

Development Services Procedure

Procedure: Development Permit Procedure

Subject: Expectations for processing, inspecting and enforcing Development Permits

Covers: Development Services Division

Effective: February 5, 2018

Purpose: The Development Services Division requires development and building permits prior to most construction in the City of Brandon (the City). Primarily the development permit is for the review and approval of the site and the building permit is for the review and approval of the building.

Development permits are combined with building permits for smaller developments, and a separate development permit is required for larger developments. Separate development permits allow developers to receive approvals to initiate construction on a site prior to receiving approvals to construct any buildings on a site.

The purpose of this policy is to clarify the process for reviewing, approving, and inspecting development permits.

Definitions:

Certificate of Site Completion: A certificate issued for a development permit to the owner or agent upon completion all improvements on a site or a portion of a site (phased developments) in accordance with the approved plans.

Construction Season: The season when the majority of annual construction occurs from April 1st to November 1st.

Procedure:

Development Permit

1. Development permits will be required for any of the following:
 - a. The establishment, alteration, or enlargement of a use of land when the review and approval is not addressed in a building permit application. This includes, but is not limited to the following:
 - The alteration of grades on a property;
 - The establishment, alteration, or enlargement of a parking area (includes residential driveways); or
 - The establishment, alternation, or enlargement of a public reserve or other greenspace areas.
 - b. Home based businesses;
 - c. Residential developments with two (semi-detached, duplex) or greater dwelling units, which may also require multiple phases of construction (includes mobile/modular home parks).
 - d. Non-residential principal building additions or new construction, which may also require multiple phases of construction.
2. When a site and building review is combined under one building permit (e.g. detached dwellings, accessory buildings, non-residential change of use) a sperate Development Permit may be requested by the owner or agent to allow for the issuance of an occupancy permit prior to completion of the site in accordance with the approved plans. The separate development permit only applies under extenuating circumstances when it is proven to be impractical or unreasonable for the property owner or designee to complete site improvements under a hazardous or difficult condition (e.g.,: installing landscape material in the winter).
3. For a development with multiple phases (i.e. will take longer than one construction season to develop) a separate development permit is required prior to initiating each phase of development.
4. Development permits are not required for the construction of public infrastructure & landscaping in a public right-of-way where a development agreement executed between

the Owner and the City specifies the terms and conditions for construction (i.e. the construction of below and above ground improvements resulting from a subdivision).

Submission Requirements

5. Development permits shall be accompanied by the following documentation:
 - a. Status of Title: Issued by Brandon Land Titles Office no later than 30 days before the date of the application
 - b. Surveyor's Staking Certificate
 - c. Letter of Authorization: From registered owner(s) of the land whose name(s) appear on the title
 - d. Site Plan
 - e. Landscape Plan
 - f. Building Floor Plan
 - g. Building Elevation Plan
 - h. Lot Grading and Drainage Plan/Site Servicing Plan
 - i. Other plans and studies (development dependent), including but not limited to traffic impact study, wastewater technical memo and parking management strategy
6. Sites with multiple phases of development shall submit plans for the entire development at full buildout. At a minimum, a phasing plan shall be submitted with detailed plans for the 1st phase of development and conceptual plans for all other phases.
7. Despite Section 5, an applicant may initiate a development permit review with a partial submission including (at a minimum) documentation in Section 5 (a, b, c & h). The intent of the partial submission is to expedite the review process by allowing lot grading, drainage and servicing plans to be reviewed prior to a full submission. The lot grading, drainage/site servicing plans shall not be approved until a full submission is made.

Reviews and Approvals

8. The review and approval of a development permits for Section 1 (c & d) is undertaken by the following Sections in Development Services:
 - a. Service Delivery to verify submittal
 - b. Licensing to verify business license
 - c. Planning for compliance with:
 - Development Plan
 - Any Secondary Plan
 - Any Neighbourhood/Master Plan
 - Heritage By-law
 - Zoning By-law (peer review for urban design)
 - d. Engineering for compliance with:

- Development Plan
 - Any Secondary Plan
 - Adequate Public Facilities By-law
 - Transportation Master Plans
 - Servicing Master Plans
 - Lot Grading By-law
 - Water and Wastewater By-law
- e. Property & Land Development for compliance with:
- Any restrictive covenants registered on a status of title
 - Development Agreements
 - Addressing
 - Methane Gas Policy
- f. Building for compliance with:
- Plumbing Code (e.g.: servicing connections from public to private)
 - Brandon Fire & Emergency Services Policy (e.g.: hydrant locations, access distance, secondary access during construction)
9. The review and approval of a Development Permit shall occur prior to the issuance of any building permit(s) on a site.

