Registered Owner: _____ Phone: _____
 Address: _____ Fax: _____
 City/Prov. _____
 Postal Code: _____

Signature: _____

Right of Entry

Persuant to Section 542 of the Municipal Government Act, I hereby do____ or do not____ grant consent for a designated officer of the Town of Smoky Lake to enter upon the land as described above, for a site inspection.

Print Name: _____ Signature: _____

Section A- Property Information

Legal: Lot _____ Block _____ Plan _____
 Part of _____ ¼ Sec _____ Twp _____ Rge _____ W4M
 Subdivision Name (if applicable) or Area of Development _____
 Rural Address/Street Address _____
 Parcel Size _____
 Number of Existing Dwellings on Property (please describe)

Has any previous application been filed in connection with this property Yes No
 If yes, please describe the details of the application and file number:



Proposed Development Information

Estimated Cost of Project \$ _____
Estimated Commencement Date _____
Estimated Completion Date _____
Dwelling: Floor Area _____ sq. ft. % of Lot Occupied _____
Height _____ ft / m
Accessory Building: Floor Area _____ sq. ft. % of Lot Occupied _____
Height _____ ft / m
Parking: Number of Off-Street Parking Locations _____
Land Use District (Zoning) of Property: _____
Description of Work: _____

INCLUDE THE FOLLOWING INFORMATION IN YOUR SITE PLAN:

- ✓ Location of existing buildings
- ✓ Location of proposed buildings
- ✓ Distances from buildings/structures to property line in meters/feet.
- ✓ Distances between buildings/structures
- ✓ Dimensions of buildings/structures
- ✓ Adjacent streets/avenues
- ✓ Indicate the North Direction

