

Development Services Procedure

Procedure: Development Permit Procedure

Subject: Expectations for processing, inspecting and enforcing Development Permits

Covers: Development Services Division

Effective: May 1, 2019

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.

*Where there is any conflict between the policies and procedures adopted by the City of Brandon and the policies and procedures set forth in a collect agreement adopted by the City of Brandon, or policies and procedures set forth in a statute of the Provincial or Federal Government, the collective agreement of the Provincial or Federal statute shall supersede such other policies or procedures.

Definitions:

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

Order to Remedy Contravention: pursuant to Section 16 of the City of Brandon Zoning Bylaw. When an Order to Remedy Contravention is issued a \$1000.00 fee is administered. If the fee is not paid it will be added to property taxes.

Procedure:**Development Permit**

1. Development permits are required for the review and approval of development on a site in accordance with City by-laws, plans, and policies.
2. Development permits are combined with an “umbrella” building permit for smaller scale developments (e.g.: single-detached dwelling, non-residential accessory buildings).
3. Separate Development permits are 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, including:
 - single phase residential developments with five or greater dwelling units in one building (e.g. sixplex); and/or
 - multiple phase residential developments that may include buildings with less than five dwelling units (e.g.: row-house development).
 - d. Non-residential, including:
 - new principal buildings;
 - building additions or a change of use, at the determination of the approving authority that increase the density or intensity of use and results in substantial site improvements (e.g. Existing building from an office to a restaurant, commercial addition for new leasable unit); and
 - multiple phase commercial development (e.g. shopping centre)

4. Separate development permits for a single phase residential developments between two and four dwelling units may be applied for at the discretion of an owner or agent.
5. For a development with multiple phases (i.e. will take longer than two construction seasons to develop) a separate development permit is required prior to initiating each phase of development.
6. 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

7. As outlined in requirements checklists, submissions for combined (clause 2) or separate (clause 3) development permits may include the following:
 - 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. Conceptual Building Elevation Plans
 - g. Lot Grading and Drainage Plan/Site Servicing Plan
 - h. Other plans and studies (development dependent), including but not limited to traffic impact study, site servicing technical memo, detailed cost estimate and letter of credit, and parking management strategy
8. Sites with multiple phases of development are recommended to submit detailed plans for the entire development at full buildout. At a minimum detailed plans shall be submitted for the 1st phase of development and conceptual plans for all other phases.

Reviews and Approvals

9. The review and approval of a development permits for Clause 3 (a, 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)
 - Addressing
- 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
 - Any restrictive covenants registered on a status of title
 - Development Agreements
- e. Building for compliance with:
- Plumbing Code (e.g.: site servicing connections from public to private)
 - Fire Access Policy (e.g.: hydrant locations, access distance, secondary access)
 - Methane Gas Policy

*Other reviewers may be added based on complexity and context of permit

10. All staff will encourage the review and approval of a separate Development Permits prior to Building Permit applications. Concurrent submissions of development and building permits may result in the resubmission of building permit plans resulting from development permit requirements and site changes. A Development Permit must be approved prior to the issuance of a building permit.

Fees and Deposits

11. 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)
12. Fees and deposits shall be applied to each phase of a multiple phase development.

Timelines for Completion

13. Single Phase Development – After a site inspection is completed at interim or final occupancy, whichever comes first, site improvements should be completed within the Construction Season. The Development Inspector, upon coordination with the Building Inspector assigned to the permit, shall determine the timeline for completing site improvements.
14. Multiple Phase Development - Site improvements (excluding landscaping) shall be completed prior to the issuance of a certificate of occupancy as per clause 13. Landscaping for the entire site shall be completed concurrently with the final phase of development.
15. Notwithstanding clause 13, site requirements to meet minimum requirements, including emergency access must be met prior to issuance of an interim occupancy, including:
 - a. Hardsurfacing of emergency access roadway to minimum width requirements
 - b. On-site parking (interim gravel standard)
 - c. Access routes to the principal entrance of the building(s) suitable to support fire and emergency services. This includes sidewalks, ramps, stairs and access routes for vehicles.
16. At the determination of the approving authority, and where demonstrated progress is being made to complete a site, the completion of a development permit may be extended for a period not exceeding one construction season.

Inspections

17. Inspection for development permits shall be completed as follows:
 - a. Design and Construction Inspector (Engineering)
 - Installation of building sewer and water services and sewer and water service connections (concurrently with installation of service)
 - Installation of servicing which is covered under a Development Agreement or Private Sewer & Water Agreement (consulting engineer to Engineering following completion of site)
 - b. Development Inspector (Building) in coordination with Engineering
 - Crossing Inspection (prior to permit issuance)
 - Inspects site (public and private) for compliance with approved plans
 - Curbing Inspection (prior to hardsurfacing)
 - Interim Inspection (prior to interim occupancy)
 - Final inspection (prior to issuance of occupancy and/or development permit completion)

18. A development permit shall be deemed complete when all site improvements (public and private) are completed as per the approved plans and all deposits (e.g. lot grading, crossing) are refunded.
19. The City shall refund the crossing, and lot grading deposits following completion of all improvements 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). The crossing deposit will not be refunded prior to lot grading being accepted, however the lot grading deposit may be refunded prior to the crossing deposit.

Enforcement

20. Until the site is complete, the Planning Section will not approve final occupancy for a building or issue a development or building permit for the next phase of a multiple phase development.
21. If occupancy or permits are being withheld in accordance with clause 20, 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 whoever paid for it when the site is completed in accordance with the approved plans. The incomplete site development security deposit is a tool to ensure site completion, and may at the discretion of the City be combined with any other outstanding deposits, including crossing and lot grading.
22. Order issuance enforcement may be undertaken when the owner or agent does not follow the approved plans or comply with the timelines for construction, as per the following:
 - a. If the site is not complete following the final site inspection, and no firm plans are in place to complete the site, an **Order to Remedy Contravention** will be issued on the owner of the property.
 - b. In situations where only an interim occupancy has been issued for a building permit, the order will address both building and site deficiencies.

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.
- Land Development staff (Engineering) are responsible for communicating the Development Permit procedure to applicants and for the review and approval of site, site servicing, and grading plans.
- Inspectors (Building) are responsible for the review and approval of the site and site servicing plans.
- Development Inspector (Building) are responsible for completing all site inspections (public and private), and enforcing and approving completion of the site.
- Land Development staff (Engineering) are responsible for assisting the development inspector in determining the completion of the site with a focus on lot grading and crossing.

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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