Fees and Deposits

10. The following fees and deposits apply to development permits:
- a. Development Permit Fee (Planning)
 - b. Crossing Permit Fee (Engineering)
 - c. Driveway Permit Fee (Engineering)
 - d. Crossing Deposit (Engineering)
 - e. Lot Grading Fee (Engineering)
 - f. Lot Grading Deposit (Engineering)
 - g. Water and Sewer Fee (Engineering)
 - h. Refuse Bin Distribution Fee (Sanitation)
 - i. Incomplete Site Security Deposit (Planning)
11. Fees and deposits shall be applied to each phase of a multiple phase development. Where a development agreement is applicable, contributions may be required and shall be paid prior to the issuance of the development permit for that phase.

Timelines for Completion

12. Site improvements for an approved development permit shall be completed by June 30th of the next **Construction Season** for a period of no less than one year. Any site deficiencies identified during the final site inspection (between April 1st and June 30th) shall be corrected prior to the end of the **Construction Season** (November 1st). At the

determination of the approving authority, a development permit may be extended for a period not exceeding one year.

Inspections

13. Inspection for development permits shall be completed as follows:
 - a. Engineering (Design and Inspection) - Inspects the public right-of-way for compliance with approved plans (engineering standards)
 - Crossing Inspection (prior to permit issuance)
 - Servicing Inspection (concurrently with installation of each service)
 - Site Servicing – drainage, water & sewer (certified letter or as-built drawings from consulting engineer to engineering following completion of site)
 - b. Inspections Officer (Building) - Inspects private property for compliance with approved plans (planning standards)
 - Curbing Inspection (prior to hardsurfacing)
 - Final inspection (prior to issuance of certificate of site completion)
14. The owner or agent shall receive a **Certificate of Site Completion** following the completion of site improvements on private property in accordance with the approved plans. For a multiple phase development, a certificate of site completion must be issued for each phase. The **Certificate of Site Completion** will not be issued until all lot-grading improvements are completed in accordance with the approved plans and the lot grading deposit is refunded.
15. The City shall refund the crossing deposit following completion of all improvements on public property in accordance with the approved plans and with no damage to City Property (In accordance with City of Brandon Traffic By-law, amended from time to time).

Enforcement

16. Enforcement will be undertaken when the owner or agent does not follow the approved plans or comply with the timelines for construction. Options for enforcement include:
 - a. Withholding the issuance of permits for the next phase of a multiple phase development;
 - b. Withholding the issuance of permits for other sites within the City;
 - c. Withholding crossing or lot grading deposits; or
 - d. Issuing orders against the property owner.
17. If permits are being withheld in accordance with Section 8 (a & b), the owner or agent has the option of paying an incomplete site development security deposit. The incomplete site development security deposit is \$5,000 or 20% of the cost of the outstanding work, whichever is greater. The deposit will be attached to the

development permit and returned to the owner or agent when the site is completed by the owner or agent in accordance with the approved plans.

18. The incomplete site development security deposit is a tool to ensure site completion. The Development Services Division will not use outstanding funds to initiate completion of outstanding work.

Responsibilities:

Employees

- Permit Clerks are responsible for verifying a complete submission.
- Community Planners (Planning) are responsible for communicating the purpose and procedure of the Development Permit requirement to applicants and reviewing/approving the site, landscape, and building elevation plans.
- Engineering Technologists (Engineering) are responsible for communicating the Development Permit procedure to applicants and reviewing/approving the site, site servicing, and grading plans.
- Inspectors (Building) are responsible for the review and approval of the site and site servicing plans on private property.
- Property Technicians and Land Development Administrators (Property) are responsible for the review and approval of the site plan.
- Design Officers (Engineering) are responsible for completing all site inspections on public property (Engineering Standards).
- Inspections Officers (Building) are responsible for completing all site inspections on private property (Planning Standards).
- Community Planners (Planning) are responsible for approving the completion of a site prior to the issuance of a **Certificate of Site Completion**.
- Engineering Technologists (Engineering) are responsible for approving the completion of a site prior to the issuance of a **Certificate of Site Completion**.

Supervisors

- Ensure all employees are aware of this procedure
- Ensure the consistent application of the procedure
- Support employees in executing the procedure
- Monitor and make changes to the procedure as necessary in order to improve upon process efficiency.

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