**See the sample site plan for an example of how to include the needed elements*

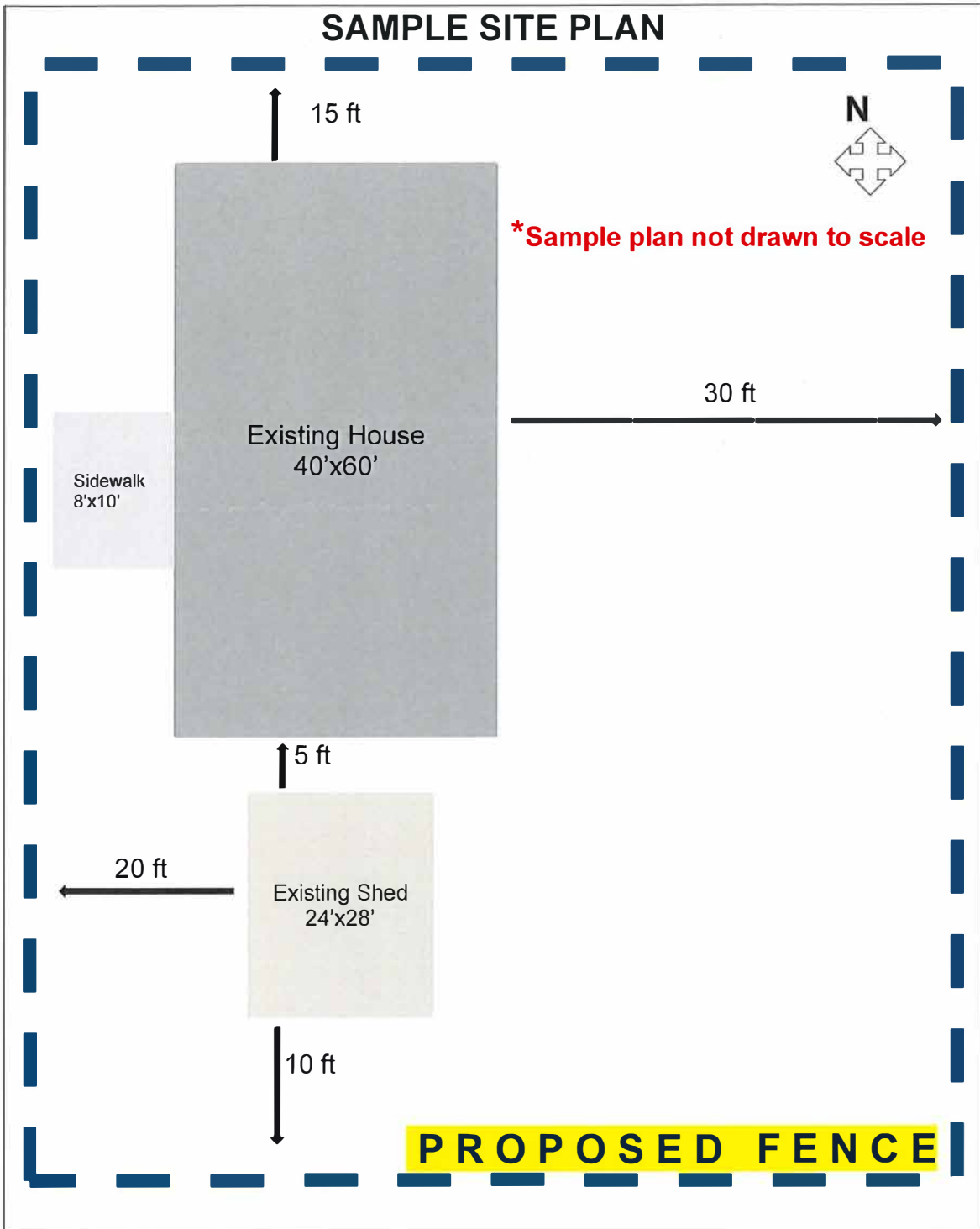


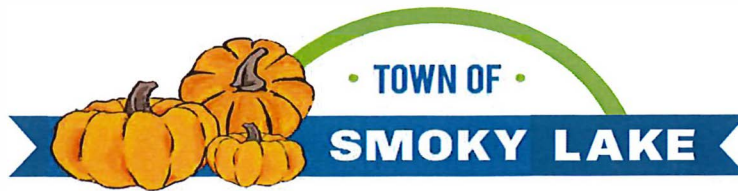
DEVELOPMENT PERMIT SITE PLAN



Date:	Signature of Applicant:
Date:	Development Authority:

 
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Land Use Bylaw No. 007-18 Section 7.2

7.2 ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS (INCLUDING GARAGES, SHEDS, AND DETACHED DECKS, ETC.)

- 1) All accessory buildings and uses shall comply with all relevant provisions of this Bylaw.
- 2) No person shall use, or permit an accessory building to be used as a dwelling unit, except as a garage suite or guest house where allowed pursuant to this Bylaw. Unless otherwise provided, in Residential Districts an accessory building shall not be used as a dwelling.
- 3) Accessory buildings shall be constructed either simultaneously with, or after, the construction of the principal building on a site or the commencement of the principal use on a site, and not before the principal building is constructed or the principal use commences.
- 4) Where a building is attached to a principal building by a breezeway, a roofed passage or an open or enclosed structure above grade, it is to be considered a part of the principal building and not an accessory building, and all the minimum yard requirements of the principal building shall apply. For the purposes of determining the site coverage percentage, buildings which are attached to a principal building will be considered part of the principal building.
- 5) No person shall construct or permit the construction of an accessory building or group of accessory buildings such that, individually or collectively, the gross floor area would:
 - a. along with the principal building, exceed the maximum site coverage allowed on the site;
 - b. exceed the gross floor area of the principal building on the site; or
 - c. exceed 12% of the site area unless otherwise indicated within the District Provisions.
- 6) An accessory building shall not exceed one (1) storey or 4.5 m (14.8 ft.) in height, whichever is the lesser;
- 7) Notwithstanding SECTION 7.2.6, the Development Authority may allow a garage which exceeds 4.5 m (14.8 ft.) in height. This maximum height can under no circumstances exceed the height of the principal dwelling;
- 8) An accessory building other than a fence shall not be located in a front yard.
- 9) Accessory buildings shall not be located on an easement or a utility right-of-way.
- 10) Accessory buildings shall be located such that the minimum distances shown on FIGURE 13 between the accessory buildings and principal buildings, lot lines, and other buildings, structures, and uses are provided.

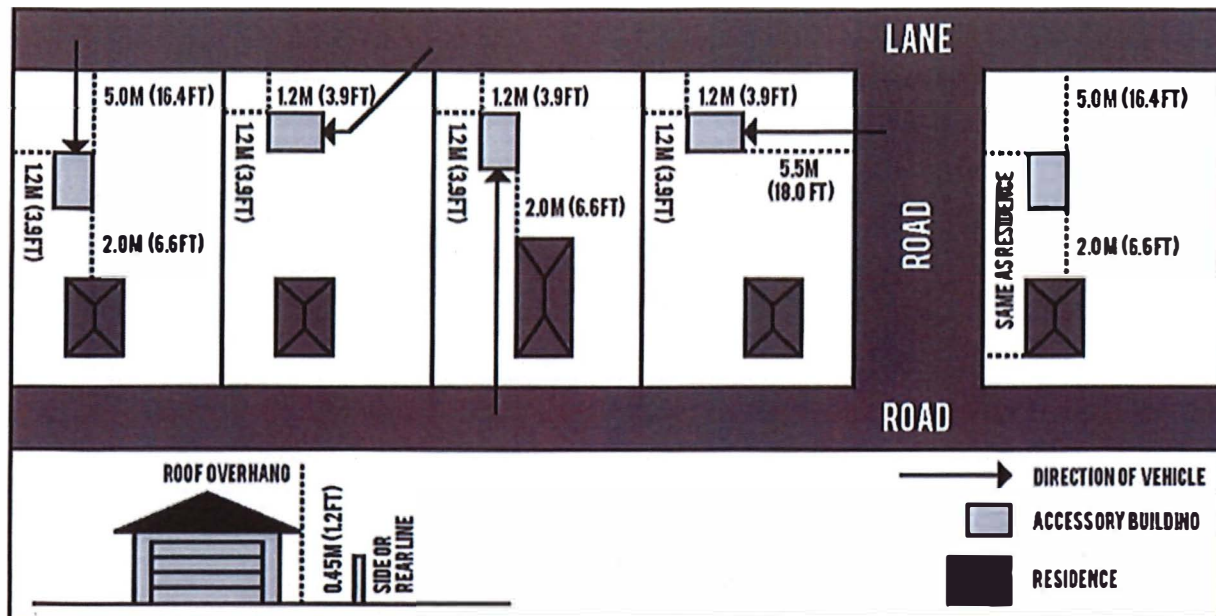


FIGURE 14: SITING OF ACCESSORY BUILDINGS

- 11) Further to SECTIONS 7.2.1 TO 7.2.11, accessory buildings in Residential Districts shall be located:
- A minimum of 2.0 m (6.6 ft.) from the dwelling;
 - no closer to the front line than the front of the principal building except in the case of double fronting or corner sites, in which case the minimum required yard may be reduced to 4.5 m (14.76 ft.) from one front line, and the minimum required side yard adjacent to the side line may be reduced to 1.5 m (24.6 ft.) where, in the opinion of the Development Authority, any adjacent developments would not be adversely affected;
 - no closer than 1.2 m (3.9 ft.) to the rear line, providing there is no encroachment of any part of the building beyond the rear line, except that where the vehicle doors of a garage face a lane abutting the site, the garage shall be no closer than 5.0 m (16.4 ft.) from the rear line;
 - no closer than 1.2 m (3.9 ft.) from the side line, excepting where a fire wall is constructed along the boundary line between two garages located within one building, or where both garages have appropriate fire walls. In such cases, accessory buildings may be built within 1.0 m (3.3 ft.) of the side line;
 - such that no roof overhang is located within 0.45 m (1.2 ft.) of a side or rear line.
 - Notwithstanding SECTIONS 7.2.10 and 7.2.11, the siting of an accessory building on an irregularly shaped parcel shall be as required by the Development Authority.



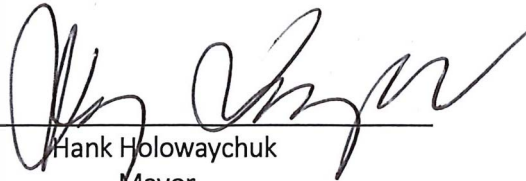
Land Use Bylaw No. 007-18 Section 7.12

7.12 FENCES, WALLS, AND HEDGES

- 1) Notwithstanding any regulation respecting required yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a site.
- 2) For the purposes of this section fences, walls, and hedges shall be measured from grade level
- 3) No fence, wall or hedge in any Residential District shall be:
 - a. higher than 1.8 m (6.0 ft.) above grade in side yards and rear yards; or
 - b. higher than 1 m (3 ft.) above grade in front yards, except in the case of a corner or a double fronting site, the side yard adjacent to the road shall be deemed to be a front yard for the purpose of this section; or
 - c. higher than 1 m (3 ft.) above grade within 6.0 m (19.7 ft.) of the intersection of lanes, roads, or any combination of them.
- 4) All commercial uses adjacent to any Residential District shall provide, to the satisfaction of the Development Authority, a wooden fence of not less than 1 m (3 ft.) and not more than 1.8 m (6 ft.) in height above grade for screening.
- 5) No electrification of fences shall be allowed.
- 6) No fences comprised of barbed wire shall be allowed, except, at the discretion of the Development Authority, in the M – Industrial District and in the UR – Urban Reserve District. If barbed wire is allowed, it shall not be allowed below a height of 1.8 m (6.0 ft.) unless the Development Authority, at their discretion, allows barbed wire at a lower height where, in their opinion, dwellings would not be in proximity to the fence proposed.
- 7) These regulations do not authorize the development of fences on public property or utility rights-of-way, unless permission is granted by Council and an encroachment agreement is approved.
- 8) No person shall construct or permit to be constructed retaining walls or fences that adversely or materially affect the grading or the drainage of the lot or of adjoining properties.
- 9) Notwithstanding SECTIONS 7.12.1 TO 7.12.8, the height of a fence in the M – Industrial District or in the UR – Urban Reserve District shall be as determined by the Development Authority.
- 10) The Development Authority may require that a fence or other screen be provided to a height of at least 1.5 m (5.0 ft.) surrounding the following where they would be visible from a road or from an adjacent dwelling:
 - a. outdoor storage areas;
 - b. garbage collection areas; and
 - c. loading or vehicle service areas.
- 11) Outside storage areas shall be screened from adjacent sites and roads to the satisfaction of the Development Authority. Such screening may include fences and/or landscaping.



	Date	Resolution Number
Approved	September 17, 2019	660-19
Amended		
Amended		



Hank Holowaychuk
Mayor



Adam Kozakiewicz
Chief Administrative Officer